

Abstract and keywords in the English language

Comparison of Czech and Slovak legal regulation of leave

Abstract

The dissertation contains an overview of labor law legislation, especially the regulation of holidays, in the territory of historical Bohemia, Moravia and Silesia on the one hand and in the territory of today's Slovakia on the other hand. For a better understanding of the issue, an overview of the development of working conditions and labor protection in a given time context in both cultural areas is also provided. I believe that the presented comparison of legal regulations in both territories is an interesting excursion not only in terms of labor law itself, but also in the field of legal history. I believe that in the presented summary of the work it provides important and interesting expanding knowledge in the field of labor law and social security law. In my opinion, similar work was lacking in our market, and therefore it can be assumed that in this direction it will contribute to its enrichment if it is possible to realize its book edition, which is under negotiation.

An overview of the material described above is given in twelve chapters since the beginning of the 14th century, when labor relations developed in the Czech lands, about which written reports already exist. In the case of the territory of today's Slovakia, I see the point of following this issue from the beginning of the 18th century. Working conditions have gradually evolved against the background of the economic and political situation in the countries concerned. The level of political administration, but also scientific and technical progress and the international organization of labor, had a significant influence on the quality and level of labor relations in them.

Other milestones in the historical overview were chosen state-historically, I chose some milestones in terms of significant legislative changes. 1918 was followed by years of convergence efforts of uniform legislation throughout the country, including codification efforts, which unfortunately did not occur due to the turbulent political development of the late 1930s. However, in 1934 at least a uniform labor law regulation was achieved, including the regulation of leave for the majority of employees in all countries (parts) of the republic. This,

in my opinion, significantly positive legal situation developed in the following years 1935-1939, only to split again at the end of the decade. The Czech lands became part of the German protectorate, and the independent Slovak state had different legislation. The post-war development of labor law issues, including the regulation of leave, was again uniform, although legal regulation usually applied for one, maximum two years. However, the basic format of leave, already given by Act No. 23/1945 Coll., Was reflected in later legislative amendments, as well as in Act No. 65/1965 Coll. and after various amendments, it is still valid in the case of Slovakia to this day. In my opinion, great progress was brought by Act No. 81/1959 Coll., Which introduced paid leave for all employees, its effectiveness was six years. Legislative success is undoubtedly the codification of labor law by Act No. 65/1965 Coll., Which repealed the last provisions of the General Austrian Civil Code (1811) in labor law matters and also repealed the effectiveness of many First Republic legislation related to this issue. The Labor Code was amended only 17 times during the next 41 years of its effectiveness.

On January 1st, 1993, the Czechoslovak federation disintegrated, and the legislation in Bohemia and Moravia gradually began to move away from the legislation in force in Slovakia again. In the Czech Republic, a new Labor Code, Act No. 262/2006 Coll., Was adopted with effect from 1 January 2007; in Slovakia, the new Labor Code was adopted in 2001 by Act No. 311 with effect from 1st April 2002.

The Czech legal regulation of the Labor Code has been amended 71 times in 14 years (effective from 1st January 2007), the Slovak Labor Code has been amended 56 times in almost 19 years (effective from 1st April 2002). Chapters 10 and 11 of this work map the legislative development in recent years in both republic, at the end of this work is made their desired comparison. In my opinion, the data on the real length of the leave taken are interesting even beyond the legal minimum allowed by the legislation of this period. At the end of the thesis, I expressed a hypothesis about the real length of paid leave for a calendar year according to the amended Labor Code, Act No. 65/1965 Coll. in the case of Slovakia, in comparison with the same parameter in the case of Czech legislation. Current solutions for the regulation of working leave by some employers are also presented, and hypotheses about the future development of leave are presented. Challenges and incentives to which later legislation should respond. These stimuli include, in particular, changes and new developments in society with its socio-technical as well as sociological-political determinants.

In my opinion, I appropriately spiced up the whole issue in the notebook with brief information about the length of leave in Germany and in some other countries around the world.

I believe that the amendment to the Labor Code responds modernly and flexibly to many current issues of labor law, especially from the point of view of the institute of leave, with effect from 30 July 2020, in some provisions from 1 January 2021. Its analysis from the point of view of the institute The whole of the 12th chapter is devoted to the holiday with explanatory examples.

A key comparison of the Czech and Slovak legislation on leave is contained in the final chapter with the relevant macroeconomic analysis, including an evaluation in terms of *de lege lata* and *de lege ferenda*.

Keywords

Leave, entitlement to leave, length of leave, waiting time, additional leave, special additional leave, international regulation of labor law issues and working conditions, protectionist legislation, labor protection, labor law, days off, home office, amendment to the Labor Code.