

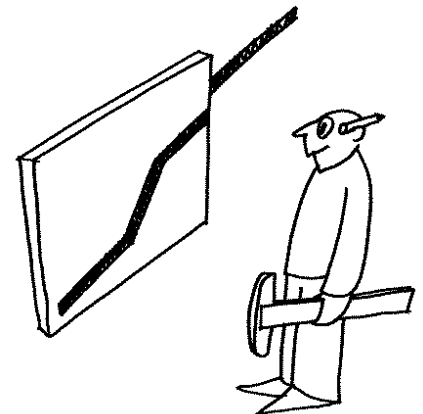
The role of the state in labour relations on the example of the Czech Republic

doc. JUDr. Petr Hůrka, Ph.D.

The state plays a key role in ensuring the adequate conditions in the labour market

The primary objectives are:

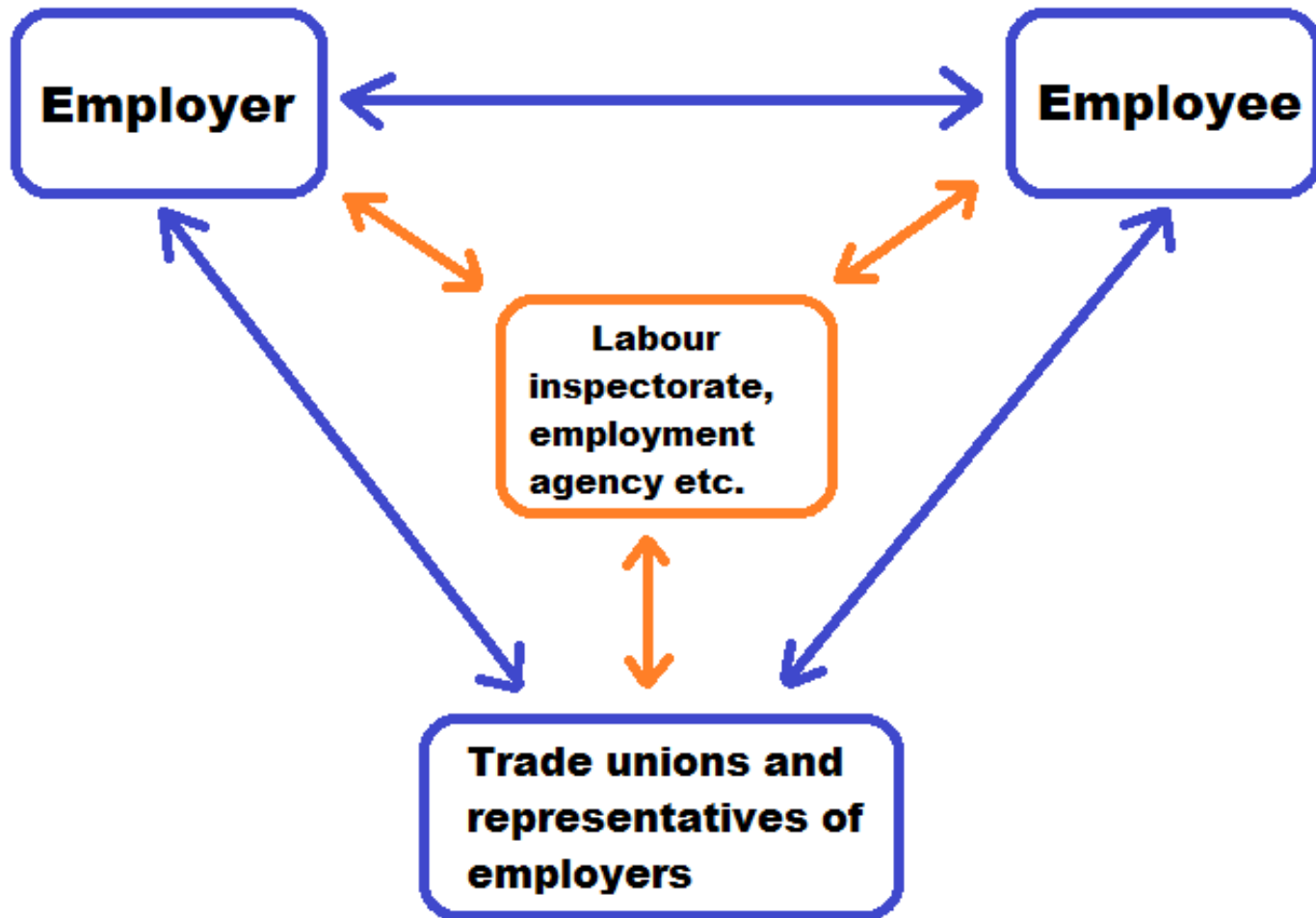
- 1) to protect an employee as the weaker contractual party
- 2) to provide an employer with a suitable and effective tool for organisation and management of employees' work
- 3) to maintain high levels of employment



