

Contents

Abbreviations	9
Remark to Citation	10
Foreword	11

PART I GENERAL PRINCIPLES OF CZECH LABOUR LAW

Chapter I	Brief Characteristic of Czech Labour Law	15
	I.1 Definitions and Categories	15
	I.2 Concept of Dependent Work	16
	I.3 What is Dependent Work?	18
	I.4 EC-concept of Worker	20
	I.5 Employment Relationship	21
	I.6 Concept of Labour Law and its Divisions	21
Chapter II	History	24
	II.1 Medieval Times	24
	II.2 The Birth of Modern Labour Law	24
	II.3 Developments after World War I.	27
Chapter III	Social Welfare Rights	30
	III.1 Constitutional Framework	30
	III.2 Power Guaranteed to Social Welfare Rights	32
	III.3 Legal Duties to Respect the Position of an Individual	33
Chapter IV	Sources of Law	37
	IV.1 Concept of Sources of Law	37
	IV.2 Sources of Czech Labour Law	37
	IV.2.1 Law and Secondary Legislation	38
	IV.2.2 International Legal Sources	39
	IV.2.3 Collective Agreements and Internal Regulations	41
	IV.3 EC Labour Law	43
	IV.3.1 Pre-constitutional EC Labour Law	44

	IV.3.2 The EC Institutions and their Competencies	46
	IV.3.3 Sources of EC Labour Law	49
Chapter V	Employment Law and Collective Labour Law Principles	54
	V.1 Principle of Equality of Subjects	54
	V.2 Principle of Employees' Equality	55
	V.3 Freedom to Contract and its Limits	55
	V.4 The Application of Civil Law in Labour Relations	57
	V.5 Principle of Legal Certainty	58
	V.6 Prohibition of misuse of rights and exercise of rights and performance of obligations in accordance with good morals	58
 PART II EMPLOYMENT RELATIONSHIP		
Chapter VI	Pre-employment Relationship	63
	VI.1 Overview of Immigration and Employment Legislation	63
	VI.2 The Selection Procedure	65
	VI.3 Obligations Arising From Recruitment Negotiations	66
Chapter VII	Contract of Employment	68
	VII.1 The Term	68
	VII.2 Express Terms (Essentialia Negotii)	68
	VII.3 Implied Terms and Terms Imposed by the Labour Code	69
	VII.4 Permanent and Fixed-term Contracts of Employment	70
	VII.5 Probation	71
	VII.6 Non-competition Clause	71
	VII.7 The "Other" Way to Form an Employment Relationship	72
	VII.8 Other Types of Employment Relationships	72
	VII.9 De Facto Employment Relationship	73

Chapter VIII	Changes of Agreed Terms	76
	VIII.1 The Czech Legal Doctrine	76
	VIII.2 Impediments to Work	76
	VIII.2.1 Serious Personal Impediments to Work	78
Chapter IX	Working time and Rest Periods	80
	IX.1 The Purpose of Regulation	80
	IX.2 Basic Framework	80
	IX.3 Overtime	81
	IX.4 Night Work	81
	IX.5 Paid Leave	82
	IX.6 Public Holidays	82
Chapter X	Payments	85
	X.1 Wage and Salary	85
	X.2 Minimum Wage	86
	X.3 Determination of Wage	87
	X.4 Determination of Salary	88
Chapter XI	Termination of Employment Relationship	91
	XI.1 Legal Acts Terminating the Employment Relationship	91
	XI.2 Agreement Concerning Termination of the Employment Relationship	91
	XI.3 Notice of Dismissal	92
	XI.4 Immediate Cancellation of the Employment Relationship	93
	XI.5 Cancellation of the Employment Relationship during Probation	94
	XI.6 The Severance Pay	94
	XI.7 Large-scale Dismissals	94
	XI.8 Illegal Dismissal	95
	XI.9 Settlement of Individual Labour Disputes	96

PART III COLLECTIVE LABOUR LAW

Chapter XII.	Collective Bargaining and Agreements	101
	XII.1 Workers' Representation	101

XII.2	Collective Bargaining	102
XII.3	Extending the Binding Effects of Higher-level Collective Agreements	103
XII.4	Settlement of Collective Labour Disputes	104
XII.4.1	Historical Overview	104
XII.4.2	The Concept of Collective Disputes	105
XII.4.3	Mediation	105
XII.4.4	Arbitration	106
Chapter XIII	Strikes and Lock-outs	108
XIII.1	Definitions	108
XIII.2	Preparation and Declaration of Strikes and Lock-outs	108
XIII.3	Illegal Strikes	109
Miscellaneous		111