

Abstract

This diploma thesis deals with the problematics of the contractual freedom and the protection of employees in labour law relations and the concept of flexicurity which seeks to find balance between these two opposing notions. Its main objective is to evaluate the applicable Czech legislation regulating formation and termination of an employment relationship from the view of flexicurity, including by proposing possible changes of legal instruments within the framework of reflections *de lege ferenda*.

The first part characterizes the contemporary Czech labour law legislation and the concept of flexicurity, followed by its reflection into the Czech Labour Code. This part concludes with an introduction of successful flexicurity models. The following part analyses both development and understanding of flexicurity at European level with the focus on impacts of EU strategy for the Member States.

The key parts of this thesis are parts number three and four which deal with the legislation regulating formation and termination of the employment relationship in the Czech Republic. In these parts, relevant legal instruments are first defined and then evaluated with respect to their flexibility and security. The third part defines the course of formation of the employment relationship, particularly on the basis of an employment contract as the most common way of its formation. In this context, essential requirements of an employment contract and conditions of its valid conclusion are discussed. This part also contains the characteristics of other possible arrangements of an employment contract, in particular details on employment contract duration and the probationary period. The fourth part deals with various ways of termination of the employment relationship which are also evaluated from the view of flexicurity. It is in this area of labour law where is the greatest possible scope for mutual interaction of flexibility and security.

The conclusion summarizes the whole problematics and outlines possible changes of the Czech labour law legislation within the the framework of reflections *de lege ferenda*.