

# **Interpretation of labour law regulations in the case law of The Supreme Court of the Czech Republic**

## **Abstract**

This thesis examines eight rulings of The Supreme Court of the Czech Republic that were handpicked for their extraordinary relevance in labour law. The author of this thesis attempts to find the solution to the problems solved by The Supreme Court in these rulings and then compares his reasoning and conclusions with the ones provided by The Supreme Court while evaluating the validity of the court's reasoning and conclusions along with whether The Supreme Court found its conclusions in a methodically sound manner.

Rulings of cases No. 21 Cdo 4986/2010, 21 Cdo 224/2013, 21 Cdo 2745/2013, 21 Cdo 385/2014, 21 Cdo 5433/2014, 21 Cdo 3240/2015, 21 Cdo 1276/2016 and 21 Cdo 1276/2016 were the ones selected for analysis.

The subject matter of the rulings listed above is as follows: When can an employer terminate a non-compete clause, whether or not specifying the applicable reason for termination in a medical opinion is needed in order to use said medical opinion as grounds for such termination, whether obstacle to work on the employee's part takes precedence over obstacle to work on the employer's part or vice versa, the relation between entitlement to severance pay and compensation provided by the Labour Office of the Czech Republic in the event of failure of the employer to fulfill his obligation to pay said severance pay, legality of a termination of employment in the case where the employee is no longer satisfying the legal requirements to perform one of multiple kinds of work agreed upon in the labour contract and where the termination reason found in Section 52 (f) of the Labour Code is used as justification and how much discretion the employer has if the termination reason found in Section 52 (d) of the Labour Code can be used to justify termination of employment.

This thesis is divided into nine chapters. The first chapter is dedicated to familiarizing the reader with the methods used by the author to interpret labour law, each of the remaining eight chapters is in turn dedicated to the analysis of one of the rulings mentioned above that are sorted chronologically by the dates of their delivery by The Supreme Court.

Each of the chapters with the exception of the first one is further divided into subchapters. The first subchapter of each of the divided chapters briefly summarizes the relevant matters of fact of the case, the second subchapter then recapitulates the course of the relevant court proceedings. After all matters of fact have been established and all of the relevant arguments of the plaintiff, the defendant and all of the courts involved in the proceeding have been established, a subchapter dedicated to interpretation of the relevant provisions of labour law is included. In the final subchapter the conclusions that the author arrives upon are compared and contrasted with those arrived upon by The Supreme Court.

**Keywords: Interpretation of labour law regulations, case law, The Supreme Court of the Czech Republic**