

Consequences of legal defects in labour relations

Abstract

This diploma thesis deals with the issue of the consequences of defects of legal acts in labour law relations with a focus on the evaluation of the impact of the recodification of private law on labour law relations after almost ten years since its effectiveness. Legal acts occupy a central position in private law relations. Legal entities can shape their own legal relations through their legal acts and at the same time bear responsibility for the consequences caused by it.

I have chosen this topic because of the approaching round anniversary of the adoption of the current Civil Code, which has significantly influenced the labour law sector. Even after almost ten years, the issue of defects in legal or labour law acts, including their consequences, does not remain unambiguously agreed upon by the general professional public. Yet the consequences of a given defective legal act are crucial for the assessment of any further procedural course of action in a potential dispute.

The diploma thesis sets three sub-objectives, which are gradually analysed in the context of doctrinal and jurisprudential interpretation as well as *de lege ferenda* considerations.

The first aim of the thesis is a thorough analysis of the institution of legal acts and the consequences of its defects in the form of nullity and supposedly legal acts in civil and labour law relations.

The second aim of the diploma thesis is to assess the meaning of the "disregarded" addendum in private law relations, focusing on selected provisions of the Labour Code in which this addendum appears. This addendum presents interpretative pitfalls which will be critically analysed in turn, including considerations on possible ways of overcoming these interpretative problems.

The third aim of the diploma thesis is to attempt *de lege ferenda* considerations and analysis of selected provisions of the Labour Code, the issues of which are closely related to the topic of nullity and supposed labour law acts, including the suggestion of an optimal solution that could be a suggestion for the legislator or other interested parties.

Apart from the introduction and conclusion, the text of the diploma thesis is divided into four main chapters.

The introductory chapter first defines the basic principles of labour and civil law and then focuses on the relationship between the Labour Code and the Civil Code.

The second chapter discusses the concept and nature of legal acts, and at the same time discusses the conceptual features, requisites and interpretation of legal acts. The purpose of the chapter is mainly to compare the changes in the concept, interpretation and terminology of legal act in connection with the recodification of private law.

The third chapter, together with the final chapter, forms the key passage of the diploma thesis. Its subject matter is the progressive definition of the basic consequences of defects in labour law acts. These consequences will be ranked according to their severity and impact on the employment acts in question, as well as on the entire employment relationship within which the defective legal act occurred.

The final chapter offers a reflection on some provisions of the Labour Code that may inappropriately interfere with the sphere of autonomy of will and contractual freedom of the parties to the employment relationship and at the same time are closely related to the topic of nullity and supposedly of employment legal acts.

Keywords:

Legal act, invalidity of a legal act, supposed legal act