

Employment of Foreigners from Third Countries

Abstract

In relation to the current situation on the labour market, the employment of foreigners from third countries has become a very important area which, nevertheless, brings difficulties in many aspects. The existence of various types of residence permits that foreigners can obtain to gain legal permission to stay in the Czech Republic, combined with the fragmentation of the topic into several different laws and regulations, pose substantial demands on the persons concerned in the employment process. The aim of the thesis is to provide a comprehensive overview of the possibilities that employers have to employ foreigners from third countries using the analytical and descriptive method. Problematic aspects of the legal regulation are pointed out and possible solutions are proposed in certain parts of the thesis. The thesis is composed of seven main chapters that are then divided into subchapters. Chapter One is introductory and deals with the sources of law in the context of international law, European Union and national law of the Czech Republic. Chapter Two is dealing with the definitions of the main terms such as dependent work, employment, a foreigner from the third country or family member of the EU citizen and citizen of the Czech Republic. Chapter Three provides for a division of foreigners into several categories based on their access to the labour market and describes in detail the relevant residence permits such as employment card or blue card. Chapter Four concerns the process of the test of the labour market in relation to the employment card and permission to work. The obligations of employers are elaborated upon in Chapter Five. Chapter Six describes the possibility of a foreigner from the third country to be employed by a temporary-work agency which was only introduced into the Czech legal system in the recent past and which proved to contain several fundamental questions about its applicability in practice. Chapter Seven is contemplating on the topic of illegal employment of foreigners, root causes of this practice, legal regulation of the area and its consequences under administrative and criminal law. General conclusions are provided in the last part of the thesis which comments on the current state of the legislation.