

The Specifics of Labour Law Disputes

Abstract

The aim of this dissertation was to provide a comprehensive interpretation of the topic of the specifics of labour law disputes, both from a theoretical point of view, i.e. substantive law, and from a practical point of view, i.e. the projection of substantive law into real life.

In fulfilling the statutory objective, the main subject of investigation was civil procedural law and its deviations applicable to labour law disputes. However, substantive labour law was also mentioned, because without its existence the mentioned procedural deviations would not have any meaning.

Within the framework of the analysis of the Czech legal regulation of the specifics of labour law disputes, the greatest emphasis was placed on the institute of non-legal members. This function was discussed in great detail, from the meaning and purpose of this function, through the prerequisites for its performance, appointment to the position of non-legal member, his rights and duties to the termination of the function of non-legal member.

A similar procedure in the analysis of the specifics of labour law disputes was also chosen in the case of a comparison of the Czech legislation with the English, German and Austrian legislation. However, it is natural that in the case of foreign topics the analysis was not so detailed. In some respects, however, it also touched on some specifics of labour law disputes that are unknown to Czech legislation. From that point of view, it was an interesting foreign excursion.

After a mutual comparison of the information found from the examined legal systems, the theoretical starting points in the form of substantive law were compared with the Czech practice, or with data communicated by actors in the discussed field, namely the presidents of the courts where labour disputes are discussed and decided, the non-legal members who at these courts operate, and the judges who preside over the relevant labour law panels. The information from these three groups of respondents was sometimes interesting and even slightly surprising, both in a positive and negative sense.

The results of the analysis carried out, including the conducted questionnaire survey, were last but not least also used to evaluate the current legislative proposal, which aims to cancel the participation of non-legal members in the discussion and decision-making of labour law disputes, and to present proposals for changes to the Czech legislation.

Key words: labour law, non-legal member, disputes.