

Individual employment contracts in private international law with a vietnamese element

Abstract

The thesis addresses issues of jurisdiction and applicable law in disputes arising from individual employment contracts within the context of private international law. The topic is particularly relevant in light of the increasing mobility of the workforce and the need for effective legal protection of employees in cross-border employment relationships. The study focuses on the analysis of key legal sources in this area, particularly Regulation (EU) No. 1215/2012 of the European Parliament and the Council (Brussels I bis) and Regulation (EC) No. 593/2008 of the European Parliament and the Council (Rome I). The case law of the Court of Justice of the European Union plays a significant role in the application of these legal instruments, providing binding interpretations of EU law and contributing to its uniform interpretation.

The first part of the thesis is dedicated to defining fundamental concepts and terminology that are essential for further analysis. Special attention is given to the definition of an individual employment contract and the explanation of the concept of an international element in employment relationships.

The second part focuses on the analysis of jurisdictional rules under the Brussels I bis Regulation. It provides a detailed examination of provisions concerning special jurisdiction in matters related to individual employment contracts, which aim to protect the employee as the weaker contracting party. The thesis also discusses the issue of choice-of-court agreements and their potential impact on the employee's position.

The third part of the thesis deals with the determination of applicable law under the Rome I Regulation. Particular attention is paid to the rules governing the choice of law and its limitations in the context of employee protection. The study analyzes to what extent the application of more favorable provisions of an employee's national law can be excluded through contractual choice of law and what criteria play a role in determining the applicable law in the absence of such a choice by the parties.

The final part of the thesis examines the legal framework for employee protection in the Czech Republic and Vietnam. The analysis is based on a comparative study of specific provisions of the

Czech and Vietnamese labor codes concerning employee protection in employment relationships. Attention is focused primarily on areas where significant differences exist between the two legal frameworks, such as working conditions, the rights and obligations of employers, and employee protection in cases of termination of employment. The thesis also explores the mechanisms of judicial protection available to employees and the effectiveness of legal safeguards in both legal systems.

Key words: [individual employment contract, vietnamese element, employee]