

Claims arising from invalid employment termination

Abstract in English language

The goal of this Master thesis is to discuss and analyse the law and case law surrounding invalid employment termination and claims arising from such disputes. An unseparable part of this issue is the distinction whether such an action taken by a party is valid, invalid, or putative.

In the introduction I describe the goals and themes of this Master thesis in more detail. In the first chapter I describe employment itself, its features and its importance in the context of Labour Code. I also discuss the difference between it and other types of labour contracts, and I try to find an answer to why there is such a few cases of parties pursuing legal action in response in invalid termination of these contracts. The second chapter contains the ways employment can be lawfully terminated, where I focus primarily on unilateral termination. I describe the relatively uncomplicated mutually agreed employment termination, dismissal both from the employer's end and the employee's end, including all legal grounds for dismissal. Then I briefly describe severance pay, an important claim of the employee. The next subchapter deals with immediate termination of employment, within the duration of probatory period or not, with emphasis on the difference between the employer or employee taking these actions.

The third chapter is dedicated to possible violations of legal requirements for lawful employment termination, as well as the distinction between putative and invalid employment termination. In chapter four I discuss the actual court proceedings and claims arising from unlawful employment termination, jurisdiction in rem and in location and the limitation period pertaining to these proceedings.

In the fifth chapter I describe the three main legal actions which may be filed after a perceived invalid employment termination; a party can enounce the termination itself being invalid, the employee may seek wage recovery, or the employer may seek damages. The last two claims are discussed in further detail in this chapter, with emphasis on how the court can moderate the employee's claim to lost wages. Finally, I briefly discuss the possibility of employment termination that is agreed to by both parties but is nonetheless invalid.

Key words: Invalid employment termination, unilateral employment termination, putative employment termination