

RESUMÉ

WORKING TIME, ITS PERIOD AND ALLOCATION

Working time is one of basic institutes of a labour law, which influences most people mainly if these people are at the same time subjects of the employment relationship (i.e. they are employers and employees). Almost everyone will imagine the sense and content of the concept of „working hours“, even if it can be a little something else for everyone, however all people coincident on substantial of meaning.

Question of working hours is possible to deal with from different standpoints. These are mainly psychological, economic or sociological aspects, but the aim of the thesis is a view of working hours in terms of law.

The thesis certainly cannot deal with all aspects and relations which are related to working time. The purpose of my thesis is to analyse the most important and often questionable and problematic matters of working time, which can occur in practical life in connection with it.

The first passage of my work describes history of working hours. The goal of the passage is to show how difficult way the labour law institute had to undergo before it got a contemporary form.

I mention a contemporary, so far only few years valid, Labour code and reasons and necessity of its accepting.

Further, of course, I focus on a law delimitation of working time and next closer relationships which are connected with it. Part of treatise on this institute is also a sight of its provisions abroad.

I deal with some of the most important aspects of working hours, among which I range for example part-time-work and its customariness in others states of European Union in the following chapters. Large attention I pay to an allocation of working time – an important right and duty, which an employer has, and problems related with it. Another significant aspect of working hours is also, in my thesis in more detail expanded, problem of a working emergency. Further I deal with institute, in a labour law quite new, namely a working hours account.

Contrary working hours is time to rest, which is for employee very important. My

thesis covers also this time, concretely break at work and security break. Last but not least I focus on drinking regime at working hours.

The finish of the thesis inscribes to sociological inquiry, which I performed through the questionnaire. This inquiry should show, what duration of working hours is alleged in practice at employees working in shop. And how often these employees work on Saturday.

I reached a following conclusion after analyzing separate institutes of working time. Our labour code determines universal and strict duration of working hours and by that it discharges necessity to make provision for needs of different kinds of occupation to allow for their specifics. Nevertheless, our Labour code tries to help employer by series of different institutes, among which belong for example an institute of flexible working hours or working hours account. However, provision of labour code is brightly and peremptory: Duration of given weekly working time must not over range 40 hours a week. An employee so has to go every working day at work and there he must perform work, which was allocated to him by his employer at the most of 8 hours. Employees, that work mainly manually, have not any problem with this legal regulation. But an amount of these employees declines. Contemporary trend is rather brainwork, independent thinking and fabrication of new procedures and ideas. Labour code cannot contain particular amendment for every kind of occupation. Working day, which has eight hours, is for many professions absolutely optimal, but for others it can be undesirable barrier and obstruction. This obstruction would be possible to remove only by assessment of possibilities to derogate legal adjustment of working hours and enable agreement between employee and employer in an employment contract. That would come in consideration for only explicit defined kinds of employment and for others professions (mainly manually working) would read always peremptory adjustment of working time in law.

Could be this legal regulation successful? Its contribution could consist at that, it would at least enact an approach that many employers in the same way exercise. I am afraid of that this provision would negatively touch employees. Question of adjustment of working hours is an exceedingly complicated matter. We cannot suppose that, this institute will be somehow edited and changed. Despite series of debatable questions in

the area of working hours in our Labour code I do not think, that this legal regulations is unsuccessful or non-traditional. On the contrary I think, that lawmakers have done everything, what they were able to satisfy requirements of employees and employers. It is possible to mention here a flexible arrangement of working hours, further working hours account as a new institute of the labour law. Last but not least there is overtime work and its limits which determine quantity of work, which is allowed to be commanded to employees. A Labour code preserves employees by many institutes against stronger side which is an employer. Among these institutes belong for example obligatory break at work which an employer must grant to his workers, or rules of scheduling of working hours and terms, which employer must make provision for. We must not forget special protection provided to particular employees, such as juvenile staff, gravid employees and employees which take care for small children.

KLÍČOVÁ SLOVA (KEY WORDS):

PRACOVNÍ DOBA

WORKING TIME

PRÁCE NA ČÁSTEČNÝ ÚVAZEK

PART – TIME - WORK

PRACOVNÍ POHOTOVOST

WORKING EMERGENCY