

Abstract

The title of the thesis: Protective function of labour law in the case law of Czech courts

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This thesis focuses on the protective function of labour law in the case law of Czech courts. The protective function of labour law is one of its essential functions and has a close relation to employee protection as the weaker party of employment relationships. Courts as public authorities and decisions-making bodies significantly affect the final form of the protective function, while providing protection to the rights of employees. Considering the fact that the protective function is immanent to labour law and the case law of Czech courts further develops, in my opinion, this thesis deals with a topical and evolving issue.

The content of this thesis is divided into four chapters. The first chapter describes the meaning of protective function in labour law, its role as a fundamental principle of employment relationships, and legal consequences related to it. Its part is also the brief explanation of the concept of „flexicurity“. The second, third and fourth chapter deal with three fields of labour law, in which the protective function is significantly reflected. These fields are remuneration, employee protection against dismissal and working conditions including OSH.

In each of these chapters there is the explanation of the protective purpose of chosen legal institutions. In addition these chapters consist of the analysis of constitutional bases of employee protection in these fields. The key part of this thesis deals with a number of judicial decisions, which demonstrate the approach of Czech courts to protective function of labour law. The main aim is to present the importance of the case law for the employee protection in the mentioned fields and to point out the imperfections of interpretation in some of these judicial decisions.

As the research in this thesis shows, the main imperfection of interpretation in analysed judicial decisions are above all the apathy both to financial consequences of judicial decisions for the employer and to the legal certainty. As a weak point I can see also the unreasonable providing of protection in cases of the abuse of right by an employee.

Key words: protective function of labour law, case law of Czech courts, remuneration, dismissal, working conditions