

## **Identifying obscured employment or: How to avert the associated risks**

### **Summary**

The thesis explores the issue of obscured employment and obscured agency employment. Its roots are in practical experience and real needs of actual subjects. In practice, the issue of obscured employment and obscured agency employment is particularly important in relation to outsourcing of one's business activities to another person. However, the current legal regulation is not perfectly clear when it comes to definition of these two legal problems and their identification in practice. This is true especially in relation to the issue of obscured employment.

Thus, the goal of this thesis is to identify the elements defining obscured employment and obscured agency employment. Added value of this thesis is then introduction of possible ways of how to organize an outsourcing relationship so that the relevant authorities do not assess such relationship to be obscured employment or obscured agency employment. In other words, how to avert the risks associated with obscured employment and obscured agency employment. This follows straight from the defining elements of these two legal issues identified in the thesis.

The foundations of this thesis are laid in analytical definition of fundamental, mostly labour law, concepts used herein. Following such definition, the thesis analyses public law and private law sanctions which may be imposed or triggered in case that a particular outsourcing relationship is deemed to be obscured employment or obscured agency employment. Crucial is then the analysis of fundamental elements defining obscured employment and obscured agency employment. Due to a problematic statutory definition the defining elements of obscured employment and obscured agency employment are summarized only in the closing chapter of the thesis whilst a deeper analysis of these elements is included in second and third chapter of the thesis.

In the closing chapters, the thesis criticizes current state of Czech employment & labour law, especially with regards to contractual relationships, as insufficient for the needs of 21<sup>st</sup> century. Further, it analyses data concerning the state of economic growth, employment rate, social welfare and employment & labour law in the European Union. Based on this analysis the thesis then draws conclusion as to how the Czech statutory regulation of the issue of obscured employment and obscured agency employment should be governed in the future and defends such conclusion as economically and socially favourable solution.