

Legal acts aimed at the termination of employment

Abstract

The aim of this thesis is to provide a comprehensive picture of the current and future new regulations on legal acts leading to the termination of employment. The thesis consists of seven chapters, each of them dealing with different issues. The first chapter is devoted to legal acts in general, to the employment relationship and its termination. It specifies what a legal act is and defines its requisites. The definition of the employment relationship and its termination are dealt with in its two subchapters.

The second chapter concentrates on one of the legal acts leading to the termination of employment – the mutual termination agreement. This chapter consists of two subchapters, the first one specifying the requisites of the mutual termination agreement, the second one containing a concluding interpretation of this kind of agreement.

The third chapter is devoted to the notice of termination of employment, the unilateral legal act resulting in the termination of the employment relationship. This chapter contains five subchapters. The first one deals with the notice period, mainly with its length, its course and its regulation in the conceptual amendment to the Czech Labour Code. The second subchapter concentrates on the notice of termination of employment given by the employee; in this case, there aren't any limitations as to reasons for this notice: employees can give it anytime and for any reason or without even stating the reason. The third subchapter deals with the notice of termination of employment given by the employer and consists of four subchapters on individual reasons for the notice given by the employer and its requisites, including the obligation of the employer to discuss the dismissal of an employer with an authorized institution or to ask for its consent. The fourth subchapter is devoted to cases in which the employer is prohibited to give notice to an employee and to exceptions from these prohibitions. The last subchapter contains a concluding interpretation of the notice of termination of employment and its possible future regulations.

The fourth chapter concentrates on the instant termination of employment as an exceptional device, for which specific legal requirements are set out that must be met. The three subchapters deal with the instant termination of employment by the employer, by an employee and with a final conclusion, respectively.

The fifth chapter is devoted to the termination of employment during the probation period. The first subchapter defines the requisites of this legal act and also explains what probation period is and what its function in labour law is. The second subchapter provides a final summarization, possible future regulations and the changes brought up by the amendment to the Czech Labour Code.

The sixth chapter deals with the delivery of legal acts both by employers and employees. The last chapter is devoted to the invalidity of legal acts. Its first subchapter comments on the amendment to the Czech Labour Code and deals with the invalidity of legal acts (with respect to both content and form), as specified in the amendment. The second subchapter is devoted to the invalid termination of employment owing to defective legal acts, and to rights ensuing from it for both the parties in the employment relationship.

The thesis is concluded by an assessment of the current and the new regulations coming into force January 1, 2012. The conclusion also contains critical opinions on this amendment and thoughts about possible further changes of the regulations related to termination of employment, mainly considering a greater freedom in labour-management relations and the necessity to protect employees as the weaker party in the employment relationship.

KEYWORDS:

employment

termination

legal action