

Abstract

The Notice of Employment

The main reason I have chosen this topic for my diploma thesis is that we have to deal with questions of labour law in our everyday lives. Generally speaking it is a common issue and I believe that it is therefore very important to understand it correctly. The notice of employment can bring serious economic and social consequences into the life of every employee and at the same time have an impact on his family members. On the other hand the employers should be able to terminate employment with such employees who are irresponsible or incompetent.

Hence, the aim of this thesis is to analyse the regulation of the notice of termination of employment in the legal order of the Czech Republic, explain the essential principles of this regulation and point out various options of its interpretation.

The paper is divided into seven chapters. First, there is a general outline of the examined issue followed by chapters dealing with the historical evolution of legal regulation and the European Communities` regulation of the notice of employment. Further passages are in regards to a closer analysis of the notice of employment in general, notice given by the employee, notice given by the employer and their legal reasons. Relevant judicial decisions were also incorporated in each of these chapters. The concluding part of the study then examines the concerned regulation in selected countries of the European Union.

The notice of termination of employment is a unilateral act which can be undertaken by both the employer and the employee, however in both cases the employment is terminated only after expiration of the notice period. The notice must be always made in writing, delivered to the other party and if it comes from the employer`s side, the reason of the termination of employment must be satisfactorily specified there. That means that the employer may only give a notice to his employee for one of the reasons which are listed in the labour code, as opposed to the employee, who can do so without stating any reason.

Based on analysis of the individual aspects of the notice of termination of employment it is possible to say that the current law regulation primarily protects the weaker party of the labour-law relation, that is the employee. Under the conditions of market economy this is more than desirable. It is however also necessary to take into consideration the demands of flexibility in the labour-law relations, whereas the labour code is still lacking a lot in relation to this. Especially the exhaustive list of reasons of the notice of employment from the

employer`s side appears here and there as problematic as no such list can possibly involve all the potential situations which can arise in actuality. A graded scale of a notice period for individual categories of employees would also be beneficial.

In particular, I focused in my thesis on pointing out weak spots of the Czech regulation which can cause problems in practice, especially when it comes to their interpretation. I also tried to emphasize points which would be convenient to regulate differently so that our law regulation is in line with modern trends.