

Abstract

The topic of this diploma thesis is legal and illegal work of foreigners in Czech Republic. Both legal and illegal work are related to the performance of dependent work. Therefore, the thesis begins with the definition of this term when the author describes the individual characters of dependent work stipulated not only by the law but also by applicable case law. At the end of the first part, several tests of employment which are helpful for the identification of the performance of dependent work are explained.

The second part is devoted to the conditions of foreigners' stay and employment in the Czech Republic, divided into two groups of foreigners. Firstly, the citizens of the EU, EEA and Switzerland and their family members, especially regarding the free movement of workers stipulated by the Treaty on the Functioning of the European Union and the topic of posting workers in the context of the transnational provision of services. Secondly, the third-country nationals who may obtain a work permit, an employee's card, a blue card or a card of an internally transferred employee for the purpose of their employment on a certain working position within a certain employer, unless they have free access to the Czech labour market. The author presents also the governmental programmes of economic migration.

The last part of the thesis defines the term of illegal work and its basic types as provided by the law; subsequently, the common ways in which the illegal work is being performed are pointed out, especially the disguised agency employment and the supposed posting of workers in the context of the transnational provision of services, the work in conflict with the permit or any of the cards mentioned above, illegal employment of students that are third-country nationals, whose studies have been terminated or foreigners performing the so-called "Švarc-system". This part is completed by the statistics from the State labour inspection office which show that illegally working foreigners are mostly Ukraine nationals; the author explains the reasons why. Finally, the risk of various types of sanctions is described, not only for the employer, but also for the employee and even third parties.