

COLLECTIVE LABOUR LAW

Collective labour law is a part of labour law which regulates relations arising between the employees represented by their representative bodies on one side and the employer or their associations on the other side. The aim of these relations is to create better working conditions than are regulated in Labour Code.

Right to information and consultation

- every employee
- the employer must fulfil these obligations to all employees
 - directly
 - through the trade unions
 - through the works council

Right to information

- economic and financial situation and their development
- activities of the undertaking on the field of environment and ecological measures
- undertaking's legal status and its changes
- fundamental working conditions and their changes
- equal treatment of male and female and prevention of discrimination
- occupational safety and health protection
- offer of vacancies for an indefinite period (open-end employment) which would be suitable for employee currently employed for a fixed term

Right to consultation

- probable economic development
- structural changes, organizational measures and their influence on employment relationship
- last number and structure of employees
- working conditions
- transfer of the undertaking
- occupational safety and health protection

Subjects of the collective labour relations

Trade unions – their legal status is codified in accordance with the international documents – the Convention ILO No. 87; in the Czech Republic – the Charter of Fundamental Rights and Freedoms. The convention and the Czech regulation under the term “trade unions” mean the organization of the employees and also the organization of the employers.

Main characteristic features of trade unions:

- freedom of associating
 - every can freely enter into trade unions (nobody can be forced to be a member of trade unions)
 - the trade unions organization is established independently of the state (Act No. 83/1990 Sb. – the trade unions as a legal entity arises on the day following the delivery of the proposal to the Ministry of Interior)
 - the trade union organization has also the right to associate; it can establish higher unions on the branch principle and on the general principle (federations and confederations)

- its own rules (status)
- its own programme of activities
- economic independency

The participation of trade unions in the management of the enterprise

- right to information
- right to consultation
- right to co-decision
- right to supervising an employer's compliance with labour law provisions, internal regulation, collective agreements and occupational safety and health provisions
- right to collective bargaining

Collective bargaining

It is the most important activity of trade unions the aim of which is to establish wage and other work rights for employees in the undertaking better than that in Labour Code. The collective bargaining is regulated by the Act No. 2/1991 Sb. (the procedure of bargaining), the framework of matters which can be concluded in the collective agreement are laid down in Labour Code – the principle “everybody can do what is not prohibited”.

Types of the collective agreement

- enterprise collective agreement
- collective agreement of the higher level

Characteristic features of the collective agreement

- normative character – the source of labour law
 - it can regulate the work and wage entitlements in the favour of the employees
 - it is binding all employees without the relation to their membership in the trade unions
 - it is binding the employer (or the association of the employers)
- contractual character – it establishes rights and duties of the parties of the collective agreement

Collective bargaining

- each party can submit a written draft of a collective agreement
- the other party has an obligation to replay to the draft but no obligation to conclude an agreement
- when the other party doesn't replay to the draft in the period of 60 days the conflict arises and the parties can agree that they will go to the mediator
- when they are not able to agree on a mediator one of the parties of collective bargaining may ask the Ministry of Labour to appoint a mediator
- the mediator can not decide the conflict, he can only submit the possible solution of the conflict and the parties must accept such solution by their agreement
- when the procedure before the mediator is unsuccessful the parties can make the second step
 - strike from the side of the trade unions or lockout from the side of the employer
 - or
 - the arbitrator on the agreement of parties or by appointment by the Ministry