

## **Flexible forms of work performance**

### **Abstract**

This diploma thesis concerns the topic of flexible forms of work performance, which is very relevant in today's era of rapid technological progress and changing labour market. Its aim was to describe those institutes of flexible work performance that are regulated by the Labour Code, as well as to consider each institute's advantages and disadvantages and to offer a view on the possible development of labour law. The considerations *de lege ferenda* are based on the identified practical shortcomings of the current legislation and the direction of the European Union, which to some extent determines the image of the domestic legal order. Part of the thesis is devoted to a brief introduction of several basic concepts essential for understanding further interpretation of flexible forms of employment. Furthermore the text focuses on the activities of the European Union and especially those of the Court of Justice. In particular it describes its fundamental doctrines concerning the direct effect of directives. In this context, the thesis presents two relatively new directives, which should have already been implemented into our legal system.

The outcomes of this thesis are based mainly on the legal provisions and opinions contained in the literature accompanied by the decisions of the Supreme Court of the Czech Republic. By using the method of critical analysis the problems of the given area are described and the development of the relevant legal regulation is deduced. In the context of the mentioned importance of the European Union's activities, the current state of domestic legislation is compared with the requirements of EU law.

The thesis points out the contradictory trends of flexibility and security found in labour law, where flexibility usually advantages the employer and certainty serves the employee. In the context of overtime work and the performance of work outside the employer's workplace, it is shown that this rule does not always apply and that too much certainty or, on the contrary, too loose regulation can be detrimental.

In general the flexibility of labour law lies rather in the absence of legal rules. This provides the space for setting the conditions of work in a way that meets the needs of the subjects of the individual employment relationship. At the same time, it is emphasised that the need to provide employees with certain rights remains, particularly in regard of combining employee's personal and professional life. Taking into account the described

need for a balance between the elements of flexicurity, the thesis outlines the possible development of future legislation.

**Key words:** flexicurity, employment relationship, work performance