

Termination of Employment by Notice

Abstract

The topic of the rigorous thesis is the termination of employment by notice with more detailed focus on the notice of termination given by the employer.

The objective of the thesis is to give as complex overview of the problematics of termination of employment by notice as possible with emphasis on the more or less basic or often discussed questions concerning this topic. I have conducted an analysis and interpretation of current legislation using rich relevant judicial case law and professional interpretative or other legal literature concerning the given problematics.

For choosing this way of processing the topic I have decided on the basis of my own practical experience as active lawyer providing the legal services among other also in the field of the labor law, when with reference on my practical experience I consider the problematic of notices of termination and related questions as very common subject of legal proceedings. Following this I have to unfortunately say that even though among other the valid notices often causes problems for both employers and employees.

The rigorous thesis is structured into seven parts. The first part is dedicated to the termination of employment in general. In the second part the thesis deals with the essentials and giving notice of termination, form, delivering and notice of termination period, furthermore with the problematic of cancellation of termination of employment. In the third part I analyze individual reasons for termination by the employer including the reminder of the constant current judicial case law. In the fourth part I deal with the prohibition of dismissal in the protected period and exceptions from the prohibition of dismissal. The following fifth part deals with Employee Claims connected with the termination of employment by the employer, specifically severance pay, credit sheet, work report and time off to find a new employment. The sixth part is focused on the invalidity of notice of termination, not missing lawsuit due to invalidity of termination of employment, employer and Employee Claims from invalid termination of employment which refer to wage compensation, following employment, as well as damage compensation and non-material damage. In the seventh part I evaluate the termination of employment by the employee and in the conclusion, I focus among other on assessment of current legislation with pointing out its possible shortcomings in the way I perceive them and in that context I give a sketch of eventual changes which could represent a significant benefit for this institute in the future.

Keywords:

termination of employment, reasons for termination of employment, notice of termination of the employment