

International and european aspects of the working time legal regulations

Abstract

The aim of this thesis is to comprehensively describe and critically evaluate european and international legal regulation of the working time and the rest periods. After the general Introduction the thesis is divided into 4 main chapters. The most fundamental outputs from these chapters are summed up in the Conclusion.

The importance of the issue within the scope of juridical institutes of the labour law is emphasized in the Introduction of this thesis. It is one of the most important working condition for the employees. That is why the duly adjusted minimal protective standards are essentials for the workers with regard to the possibility of influencing their state of health. In the short historical summary I try to prove that people always realized the importance of the limitation of the working time and of the adjusting the minimum rest periods. I also refer to the fact that the european and international legal framework dealing with the working time is very extensive and difficult to interpret. It brings along burdensome work for the national legislators to duly transpose the requirements of the european and international legal standards. I also express the commiseration that this area is in my opinion under the insufficient attention of the Czech labour law doctrine.

In the first chapter I describe in detail the european legal acts related to the legal regulation of the working time and the rest periods. Substantive attention is devoted to the working time directive as the general legal act in this area. In its context it was advisable to duly define its personal scope and to find the accurate content of the definition of the legal term worker as this is a vibrating issue on the grounds of European Union. Very important is also the correct understanding of other fundamental definitions in this area, especially in relation to the proper subsumption of the certain category of time. The attention is also given to other sectoral european legal acts, which contain exemptions to the general legal regulation for certain categories of workers. The texts of the european legal acts were analysed in particular with regard to number of the connected judicatory conclusions.

In the second chapter I address the issue of the Conventions of the International Labour Organisation. My aim is not only to describe the rights, but also the correct interpretation of

these rights under the opinions of the Committee of Experts. I also evaluate its recency and relevancy for the world of the modern labour law.

In the third chapter I devote myself to the interpretation of the European Social Charter. At first sight very austere and considerably indeterminate enactment of working time and rest periods which the European Social Charter contains is accompanied by the whole number of opinions of the European Committee for social rights, which substantially clarify its requirements.

In the last chapter, which I consider to be fundamental, I try to identify the crucial non-compliance of the national legal regulations with the requirements of the above mentioned European and international sources of law connected with the issue.

I conclude with the summary of the findings which result from the previous chapters. I also try to criticise the deficiencies of the actual European and international legal regulations and bring forward the proposals *de lege ferenda* to improve the unconsolidated condition in this area.

Key words: working time, rest periods, working time directive

