

Abstract

Section 338 par. 2 of the Labour Code as the reason of transference of rights and duties arising from labour relations

This Thesis deals with the issue of legal transference of rights and duties arising from labour relations, which occurs due to the transfer of an employer's business activity or its part, or of an employer's tasks, or some of them, to another employer. The first chapters are devoted to the issues related to the moment of transfer of rights and duties arising from labour relations. Among these issues, identification of employees affected by the transfer and identification of transferred rights and duties including the possibility of their change may be regarded as the most important. The issues of equal treatment, possibility of termination of employment and obligation to inform and to consult are also discussed. After analyzing problematic areas associated with the transfer of rights and duties arising from labour relations, the Thesis focuses on the question of the interpretation of a "transfer" under Section 338 par. 2 of the Labour Code, with which the legal transfer of rights and duties is associated. Although the proper interpretation of a "transfer" is essential, the Czech legislation has not yet given definite answer on this question. Under the Czech legislation the "transfer" may be interpreted according to the European Union law as a transfer of an economic entity which retains its identity, or extensively according to the wording of Section 338 par. 2 of the Labour Code.