

Abstract

The topic of this diploma thesis is the illegal work and its persecution, whereas the main goal is to point out and analyze the most important institutes relating to the illegal work, to identify the relevant legislation and to point out problematic issues of the regulation and its application. The text is systematically divided into three main chapters, in particular the field of dependent work, illegal work and finally the sanctioning of illegal work.

The introductory chapter of this thesis deals with dependent work, the definition of which is a necessary condition for further interpretation of illegal work and its persecution. After a brief introduction to the legislative history and the legal definition of this term, the particular characteristics of the legal definition and, subsequently, the conditions of performance of dependent work are discussed. Further, the case law of the Supreme Administrative Court and the related additional characteristics of the dependent work which the court has defined beyond the legal definition are mentioned.

The second chapter finally deals with the main topic of the thesis which is the illegal work. After defining the legal definition of illegal work and a short reminder of its legislative development, the further text is divided according to the different types of illegal work with regard to the wording of the legal definition, namely the disguised labour relations, the non-contractual work and the illegal work of foreigners.

The goal of the third chapter is to define the persecution of illegal work. After a general introduction to the topic, including the supervision performed by the respective state authorities, the following explanation of the sanctions is divided into the part of administrative penalties in the area of administrative law and the part of penalties in the area of criminal law. With regard to the higher relevance to the theme of the diploma thesis, more attention is paid in this chapter to sanctions in the field of administrative law, where, among other things, are defined the constituent elements of the offenses and administrative offenses related to illegal work according to the act No. 435/2004 Coll., On Employment, as amended. The issue of setting the lower limit of the fine imposed for an administrative offense of enabling the execution of illegal work and its legislative

development is mentioned in this chapter. In the last part of this chapter, relevant sanctions imposed in the framework of the criminal law are discussed.