Abstract:

The subject of this paper is the regulation of a non-compete clause in labour law. The key question in this issue is whether there is a boundary between what is a person's own ability (foresight, enterprise, flexibility), that is, what is a part of their personality and what is a part of a business as an intangible asset, in the form of rights or other intellectual property – know-how, trade secret, information, network of contacts, etc., as values that will enable certain entities to gain an edge and, in combination with other aspects, ultimately to accomplish a goal ahead of the others. The non-compete clause in labour law has been evolving from the early 20th century until today. In this paper, I also wanted to point out the broader concept of a ban on competition, i.e. a ban beyond the boundaries of labour law. The paper covers basic terminology, development and history of a non-compete clause, the applicable legislation as well as the period during which the applicable legislation did not completely respond to the need for regulation of the relationship between an employer and an employee, the areas extending beyond the strict boundaries of labour law as well as the current applicable legislation; last but not least, the paper also provides comparison with foreign applicable legislations. The paper focuses on the ban on competition in industrial relations, which is an issue addressed not only during an employment but particularly after its termination. Thus, the objective of this paper was to offer a comprehensive view of not only a non-compete clause in labour law but also of the concept of the ban on competition.