

Adjudication of individual labour disputes

Abstract

The thesis examines the adjudication of individual labour disputes and aims to provide an overview of the issue, including a historical background and presentation of selected foreign legislation, along with the author's own proposed solutions.

The first chapter defines labour disputes and explores different ways to categorize them.

The second chapter provides a historical overview of how individual labour disputes were handled in the Austro-Hungarian Empire, the first Czechoslovak Republic, the Protectorate, and the early post-war years. It covers the trade courts, the specialized Czechoslovak labour courts, and their disappearance due to the adoption of soviet doctrinal Law on the Humanization of the Judiciary.

The third chapter discusses the period of turbulent changes in labour dispute arbitration after the communist takeover in 1948 and during the period of normalisation after the „Prague Spring“ in 1968. It examines different methods used of resolving individual labour disputes, analyses their instruments, and explains the differences between the applied institutes.

The fourth chapter focuses on the current international, European, and Czech legal regulations for individual labour disputes. It looks into the detail at the lay judge as a lay element in the adjudication of labour disputes, examining their role, regulation, and real activity. The chapter also presents a labour dispute legal procedure and its stages. The author shares his own experience of performing the lay judge's function.

The fifth chapter introduces contemporary ADR methods and their suitability and applicability for individual labour disputes.

In the sixth chapter, the Slovak, Austrian, German, Swiss, Dutch, and Chinese employment dispute regulations are analysed and compared.

Finally, the author presents his own proposed considerations de lege ferenda for the field of labour justice and the adjudication of individual labour disputes, including ADR. The conclusion of the thesis provides also an evaluation of the issue under study, along with the hypotheses set out in the introduction.

Key words: Lay element, Labour courts, Individual labour disputes