

The Summary

The Status of Senior Employees in Employment Relationships

The aim of this work is to map out the legal status of senior employees and to draw attention to interpretation and application problems. For this purpose, I compared the old and the new legislation, and also took into account the historical development of various legislative changes as well as forthcoming changes and their potential impact in practice. The thesis is divided into four chapters, each of which discusses separately various factors relating to the employment of senior employees.

The first chapter defines the basic concepts of labour law, for example: "employer", "employee" and "employment relationship". It also deals with the relationship between civil and labour law. It is further subdivided into three parts, in which those concepts are discussed in detail. The last section is devoted to the definition of the senior employee. The concept of the senior employee was evaluated from the point of the old Labour Code in comparison with the new Labour Code and with Swiss law as well as and views of the proposed legislative changes.

The second chapter is devoted to the creation, alteration and termination of employment of senior employees. It separately addresses the creation and the termination. The law of the creation of employment was evaluated on the basis of comparison of the old and the new legislation, with the emphasis on the specific option to establish an employment by the appointment. In a separate part of this chapter, the nature of the management contract and its relevance for employment relationships is discussed. In the second part, the law of the termination of employment is described, and specifically with regard to the possibility of revocation and renunciation and the nature of the financial compensation provided for by the termination of employment.

Chapter three discusses the content of the employment relationship, i.e., the mutual rights and obligations of senior employees and employers. I focused on the definition of the arrangements, which are usually negotiated with senior employees or where the Labour Code allows it i.e., the content of the management contract. In this chapter, the basic and special duties of the senior employees are also defined, especially the obligation of loyalty and secrecy against the employer, the right and the obligation to monitor and control employees, as well as the duties in the field of safety and health at work, and others,

The final chapter is devoted to the so-called concurrence position, i.e., a situation where the same individual has both the status of a senior employee and the status of the member of the board of directors in accordance with company law. With reference to the Czech courts, in particular the decision of the Supreme Court of the Czech Republic, that outlined solutions for this situation. This work highlights the need for conceptual change of the legal position of senior employees, in particular in view of their legal definition.