

Transfer to alternative job as a change of employment relationship

Abstract

The presented Rigorous thesis is structured into four main chapters. In the first chapter, the author deals with the concept of "employment" and creation of employment relationship. The second chapter deals with the change of employment relationship in general, including the basic definition of the most common cases leading to a change of employment relationship. The following third chapter presents the focus of the whole thesis, where the space in it is devoted to the transfer to alternative job. In this chapter, the author of this Rigorous thesis deals in more detail and comprehensively with the individual reasons for which the employer is obliged or entitled to transfer the employee to alternative job. Furthermore, the author of thesis describes the procedure that the employer is obliged to follow when transferring an employee to alternative job, and discusses the issue of invalid transfer to alternative job and the relationship of forced labor to transfer to alternative job. At the end of this chapter, reference is made to an earlier (unapproved) government proposal for an amendment to the Labor Code, which was to fundamentally change the concept of the institute of transfer to alternative job. The fourth chapter offers a comparison of the Czech legislation the transfer to alternative job with the legislation of this institute in the Slovak Republic and the Republic of Poland. The aim of this Rigorous thesis is to describe the institute of transfer to alternative job in detail and comprehensively, to subject it to legal analysis, to evaluate its practical significance from the point of view of subjects of an employment relationship, to assess impacts on rights and obligations of these subjects in case of application in practice, identify possible problematic aspects of the legislation and to propose possible solutions *de lege ferenda*, all with regard in particular to key Czech case law. At the same time, the aim of this Rigorous thesis is to include the context of the prohibition of forced labor, both in the Czech legislation and in international and European legislation, as well as a basic comparison of transfer to alternative job with the legislation of this institute in the Slovak Republic and the Republic of Poland.

Keywords: employment, change of employment relationship, transfer to alternative job