The main roles of the state

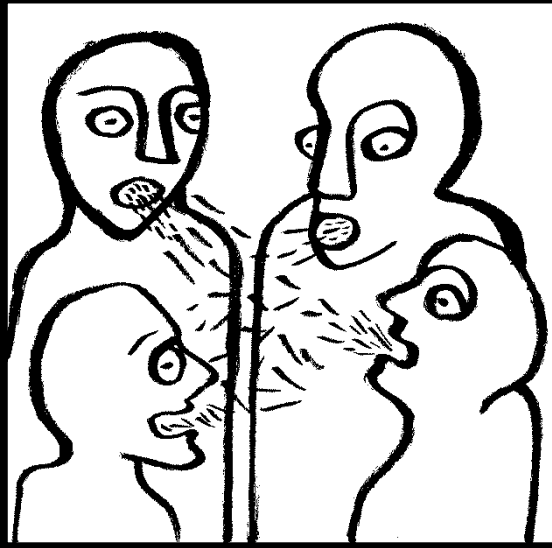
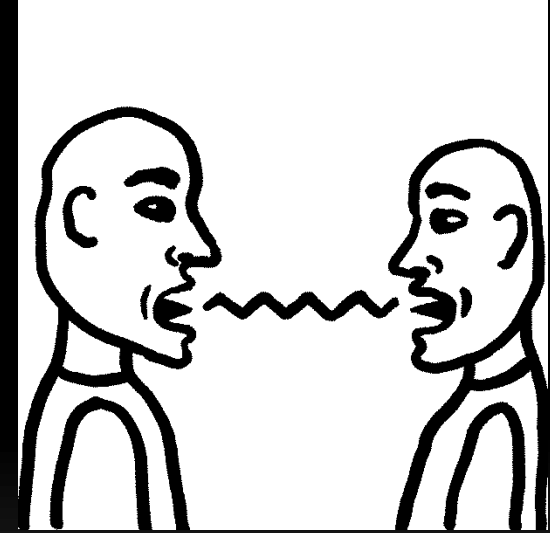
- State as a rule-maker and legislator
- State as an arbiter of labour disputes
- State as an inspector of labour relations
- State as an employer in the public sector
- State as a partner in tripartite negotiations

State regulating labour relations



State as an arbiter of labour disputes

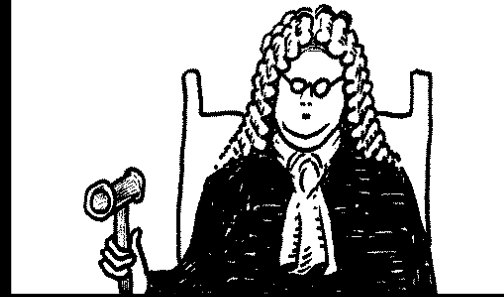
1) Individual labour disputes



2) Collective labour disputes

Settlement of individual labour disputes

1) Civil proceedings




2) Mediation



3) Arbitration

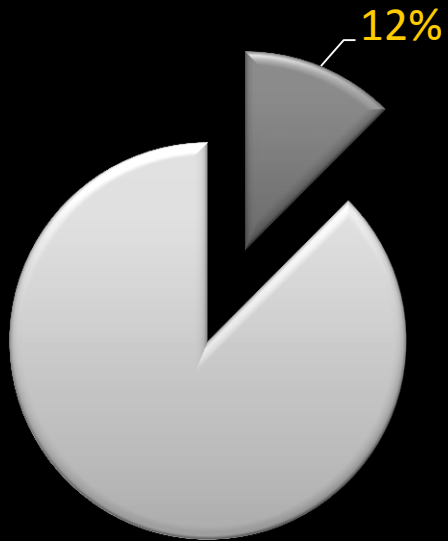
Civil proceedings

Year	Total amount of legal claims in civil proceedings	Out of it: labour disputes
1989	186061	23178
1994	196942	17041
1999	251542	13375
2004	290307	6967
2009	491201	5259
2014	655544	5302

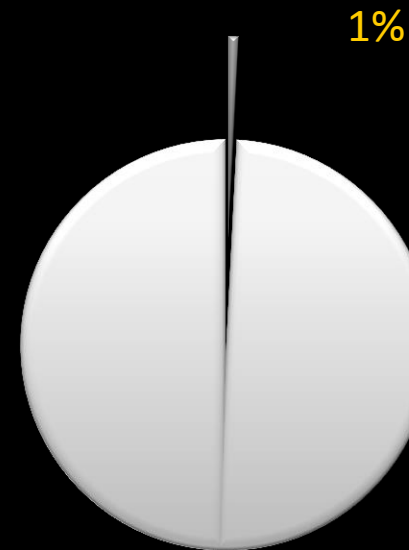


As time moved on ...

Labour disputes - 1989



Labour disputes - 2014



A growing number of individual labour disputes stays unsettled!

Possible solutions :

- 1) to reform civil proceedings
- 2) to improve existing methods of ADR
- 3) to introduce a new method of ADR

New method of ADR

Goals: fast, flexible, simple, inexpensive

2 stages of ADR – 1) conciliation
2) arbitration

Challenges:

- 1) to determine the object of the disputes
- 2) based on either individual or joint request
- 3) financial participation of the state and/or the parties
- 4) requirements regarding the qualification of conciliator/arbitrator

“The courts of this country should not be the places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried.”

— Sandra Day O’Connor