

Defects of termination of employment

Abstract

In this thesis entitled "Defects of termination of employment" the author analyses the institutes of nullity together with absolute and relative invalidity in the context of termination of employment. In doing so, the author also points out several gaps in the interpretation of the institute of illusory effect, which have been filled by recent case law. This thesis also analyses the consequences of invalid and void termination of the employment relationship, both from a substantive and procedural point of view. It then compares these consequences with each other and draws attention to some of the particularities that these two institutes have alongside each other. Thus, the thesis aims to summarize the information concerning the regulation of defects in the termination of employment, focusing in particular on the question of application consequences of the institutes of invalidity and nullity. Furthermore, in the context of termination of employment, this work shall also outline the procedures by which the risks for both the employee and the employer can be minimized.

The thesis is divided into five main chapters. In the first chapter the author analyzes the characteristics of the employment relationship, its formation, change and in particular, its termination. The second chapter answers questions regarding with the invalidity of the termination of the employment relationship, describing the institute both from the general perspective of the Civil Code and from the perspective of *lex specialis*, which in this case is the Labour Code. Chapter three focuses on the analysis of the institute of void termination, which is divided accordingly to the reasons why the employment act in question suffers from this most serious defect. The following chapter four is a brief addition to the last remaining defect that can be linked to the termination of the employment relationship, relative ineffectiveness. Chapter Five further analyzes the consequences of the defects of termination of employment and then compares them with each other, drawing attention to some of the paradoxical situations that the coexistence of these institutes causes in practice.