

Abstract

This thesis analyses the legal regulation of employee representation in elected bodies of public limited companies in the Germany and in the Czech Republic and then compares them.

The first part of this thesis briefly describes the historical development of the legal regulation of codetermination in the Czech Republic and then analyses to which companies the regulation of codetermination applies, how many members of the elected bodies of the company are elected by employees, how the election process of members of the elected bodies of the company elected by employees is regulated, how it is possible to deviate from the provisions that regulate codetermination and what special rights the members elected by employees have in the elected bodies of the company.

In the second part of this thesis, the historical development of the legal regulation of codetermination in Germany is briefly described and then it is analysed how the described issue is regulated in German law.

The third part of this thesis compares the differences in the way the above mentioned issues are regulated by the Czech and German legislation, finding that the German legislation on codetermination is contained in several laws and therefore contains several different conditions that companies must meet in order to be subject to the mandatory codetermination legislation contained in a specific law, while the Czech legislation on codetermination is contained in only one law and therefore contains only one condition that companies must meet, to be subject to the mandatory codetermination legislation, in German law employees generally elect a higher number of members of the elected bodies of companies, the election process for members of the elected bodies of companies elected by employees is considerably more complex in German law than in Czech law, the possibility to derogate from the statutory provisions governing codetermination is lower in German law than in Czech law, and members of the elected bodies of companies elected by employees generally have greater powers in German law than in Czech law.

The fourth part of this thesis contains recommendations for the Czech legal regulation of codetermination, which were extracted from the German legal regulation of codetermination.