

Claims arising from invalid termination of employment

Abstract

The aim of this Master thesis is to analyse legislation concerning the invalid employment termination, to distinguish the invalid employment termination from putative employment termination established by Act No. 89/2012 Coll., Civil Code, as amended, and especially to summarize the legislation and case law concerning claims arising from invalid employment termination.

The introductory chapter contains the aims of this thesis and represents the reasons why I think this topic is still relevant. Chapter two explains the employment briefly. Chapter three provides the brief introduction to employment termination and individual subchapters present the essentials of individual types of employment termination. Chapter four analyses invalid employment termination, and relation between the Civil Code and Labour Code and defines conditions necessary to qualify the employment termination as the act. Subchapter two analyses putative employment termination and its results in employment termination field. Subchapter three concerns the invalid employment termination, distinguishes between the void termination and voidable termination and represents its grounds. Chapter five summarizes selected aspects of court proceeding. Particular subchapters therefore concentrate on time limit for bringing an action, respective court, formulation of action and court's decision. Chapter six deals with claims arising from invalid employment termination and is subdivided into two parts. First of them concentrates on employee's claims arising from invalid employment termination. This subchapter consists of parts describing the right to be further employed, wage compensation, damages and claims arising from employment termination by invalid agreement. The second subchapter describes employer's claims arising from invalid termination, e.g. right to employ the employee, damages and claims arising from employment termination by invalid agreement. Third subchapter concentrates on time limitation of claims and its bringing before court. The conclusion contains analysis and evaluation of the legislation.

Key words: invalid employment termination, claims arising from invalid employment termination, putative employment termination