

Violation of the Employment Act

Abstract

The purpose and aim of this dissertation work was compactly and coherently to describe the individual types of violations of legal regulations in relation to their consequences for individual entities against whom the negative impacts are directed.

The work, based on the current legal regulation of employment, divides the violations of obligations into individual areas, which can be further broken down by entities violating obligations and (by) the seriousness of individual violations.

The issue of violation of the Employment Act includes two fundamental areas. The first area, which forms an inherent part of most substantive regulations, is the area of administrative offenses, responding primarily to violations of obligations imposed upon employers. Especially the third, the fifth and the sixth chapter focus on this field.

The second area of the Employment Act, which is vital for the topic at hand, regulates and sets obligations for individuals, persons interested in the job and especially job seekers who, through the Labour Office, exercise their basic social rights guaranteed by the Charter of Fundamental Rights and Freedoms, i.e. the right to work. The second and partly the fourth and the sixth chapter deal with this topic.

In the light of the potential impacts that a removal from the register of job seekers may bring and while having regard to the difficult social situation in which the job seekers are, it is necessary to approach to the possible exclusion of such a person from the register in a very sensitive way.

On the other hand, it is not possible to resign upon the Labour office's basic mission in the field of employment intermediation which is to intermediate suitable employment and thus positively influence the situation on the labour market. It is also necessary to remind that natural persons have the right to the intermediation of employment if they want to work, can work and are seeking work.

Regarding the first area, it is necessary to rely on characteristics of the merits of an administrative offense that react to possible violations of law by employers, while ensuring that the principle of legality, material truth and the principle of legitimate expectations are adhered to. Although the main function of the fine, as the main form of a sanction imposed by labour inspection authorities, is to serve as a preventive

mechanism, it cannot be overlooked that it also has a repressive function. In this regards it needs to be mentioned that it is not possible to react to the infringement of the law, especially when it comes to serious violations of the obligations under the Employment Act, even in cases where such fine may have a serious, albeit not liquidating, impact on the accused's property sphere.

In the context of the above mentioned, we must conclude that the administrative procedure in both areas will always be under the scrutiny of the administrative courts, which often have a different view on the matter at hand. Nevertheless, we cannot resign on compliance with the obligations under the Employment Act. The dissertation work describes the details the pitfalls resulting from the seriousness of the infringements and at the same time draws attention to some shortcomings in the current employment legislation.

Key words:

Labour office

Dependant work

Job seeker

Labour inspection

To impose a fine