

Abstract – Agency Employment

For my thesis topic, I have chosen „Agency Employment“. It's a relatively young institute, which was incorporated into our legal system only on October 1st, 2004. I believe that Agency Employment topic can be always considered current and positive, because it allows us to flexibly react to the needs of the job market.

Since the topic is very broad, the goal of this paper is not a detailed analysis of all aspects of this institute, but only a few of them that I consider to be most important. I shall present and evaluate current law governing the subject and also try to point out its flaws.

I have structured the thesis into 4 chapters, further divided into subchapters. The conclusion contains summary and *de lege ferenda* reflections.

At the beginning it is appropriate to introduce the topic, therefore the first chapter is dedicated to the Agency Employment concept and other connected topics. That includes employment mediation, license for employment mediation and dependent work.

In the second chapter I examine the progress of Agency Employment law in the Czech Republic. Firstly I present the state, when this institute wasn't included in our legal system, then I put mind to the current law. This chapter includes also a detailed analysis of the International Labour Organisation Treaty No. 181, on private work agencies, and also an overview of Directive of the European Parliament and Council No. 2008/104/ES, on agency employment.

The third chapter deals with contractual relationships in Agency Employment. It's divided into several subchapters in which I go into detail about mutual relationships of all parties, which are the employment agency, the employer and the user. Further I talk about limitations and ways of termination of secondment.

In the fourth chapter I refer to topics that cause practical problems because of an ambiguous legal regulation. I deal with salary and working conditions equality, liability for damages, safety and health protection in the workplace, business trips and connected travel reimbursements, right for information and discussion and unjust enrichment.

The agency employment is mostly regulated in the Labour Code and the Employment Rate Act. As I have said already, the legal regulation is relatively young and therefore suffers from certain faults that have arisen from professional practice. In the future there should be an exactly specified division of rights and duties between the employment agency and the user regarding the employee, since there are doubts about which duties transfer to the user during secondment and which don't.