

Legal acts leading to the termination of an employment relationship

Abstract

This thesis deals with the assessment of the legal acts leading to the termination of an employment relationship. The goal of this thesis was to provide a complex description and analysis of particular legal acts leading to the termination of employment relationship, i.e. notice of termination, immediate termination, termination within the probationary period and termination agreement; with focus on practical interpretation and judicial decisions.

The foundation for the resolution of specific issues at hand was based on the elementary definition of the labor law and its position within the system of the law and further the definition of employment relationship including its content, participants and origination. Due to its close relation to the main topic of the thesis, it was also necessary to deal with the institute of legal acts in its broader context (subsidiary use of the Civil Code and specifics within the Labor Code) as well as the issue of notice deliveries which has substantial implications for the (in)validity of legal acts, not only in labor law.

This thesis has been made utilizing the method of analysis of relevant sources including laws (historical as well as proposed ones), specialized literature and opinions, as well as the judicial decisions of various levels of the court system. Then the synthesis method was applied in order to sort out and express particular partial notes within this thesis. The main part of the thesis consists of chapters five to nine, which deal with the particular legal acts leading to the termination of an employment relationship, both unilateral and bilateral. Particular emphasis is provided to the limitations affecting the acts leading to the termination of an employment relationship which demonstrate the elementary protective purpose of the labor law. The quoted judicial decisions provide plenty of leads in order to determine such limitations in particular cases as they occur in practice.

As a part of this thesis, the specific status of foreigners as subjects of the employment relations has also been reviewed. These are particularly threatened group of employees because their residency permit often depends on the existence of the employment relationship and additional restrictions and obligations apply to them after the termination of an employment relationship. As a conclusion of this thesis an assessment of the current legal status is provided as well as some of authors own suggestions *de lege ferenda*.

Key words:

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Employment relationship

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