

ABSTRACT

A CHILD IN LABOUR LAW AND SOCIAL SECURITY LAW

The purpose of my thesis is to draw attention to the position and protection of a child within Czech labour law and social security law in a wider context. The thematic range of this thesis covers two separate branches of law focusing on the following aspects: a child – a party to legal relations and “taking care of a child” as a relevant legal fact, which ensures wider rights to the person who takes care of a child. The part relating to individual benefits provided by social security law emphasizes the concurrence of benefits entitlement across the systems of social insurance, social support and social services. The issue is complemented with relevant provisions of legal acts enacted by the European Union, especially by the treatment of Directive on Social Security and Cross-border Labour within the EU.

The paper is composed of six chapters. Introduction brings the reader into the issue. Chapter one defines the basic terminology used in the thesis, such as child, juvenile employee, child without support, living minimum, etc. Chapter Two offers the Czech historical foundations of this topic. Chapter Three – Legal Instruments – is subdivided into three Parts; each of them deals with one appropriate source of law, i.e. international sources of law, European sources of law and Czech sources of law. Chapter Four deals with relevant Czech legislation; it is further subdivided according to the legal relations in which the child can figure – performers of artistic, cultural, advertising or sporting activity, juvenile employee, employer. The last Part of this Chapter focuses on a different aspect – it reflects on the provisions of the Labour Code for “taking care of a child”, which are relevant in labour law because they ensure wider rights to the employee who takes care of a child – i.e. maternity or parental leave as an obstacle to work on an employee’s part or a protection period against giving notice by the employer. Chapter Five complements the previous chapter with the legal regulation of this issue within social security law. This chapter is subdivided into two parts, one relates to a child being a party to the regulation of social security law, and the other focuses on the state support to persons taking care of a child. The last Chapter deals with appropriate legal treatment by the European Union with an emphasis on the coordination of social security systems.

The Conclusion of this thesis evaluates the contemporary legal regulation with respect to fulfilling the international and European obligations of the Czech Republic. The Conclusion further draws attention to areas of legal regulation which are frequently amended. Finally, there are remarks on the impact of a new Civil Code on some provisions of the Labour Code and re-opening of the discussion on the cooperation between the employer and the statutory representative of a juvenile employee.

Key words: protection of children, prohibition of children’s employment, art, cultural, sport and advertising activity of children, special labour conditions, maternity leave and paternal leave, protection period, disability caused in youth, family member care

benefit, pregnancy and maternity income support, maternity benefit, child allowance, paternal allowance, birth grant, foster care allowances, care allowance