

English Abstract

Invalid termination of the employment relationship by the employer

The topic of this thesis is the invalid termination of an employment relationship by the employer. The aim of the thesis is to conduct a comprehensive analysis of this point in labor law within the context of Act No. 89/2012 Coll., the Civil Code, which plays a major role in this issue as it pertains to subsidiary use in labor law. The Civil Code has brought a new understanding of legal defects of juridical acts that makes the juridical act either invalid or putative. It is just the putative juridical act that is a new institute implemented by the Civil Code. The relationship of the Labor Code to the Civil Code, including a historical excursion, is explained in the first part of the thesis. Furthermore, the thesis deals not only with the definition of the concepts of invalid and putative juridical acts in the context of labor law, but also with the development of these institutes in labor law. The main part of the thesis is devoted to the description and analysis of the individual cases of invalid or putative termination of an employment relationship by the employer, both on a general level and in specific cases using extensive case law. The thesis also deals with the individual consequences of invalid termination of the employment relationship, such as the requirement for further continuation of employment, entitlement to compensation of salary or wage by the employee and compensation for damages by both the employee and the employer. A substantial part of the thesis is then devoted to the procedural aspect of the matter; since without the definitive determination of the invalidity of the termination of the employment relationship by the court, one cannot conceptually speak of an invalid termination of the employment relationship. A description of the legal process and an analysis of the various types of legal actions by which the parties can claim their entitlements in legal proceedings are also described in the thesis. At the end of the thesis, there is also a short comparison of Czech legislation dealing with the invalidity of termination of the employment relationship with the legislation in the Federal Republic of Germany. The contribution of this work is a comprehensive overview and analysis of the general reasons for invalid and putative juridical acts leading to the termination of the employment relationship and, in particular, a detailed description and analysis of the reasons for putative and invalid acts for particular ways of terminating employment by the employer.