

Labour Law Legal Relations

The general scheme of labour law legal relations:

Individual legal relation

- Basic: relations in which the dependent work is fulfilled
- Derived:
 - the legal relations of the state inspection
 - the legal relation of the liability
 - the legal relations on the labour market

Collective legal relations

- the collective bargaining
- the participation in the management of the enterprise
- the settlement of the collective disputes

The individual basic legal relation

- the employment relationship in which the regularly repeating is fulfilled
- the legal relation based on the agreement on work performance in which a particular task is done
- the legal relation based on the agreement on working activity in which the repeating work is also fulfilled but in a small extend

The employment relationship

is one of the types of legal relations relating to the dependent work (Labour Code § 3)

Characteristic features of the employment relationship:

- personal performance of the work from the site of the employee
- the performance of the work with remuneration
- the contractual base of the employment duties
- the base for the working collective as a community of the employees
- the special relation between the parties of the employment relationship:
 - in the moment of the arising the position of the parties is equal
 - during the duration of the employment relationship there is the subordination of the employee to the employer

The parties of the employment relationship

- the employer who is the legal or natural person
- the employee who is only the natural person

The employer

Labour Code does not regulate the legal person, the regulation is made by Civil Code. Labour Code only says that the employer acts in labour relations in his own name and bears the liability ensuing from this relations (§ 7/2).

On the other hand Labour Code regulates the position of a natural person as the employer. The capacity to have rights and duties arises at birth. The capacity to assume rights and duties in labour relations by own legal acts arises on the attainment of the age of 18 years.

The employee

A natural person acquires

- the capacity to have rights and duties as an employee
- the capacity to acquire these rights and duties by his own legal act

on the day he reaches the age of 15 years. But the employer may not agree with an individual to take up his employment on a day which precedes the day when this person completes his compulsory school attendance.

Establishing of the employment relationship

- contract of employment
- appointment