

# EMPLOYMENT LAW

English for Lawyers 1.3

# REVISION

Czech	English
odkládací podmínka	<i>precedent (suspensive) condition</i>
vadné zboží	<i>faulty goods</i>
Soud potvrdil rozhodnutí.	<i>The court upheld (affirmed) the decision (of the lower court).</i>
záruka	<i>warranty</i>
spotřebitel a dodavatel	<i>consumer and supplier</i>
odpovědnost za výrobek	<i>product liability</i>
vzdát se práva	<i>waive the right</i>

# QUESTIONS



- ◉ Have you ever worked?
- ◉ Full-time or part-time?
- ◉ What did you do?
- ◉ What did the employer want you to do?
- ◉ What is your priority in seeking a job?
- ◉ What can you do after graduation?
- ◉ When can people be dismissed?
- ◉ What does employment law regulate?

# DEFINITIONS

## ◉ An employer

- a person or entity which hires the services of another

## ◉ An employee

- a person who is hired for a wage, salary, fee or payment to perform work for an employer.

## ◉ Express terms of agreement

- terms stated by the parties during negotiation or written in a contractual document

## ◉ Implied terms of agreement

- terms that are not stated but nevertheless form a provision of the contract

# COLLOCATIONS: LABOUR

1

	... labour
work done by hand	manual labour
hard manual work	hard labour

# COLLOCATIONS: LABOUR

# 2

	... labour
workers who are hired for a short period	casual labour
workers who don't earn much money	cheap labour
workers who have special knowledge or qualifications	skilled labour
workers who are members of trade unions	organized labour

# COLLOCATIONS: LABOUR

3

	labour...
pracovní spory	labour disputes
pracovní vztahy	labour relations
pracovněprávní předpis	labour legislation

# LABOUR

- ⊙ práce
- ⊙ pracovní síla
- ⊙ pracovní



# LABOURER X WORKER

## ⊙ A labourer

- a person who does work requiring chiefly bodily strength or aptitude and little skill or training
- often with a defining word prefixed (e.g. dock labourer, farm labourer,..)
- dělník

## ⊙ A worker

- a person who works or does work of any kind
- who is employed for a wage, especially in manual or industrial work
- pracovník

# EMPLOYMENT

- ⊙ as an activity
  - zaměstnání, povolání
- ⊙ as a contractual relation between an employer and employee
  - pracovní vztah

# LABOUR RELATION

⊙ = industrial relation

⊙ pracovněprávní vztah

1. pracovní poměr

■ employment (relationship)

○ employment for an indefinite period of time

○ employment for a fixed term

○ employment contract

2. dohoda o pracovní činnosti

■ agreement to (perform) work

3. dohoda o provedení práce

■ agreement to complete a job

⊙ 2+3: agreements to work outside the scope of employment

# NAJMOUT / VZÍT

- ◉ take on (GB)
- ◉ hire (US)
  
- ◉ CV = ?
  - Curriculum Vitae
  - US: Résumé
- ◉ covering letter
- ◉ job interview

# COLLECTIVE BARGAINING

- ◉ Collective bargaining is carried out by ***odborny*** on behalf of ***zaměstnanci***.
- ◉ What do collective bargaining contracts govern?
  - rights and obligations of employers and employees
- ◉ kolektivní smlouva
  - collective agreement

# WHAT ARE THE TERMS USUALLY FOUND IN COLLECTIVE BARGAINING CONTRACTS?

- a. náplň práce
  - b. ustanovení o mzdách a příplatcích
  - c. ustanovení o postupu v zaměstnání a ukončení pracovního poměru
  - d. ustanovení o právech managementu
  - e. postup při projednávání stížností
- a. identification of the work
  - b. wage and benefits clauses
  - c. promotion and lay-off clauses
  - d. a management's rights clause
  - e. a grievance procedure

# INDUSTRIAL RELATIONS

# GENERAL DUTIES OF EMPLOYERS

- ◉ payment of wages / salaries
- ◉ *Wages* - best associated with employee compensation based on the number of hours worked multiplied by an hourly rate of pay.
  - For example, an employee working in an assembly plant might work 40 hours during the work week. If the person's hourly rate of pay is \$15, the employee will receive a paycheck showing *gross wages* of \$600 (40 x \$15).
- ◉ *Salary* - best associated with employee compensation quoted on an annual basis.
  - For example, the manager of the assembly plant might earn a *salary* of \$120,000 per year.
- ◉ remuneration
  - odměna, odměňování



# SPECIAL STATUTORY RIGHTS OF EMPLOYERS / VOCABULARY

- ◉ itemized pay statement
  - platový výměr
- ◉ written notification of terms
  - podmínky v písemné formě
- ◉ minimum periods of notice
  - minimální výpovědní doba

# DUTIES OF EMPLOYEES

- ◉ to render personal service
- ◉ to take care and exercise reasonable skill
- ◉ to obey instructions
- ◉ to give loyal and faithful service

# WORKING CONDITIONS

- ◉ bezpečnost a ochrana zdraví při práci
  - health and safety protection at work

# DURATION OF AN EMPLOYMENT CONTRACT

- ◉ **fixed-term contract**
  - smlouva na dobu určitou
- ◉ **permanent contract**
  - smlouva na dobu neurčitou
- ◉ **terminable at will**
  - ukončení pracovněprávního vztahu bez udání důvodu

# LEAVING

- ◉ When employees ***decide to leave*** they
  - resign or
  - hand in their notice/resignation
- ◉ When employees have to leave because ***they did something wrong***
  - they are dismissed
  - their contracts are terminated
  - more informally: they are sacked or fired
- ◉ When they have to leave because company can no longer employ them, the employee is
  - made redundant (GB), let go (US)
  - offered early retirement

