

Notice of termination of employment served by employer for employee's health reasons

Abstract

The thesis deals with the topic of termination for health reasons, i.e., termination based on the causes contained in Section 52 (d) and (e) of the Czech Labour Code. The author's aim is not only to provide a comprehensive examination of the topic itself but also to provide an overview of the most important challenges associated with the termination grounds in question. This purpose is achieved in particular through a thorough analysis and comparison of the rich case law, which is absolutely crucial to the chosen topic and the rapid development of which has been subject to much critical reflection. The secondary aim is to outline possible solutions according to the designed law, both on the basis of professional literature cited in the thesis as well as the author's own conclusions. These suggestions are presented in a comprehensive way, especially in the final chapter of the thesis, but partial ideas can also be found throughout the whole work.

Due to the key position of the medical statement in relation to the examined grounds for termination, the thesis also pays sufficient attention to this legal institute and its development over the years with regard to relevant decisions of higher courts. To illustrate the overall importance of medical statements, the author also includes a chapter focusing on the legal regulation of occupational medical examinations, in which she emphasizes the relevance of each type to the topic under examination.

The thesis does not omit the closely related issues of severance pay, transfer of an employee to another job and temporary incapacity for work. However, the aforementioned legal institutes are presented only in a limited manner, focusing on areas directly related to the subject of the thesis.

Due to the difficulties connected with the use of termination for health reasons in practice, the author also includes a chapter dealing with possible suitable alternatives for employers. This is again done primarily with the help of the relevant case law which also points out possible issues or obstacles arising when choosing the respective alternative.

Key words: notice of termination of employment; health reasons; medical statement