

# **Comparative Analysis of Employment Status under the Laws of England and Wales and under the Laws of the Czech Republic**

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## **Abstract**

In this dissertation, the author performs the comparative analysis of the laws of England and Wales and the laws of the Czech Republic governing different types of employment status and rights/obligations associated with each type. The author aims to answer the following research question: In what ways could the Czech legal system draw inspiration from the laws of England and Wales governing different types of employment status and rights/obligations associated with each type?

The first part of the dissertation summarises recent developments in England and Wales impacting the current as well as future legal rules in this area. The second part deals with the basic categorisation of different types of employment status in both legal systems. The third part analyses the fundamental duties of employees/workers and employers in both legal systems. The fourth part focuses on a selection of rights granted to workers by English employment law and English social security law and compares them to the corresponding rights set out by Czech employment legislation. The fifth part analyses a selection of rights granted to employees by English employment law and compares them to the corresponding rights conferred by Czech employment legislation. The sixth part examines legislation/case law pertaining to temporary agency work in both legal systems. The seventh part is dedicated to the pivotal judgments of English employment tribunals/courts dealing with the issue of employment status. In the eighth part, the author explores key differences between both legal systems in regulating various types of employment status and rights/obligations associated with each type and answers the research question by summarising recommendations formulated in the previous parts of the dissertation.

Unlike Czech employment law, English employment law recognises a category of limb (b) workers positioned between the category of employees and the category of independent self-employed contractors. A limb (b) worker is an individual who does not meet all criteria necessary to gain employee status, but who does not run a business on their own account. English employment law gives limb (b) workers certain limited protection. The dissertation recommends that the Czech legal system introduce a new category of workers analogous to that consisting of limb (b) workers.

**Key words: employee, worker, employment relationship**