

Severance pay

Abstract

The submitted rigorous thesis explores in depth the legal institute of severance pay as a compensation provided to employees under the Labour Code in certain cases of termination of employment.

Using the descriptive, analytical and comparative methods and with the help of rich literature and case law, the author provides not only a definition and description of the current labour law regulation of severance pay contained in the provisions of Section 67 (and others) of the Labour Code and its previous historical development after the Velvet Revolution, but also of the related institutes, which include, among others, the termination grounds related to severance pay, i.e. the grounds under Section 52(a) to (d) of the Labour Code, as well as the procedure for termination of employment in connection with the transfer of employment law rights and obligations under the provisions of Section 338 et seq. of the Labour Code.

The author also compares the domestic regulation with legal systems relatively close to the Czech Republic, namely the Slovak and Hungarian legal systems. By focusing on the essential aspects of the regulation of severance pay in the respective countries (which the author considers to be, for the purposes of the relevant chapter, the amount of severance pay and the legal conditions for its granting), the similarities and differences of the given institutes are pointed out.

On the basis of the analysis of the current Czech legal regulation of severance pay and the comparison with foreign legal systems, several proposals for possible changes in the provisions of Section 67(1) and (2) of the Labour Code are presented in the course of the individual parts of the thesis and especially in the final chapter devoted to possible solutions according to the designed law. In addition to the alternative approach to the differentiation of the amount of severance pay in the event of termination of employment for organisational reasons, the author also mentions several other desirable changes in relation to termination of employment for health reasons under Section 52(d) and (e) of the Labour Code and the possibility of granting severance pay to an employee also in the event of immediate termination of employment by the employee.

Key words: severance pay; compensation; termination of employment