

DIPLOMA THESIS ABSTRACT

The breach of employee duties and its employment consequences

This thesis deals with the breach of employee duties and its employment consequences. Primarily the basic of employment relationship which underlies duties is characterized. This characteristic is divided into five parts, in the first the employment relationship is defined, the second part deals with the identification of the subjects of the employment relationship, the third approximates the content of the employment relationship, and the fourth allocates duties to the employee only and the fifth part explains the concept of work discipline.

The second chapter of the thesis deals with the sources of law. Besides the basic sources such as the constitutional law or Labour Code are, mainly the internal regulation of employer are described. It identifies internal regulation, as a unilateral act of the employer which entail an duty or grant the capacity of a person in a subordinate position. This internal regulation serves as an employee's duties concretization tool. The thesis also mentions the contract of employment and work direction. In connection with the determination of duties also the supervision of compliance with these duties and the possible use of control is analyzed.

In the third chapter the breach is defined, as a breaching of legal norms, which entails consequences. The main result is the creation of liability, which would lead to the secondary legal relationship with punitive nature. Responsibility in this chapter is divided into two main categories - tangible and intangible, which are then converted into a specific form of individual sanction.

The most serious consequence of breach is solved in the fourth chapter, which deals with termination of employment. A typical way to terminate the employment relationship is dismissal which is limited by statutory reasons for dismissal by the employer. The termination reasons of an employer may be of three kinds. The first group consists of organizational reasons on the part of the employer. They consist of organizational, economic, technological and technical factors related to the company operation of the employer. The second group are the reasons about eligibility employees

to perform work tasks. This means a medical condition when an employee can not continue to perform the work task. The third group of reasons for dismissal are the reasons of the employee's behavior and ability to meet the requirements of legislation and the requirements of the employer.

The last chapter deals with the consequences of the termination of the employment. Termination of the employment relationship implicates the determination of the rights and duties constituting its content. But many new rights and duties arises. They relate to the termination of legal relationship with the employer and allow the employee to establish a new relationship with another employer. Also some financial claims of the employee are established in respect of the loss of financial income from an employment relationship.