

## **Labour Law**

**branch of the Czech legal order** which can be divided into 3 parts:

1. **The individual labour law** regulates

- relations in which the dependent work of natural person is used by another person against the pay
- relations which are in connection with them – relations of the liability, relations of the inspection

2. **The collective labour law** regulates

- relations between the bodies representing the collective of the employees and the employers or the associations of them aim of which is the improvement of wages and working conditions
- collective bargaining
- collective disputes

3. **The special part of labour law** regulates

- relations which arise on the labour market in relation to solving the problems of an unemployment
- is not a part of the social security

**Functions (role) of labour law**

- protective – legal guarantees of the implementation of the principal social rights of persons
- organizational – the organization and the management of the working processes

**Main principles of labour law**

**the right to work**

- the Charter of the fundamental rights and freedoms
- the European Social Charter
- the Charter of fundamental rights of EU

the right to work includes: the right to obtain a work

the right to the stability of the employment

the right to the benefit in the case of the unemployment

**the freedom of work** in connection with the prohibition of the forced work

- the Charter of the fundamental rights and freedoms
- the European Social Charter
- the Convention of the ILO No 29/1930, No 105/1957
- Labour Code § 13/1

**the prohibition of abusing of the rights**

- Labour Code § 14/1

**the principle of the equal treatment** of all employees as regards (Labour Code § 16, § 17 and § 110)

- working conditions (including the wages)
- remuneration
- conditions for vocational training
- opportunities for career development

## **the prohibition of the discrimination**

### **the principle “all is possible what is not prohibited” (Labour Code § 2)**

The principle means that the regulation of rights and duties in the labour relations can be different form that of Labour Code if such differences is not expressly prohibited. Labour Code has

absolute prohibition in the case of

- the statutory regulation of the parties of labour relations
- the statutory provisions referring to the application of the Civil Code
- the provisions relating the compensation of the damage
- the provisions laid down in § 363/2

relative prohibition in the case of

- the provisions which are laid down in the § 363/1 and transpose the relevant EC Directives
- the provisions which are laid down the duties

This prohibition is relative only because the change of this provisions is possible but only in the favour of the employee.

### **the principle of the relation between Labour Code and Civil Code (Labour Code § 4)**

The Civil Code shall apply to labour relations under the Labour Code only where this Labour Code expressly provides – for example § 6/2, § 8, § 18, § 326 and other.

### **The sources of Labour Law**

Labour Code – Act No. 262/2006 Sb.

Act No. 435/2004 Sb. on the Employment

Act. No. 2/1991 Sb. on the Collective Bargaining

Civil Code – Act No. 40/1964 Sb.