Abstract

This diploma thesis deals with the issue of a status of professional athlete from a perspective of Labour law. The main goal of this thesis is try to find an answer to a question whether the activity of professional team sports athlete should be considered as dependent work of an employee. The first part is theoretical and focuses mainly on definitions of sport, sports law, sport legislation and professional athlete. The second part deals with the current position of professional athletes in our legal system. In practice, professional athletes can act as self-employed, as employees or as professional soldiers. At the same time, the author tried to outline the advantages and disadvantages of these individual statutes. The main of part of the thesis is dedicated on the definition of dependent work in terms of the Labour Code and the questions of basic institutes of labour law, which are essential for proper comparing with the status of a professional athletes. The author came to the conclusion that the sports activity performance of most professional team sports athletes can be considered as a dependent work in terms of labour law. Following this fiding, the author then analyzed several basic provisions of the Labor Code that would be incompatible with sports practice. The fourth part of this thesis is devoted to the position of minor professional athletes, whose sport activities, according to the author, would need special legislation. The fifth part focuses on the case law of the Czech courts concerning the status of professional athletes and the issue of the free will of the athlete during the contracting process. In the conclusion the author suggests a solution to this situation through changes in legislation.