

Tax Aspects of Employee Share Ownership in Akciová Společnost

Abstract

This thesis examines the legal and tax aspects of employee participation in joint-stock companies in the Czech Republic, with emphasis on identifying barriers preventing its wider adoption. The thesis analyzes the suitability of employee ownership participation as a tool for Czech joint-stock companies in the context of current legal and tax regulations.

Methodologically, the thesis combines several approaches. It begins with a detailed description of the current legal framework for employee participation in the Czech Republic, which is then compared with an international comparison of selected foreign legal systems. Special attention is paid to the tax aspects of various forms of employee stock programs.

The thesis identified basic models of employee participation available in the Czech legal environment. It analyzes the amendment to the Income Tax Act effective from 2024, which introduced the first systematic regulation of taxation of income from acquisition of shares and option rights, while also pointing out its limited impact and persistent shortcomings.

The research revealed a significant disparity between tax advantages for common employee benefits and the lack of similar support for employee stock programs. The thesis also identified the absence of comprehensive legal regulation of employee participation and specific rules for contractors, whose importance, especially in the technology sector, continues to grow.

International comparison showed that successful foreign regulations typically contain several key elements: deferred taxation until the sale of shares, significant tax advantages, and reduced administrative burden. Based on this analysis, the thesis provides specific recommendations for Czech legislation, particularly the introduction of qualified employee stock programs with more substantial tax benefits and the creation of a flexible regime for cross-border aspects of these programs.

The thesis concludes that although employee ownership participation represents a potentially suitable tool for Czech joint-stock companies, current legal and tax regulations create significant barriers to its effective use. For genuine development of employee participation in the Czech Republic, it will be necessary to adopt comprehensive legislation reflecting proven foreign practices and specifics of the Czech environment.

Key words:

participation, shares, taxation