Abstract

This thesis deals with the actual extent of contractual freedom in labor law relations from the theoretical perspective and from the perspective of its specific consequences in labor law as well. Therefore the thesis consists of two main parts. In part one, the thesis defines the legal principle concept and continues with the autonomy of the will characteristic, from which the contractual freedom principle derives, and then it describes its restrictions as a reset of both the principle of equality and the principle of protection of the weaker party to contract. As follows, the thesis deals with the position of labor law within the private law area, its historical development, the influence of the Constitutional Court decision no. 116/2008 Coll. and the adoption of the new Civil Code in terms of the labor law contractual freedom extent. The ending of the first part is dedicated to the modern „flexicurity“ system that seeks to reach the balance between contractual freedom on one hand and an employee protection within labor law on the other hand.

In its second part, the thesis aims to analyze particular appearances of contractual freedom within chosen labor law aspects as it both, shortly describes them and assesses them in terms of the space that they provide to contractual freedom and the amount of their restriction. Because of the extension, the thesis describes only the terms related to either, the creation, modification or termination of the employment and the labor law relations based on the non-employment agreements.

In the last part of the thesis, the author evaluates the extent of contractual freedom in labor law and, within the abovementioned labor law aspects, the author presents some de lege ferenda proposals of strengthening the contractual freedom. Mainly, the author focuses on the employment termination area which is tied with the mandatory legislative provisions the most. The author also submits a conceptual proposal to the liberalization of this institution in general.