

Disguised employment relationship in transport of passengers and goods

Abstract

This master's thesis focuses on the issue of disguised employment relationship in the transportation industry, where the work of self-employed individuals is often used for the transportation of people and goods. This raises questions as to whether the nature of the work of a courier does not exhibit the characteristics of dependent work, which must be performed in a basic employment relationship. The thesis examines the nature of the relationship between companies operating in the transportation of people and goods and their contractual partners (couriers), particularly in terms of the possible fulfillment of the characteristics of dependent work.

For this purpose, the issues of disguised employment relationship, including its consequences and the motivation of entities to engage in it, are clarified. Related concepts such as illegal work, outsourcing, and dependent activity are explained. Furthermore, attention is also given to the historical development of disguised employment relationship and its prohibition in legal regulations. Special emphasis is placed on explaining the defining features of dependent work as set out in the Labour Code as well as imported by case law. The liabilities associated with operating disguised employment relationship are not neglected. Another part of the thesis addresses the cross-border aspects of this issue, especially the upcoming European Union Directive on improving the working conditions in platform work. Mention is also made of the International Labour Organization's recommendations containing proposed indicators for recognizing employment relationships. The model of workers in Italy, Germany and the United Kingdom as being in the middle ground between employees and self-employed workers is also discussed. Some decisions of public authorities in this area from both the Czech Republic and abroad are also mentioned.

The main part of the thesis focuses on exploring the specific conditions of cooperation between companies and their couriers. The collected data include the content of written documents, such as contracts, terms and conditions, etc., as well as information obtained through interviews with managers and human resources professionals, and the author's own experiences.

The research has shown that it is not possible to categorize the entire field of transport services as operating disguised employment relationships, but at the same time, its occurrence in specific cases cannot be ruled out. The author proposes *de lege ferenda* to increase the upper limit of the fine for the offense related to enabling the performance of dependent work by individuals outside the employment relationship. Another proposal is to introduce into the Czech legal system a new category of "partially independent workers," modeled after foreign frameworks, which would be covered by partial labour law protection.