

Abstract

Legal regulation of employment termination

The rigorous thesis focuses on the legal regulation of employment termination. The author set himself the goal to prepare a comprehensive analysis of the legislation in question, to draw attention to application problems and, in the end, to evaluate it in terms of *de lege lata* and *de lege ferenda*. The thesis is divided into 10 separate chapters, most of which are further divided internally. The introductory part is followed by a chapter on the sources of labour law. The next chapter describes labour law facts, including defects in labour law practices. The third chapter deals with the employment relationship, subjects, objects and briefly also with the creation of an employment relationship on the basis of an employment contract and appointment. In the fourth chapter, the author generally deals with the termination of employment. In accordance with the labour law theory, the author divided the following key chapters into termination of employment on the basis of legal conduct, further into termination of employment on the basis of a legal event, and finally into termination of employment in special cases. Within the most comprehensive chapter on the termination of employment on the basis of legal conduct, all methods of employment termination listed in Section 48 (1) of the Labour Code are analysed in detail using judicial decision-making practice. These include agreement on termination, notice of termination, instant dismissal, and termination during the probationary period. It also describes a protective period, i.e., the period during which the employer must not dismiss an employee, although all conditions have otherwise been met, as well as exceptions to it, in general also the scope of the trade union and the issues of collective redundancies. The last sub-chapter deals with an invalid employment termination. The sixth chapter explains the termination of employment on the basis of a legal event, which the theory considers to be death of an employee, death of the employer (except as given in Section 342 (1) of the Labour Code), reaching the age limit, the termination of fixed-term employment and employment termination by entering into marriage or partnership under the Registered Partnership Act. A chapter on employment termination in special cases follows. It refers to the termination of employment by a decision of the competent authority and employment termination by appointment. The author also deals with the rights and obligations at the end of employment and the issues of service of documents in labour relations. Due to the overall similarity of both legal regulations, the main differences in the Slovak legislation are analysed in the last but one chapter. In the final chapter, the entire legislation is evaluated, both in terms of *de lege lata* and *de lege ferenda*.

Key words: employment, employee, employer