# VOCABULARY

## ⊙ lay off

- stop employing someone, usually because there is no work for them to do

## ⊙ a wrongful discharge action

- žaloba na neplatnost výpovědi

## ⊙ redundancy payment

- odstupné

## ⊙ notice

- výpověď

# NOTICE COLLOCATIONS

- ◉ to give notice to someone
- ◉ length of notice
- ◉ notice period
- ◉ reasonable notice
- ◉ max. statutory notice
- ◉ proper notice

# JUSTIFIABLE DISCHARGE

## ⊙ důvodné propuštění

1. non-performance of duties
2. misrepresentation
3. disobedience to proper direction
4. disloyalty
5. theft or other dishonesty
6. possession or use of drugs or intoxicants
7. wrongful misconduct
8. incompetency



# VOCABULARY

- ◉ **maternity benefit**
  - příspěvek v mateřství
- ◉ **sickness benefit**
  - nemocenské dávky (also: sickness pay)
- ◉ **old-age benefit**
  - starobní důchod
- ◉ **death benefit**
  - pozůstalostní dávka (pojistné plnění při smrtelném pracovním úraze)
- ◉ **family allowance**
  - rodinný příspěvek
- ◉ **nursing allowance**
  - ošetřovací příspěvek

# BENEFIT X ALLOWANCE

## ⊙ benefit

- a payment usually made to someone under a national or private insurance scheme
- dávka, plnění

## ⊙ allowance

- money given for a special reason not necessarily related to the insurance
- (sociální) dávka, příspěvek, příspěvek, příděl

# DISCRIMINATION

- ◉ to discriminate **on** grounds
- ◉ to discriminate **in** promotion
- ◉ discrimination **as to** membership
- ◉ X discriminates **against** Y
  
- ◉ It is unlawful to discriminate against employees on grounds of
  - race
  - sex
  - sexual orientation
  - ethnic origin
  - national origin
  - ...

TEXT: DISCRIMINATION

# CONTRACT OF EMPLOYMENT

# A. PUZZLE

## ⦿ Across:

- 6: permanent
- 7: procedures
- 8: in lieu
- 9: clear

## ⦿ Down:

- 1: referees
- 2: honour
- 3: contract
- 4: offer
- 5: reference

# CATEGORIES

- ◉ shift work
- ◉ notice period
- ◉ annual leave
- ◉ part-time employment
- ◉ trial period
- ◉ core time
- ◉ sick leave
- ◉ public holiday
- ◉ resignation
- ◉ vacation
- ◉ dismissal
- ◉ fixed-term contract
- ◉ six-day week
- ◉ redundancy
- ◉ temporary employment
- ◉ flexitime
- ◉ probationary period
- ◉ holiday entitlement

## B. CATEGORIES

Working time	Employment status	Absence	Ending employment
<i>shift work</i>	<i>trial period</i>	<i>annual leave</i>	notice period
part-time employment	fixed-term contract	sick leave	resignation
core time	temporary employment	public holiday	dismissal
six-day week	probationary period	vacation	redundancy
flexitime		holiday entitlement	



C.

1. flexible
2. flextime (or flexitime)
3. flexibility
4. inflexible

# LISTENING: AN EMPLOYMENT TRIBUNAL CLAIM

# INDUSTRIAL TRIBUNAL

„If you think you have been unfairly (1) \_\_\_\_\_ from your job, you can (2) \_\_\_\_\_ a claim for your case to be (3) \_\_\_\_\_ by an employment tribunal. A tribunal (4) \_\_\_\_\_ a court, although it is more informal. It hears different types of complaints from employees. If your complaint (5) \_\_\_\_\_ to a hearing, it will be heard by a panel of three people, which typically (6) \_\_\_\_\_ the chair, who is a qualified legal practitioner, and two non-legally qualified members, who may have experience as employers or union representatives, for example. The tribunal will (7) \_\_\_\_\_ whether your dismissal was fair or not. If your case is successful, the tribunal will also decide whether compensation should be (8) \_\_\_\_\_, and if so, how much. The tribunal may (9) \_\_\_\_\_ a cost order, requiring the claimant or the respondent (employer) to (10) \_\_\_\_\_ the costs (11) \_\_\_\_\_ by the other party.

# REVISION

Czech	English
pracovní poměr	<i>employment</i>
pracovní smlouva	<i>employment contract</i>
dohoda o pracovní činnosti	<i>agreement to (perform) work</i>
dohoda o provedení práce	<i>agreement to complete a job</i>
pracovní poměr na dobu určitou	<i>fixed-time (fixed-term) employment // employment for a fixed period</i>
pracovní poměr na dobu neurčitou	<i>permanent employment // employment for an indefinite time</i>
stávkovat	<i>be on strike</i>

# REFERENCES

- ◉ [www.blog.accountingcoach.com](http://www.blog.accountingcoach.com)
- ◉ [www.google.com](http://www.google.com)
- ◉ [www.thefreedictionary.com](http://www.thefreedictionary.com)
- ◉ Chromá, Marta. *English-Czech law dictionary*. Leda, 1997.
- ◉ Chromá, Marta. *Czech -English law dictionary*. Leda, 2001.
- ◉ Chromá, M. *New Introduction to Legal English Volume II*. Praha : Nakladatelství Karolinum, 2003. 554 p.
- ◉ Powell, R. *Law Today*. Longman Group UK Limited, 1993. 128p.

# HAVE A GREAT DAY! 😊

Thank you very much for your  
attention

