

Švarc system across professions

Abstract

The main objective of this thesis was to analyse the current situation in the field of illegal work with emphasis on the various specific aspects of human activities in which the contradictory phenomenon of the Švarc system occurs, and in some cases it is even indirectly declared and tolerated by state institutions, together with an outline of possible legislative adjustments *de lege ferenda* within the framework of this issue, all together with a comparison of forming theoretical way outs with the practical aspect of this institute, using the case law of the Czech courts or the Court of Justice of the European Union. This work, together with the introduction and conclusion, is divided into six chapters.

The first chapter deals in its first part with the historical development of the legislation of the Labour Code and related laws with emphasis on selected institutes of labour law. The following is a passage dealing with the definition of terms as illegal and dependent work or business and the conclusion of which constitutes a definitional effort concerning the Švarc system itself. The second chapter focuses on practical manifestations of the Švarc system within individual professions, with selected types of such activities being subjected to a deeper analysis. The third chapter deals more closely with the process of control in the field of illegal work, while at the same time bringing closer the procedure of the supervisory authorities in the particular case and examining the rights and obligations of both the persons in control and the controlled persons. The fourth chapter follows legislation on sanctions imposed by the competent administrative authorities on persons who have committed one of the specified offences in the sector of employment and illegal work. The fifth chapter seeks to define the relevant legislation at international level and within the framework of the law of the European Union, as well as to compare the legal systems of the Czech Republic and its neighboring states. The final chapter deals with the effects of the Švarc system within selected legal sectors such as labour, financial and criminal law or social security law.

Keywords: Švarc system, dependent work, illegal work