Abstract

The topic of the doctoral thesis is the regulation of passage of rights and obligations under employment relationship, i.e. the regulation that aims to safeguard the rights of employees in the event of structural changes of their employers. The first chapter introduces the legal regulation adopted by the European Union, the Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees’ rights in the event of transfers of undertakings, businesses or parts of businesses and the amended Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees’ rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, that harmonized the standards of employees’ protection in the event of transfer of undertakings, including the historical background. Particular emphasis is placed on the relevant case law of the Court of Justice of the European Union interpreting the directives.

In the next chapters of the thesis three national legislations of the member states of the European Union are subsequently analysed – the Czech, French and British law. The foreign regulations were chosen for comparison based on their different approach to enacting the regulation of passage of rights and obligations. France was selected as a country that traditionally protects employees in the event of changes of their employers. On the contrary, the Great Britain is representing the countries that implemented the regulation into national law only following adoption of the European directive. The national legislations are compared as regards the written laws, relevant case law and success in implementing the European directives. Special attention is paid to the historical development of the regulation and evolution of the case law. In the final part the individual national regulations are compared. The author mainly summarizes her critical conclusions regarding the Czech regulation and suggest future changes based on the compared foreign regulations.