

## Resumé v anglickém jazyce / English Summary

The Thesis deal with the Czech implementation of the Directive 96/71/EC of the European Parliament and of the Council of December 16, 1996 concerning the posting of workers in the framework of services (the “**Directive**”). Firstly, the author describes the law of the European Community applicable to posting of workers within EU, in particular the Directive, Rome Convention, Regulation Rome I., Regulation 1408/71, Regulation 44/2001; secondly she focuses on the Czech implementation of the Directive, in particular to the Labor Code, Section 6 (2) – (5) of the previous Labor Code and Section 319 of the current Labor Code. She included the work conditions of workers posted by employer from EU to the Czech Republic and also the issues of workers employed by the Czech employer and posted to a member state of EU. She mentions the posting of civil servants from the Czech Republic to institutions of EU, such civil servants are not subject of the Directive. She also mentions the Act on Work Inspections, which was recently amended in order to comply with the Directive (penalties for temporary work agencies). For comparison she included the work conditions of the three EU member states – Austria, Italy and United Kingdom.

The author submits that the implementation of the Directive to the Czech Labor Code is satisfactory, even if it contains minor errors. Pursuant to Section 319 (1) of the Labor Code the posted employees from EU to the Czech Republic in the provision of services are subject to the working conditions as follows (unless their national law is preferable, evaluating each right individually):

- ✓ maximum work periods and minimum rest periods;
- ✓ minimum paid annual holidays,
- ✓ the minimum wage, relevant level of guaranteed salary, and pay for overtime,
- ✓ health and safety standards at the workplace,
- ✓ special working conditions of pregnant women and women who have recently given birth, children and young people,
- ✓ equal treatment and non-discrimination,
- ✓ working conditions in the event of agency employment.

Section 319 (2) of the Labor code includes the exemption from application of the minimum wage condition and minimum paid annual holidays in the event of posting which does not

exceed 30 days (this does not apply to temporary work agency). The length of the posting shall be calculated on the basis of a reference period of one calendar.

The exemption stated in Section 319 (2) of the Labor Code was not properly transposed to the national law. For short time posting in accordance with the Directive applies the condition on minimum wage only. And also the length of the posting shall be calculated on the different basis - on the basis of a reference period of one year from the beginning of the posting. The Section 319 (2) shall be fixed.

The Czech Republic did not establish Liaison Office for handling the information regarding posting. There is a risk of punishment from the European Community. Currently is responsible for handling the information the Ministry of Labor and Social Affairs.

The fact that the Czech Republic did not exclude explicitly the civil servants from the application of Section 319 of the Labor Code can cause problems. It can be argued that the provision of services does not cover civil servants.

The Czech Republic does not have antidiscrimination law (until now did not pass it), there are some conditions on non-discrimination included in Labor Code and Act on Employment, but it is not satisfactory protection.

Generally speaking, the transposition of the Directive to the Czech national law was successful, even if it contains some errors. It is suggested that the Labor Code is amended accordingly soon.