

**Questionnaire
for National Summary of Labor Court System**

1. There are no separate labor courts in the Czech Republic. Labor disputes are resolved by general civil courts.

1.1 The courts resolve individual disputes between employees and employers, as well as collective disputes between employers and trade unions or between employers' organizations and trade union associations.

1.2 Cases before first-instance courts are heard by a panel consisting of one professional judge being the chairman of the panel and two lay judges, and cases before appellate courts are heard by a panel consisting of three professional judges.

1.3 An appeal to the appellate court may be lodged by any party to the proceedings. An extraordinary remedy to review the judgment of an appellate court may be applied for with the Supreme Court only under certain conditions.

1.4 The majority of individual labor disputes concern employment termination by the employer, damages including those arising with respect to work injuries and occupational diseases, and wages. There are virtually no collective disputes, such as those concerning conclusion of a collective agreement, performance of obligations under a collective agreement or unlawfulness of a strike declared in connection therewith; those are resolved by appellate courts as the first-instance courts.

Procedure

2. The proceedings before a court are governed by a special law, the Rules of Civil Procedure. Actions have to satisfy specified conditions and they have to be filed in writing. In the cases concerning termination of employment, actions have to be submitted within two months, and in the cases concerning damages or wage claims, an action cannot be admitted if the defendant pleads that the statutory time limit has been missed due to limitation of actions. The court may order the defendant to provide his statement with respect to the action within a specified time limit, informing him that evidence adduced after the expiry of the time limit will not be taken

into consideration. In collective disputes, a trial must be preceded by proceedings before a mediator or an arbitrator.

3. Court costs are regulated in detail in a special law. Very roughly speaking, where a pecuniary amount is sought, the fee is 4%, and where the dispute does not concern pecuniary performance, the fee amounts to CZK 1,000 (approximately £35), and sometimes the proceedings are exempted from court fees (e.g. proceedings concerning employee council elections and elections of representatives for the occupational safety and health). In proceedings before appellate courts, court fees are paid in accordance with the same principles, and in the case of proceedings before the Supreme Court, there is a uniform fee in the amount of CZK 5,000 (approximately £160).
4. Obligatory representation by an attorney applies only to proceedings before the Supreme Court. A trade union may, with the exception of commercial cases, represent a party that is a member of the trade union.
5. Decisions (with the exception of procedural decisions) are rendered orally, and written copies of decisions have to be served at the latest within thirty days. In labor cases, there is no time limit within which the court would be required to render a final decision. However, if a judge fails to decide within a "reasonable" time, he may be punished by a special disciplinary panel.

Remedies

6. The proceedings consist, on principle, of two tiers. Parties may appeal from the decision of a first-instance court to the appellate court within fifteen days of the date of service of a written decision. An appeal may be lodged by any party to the proceedings; it must, however, satisfy the specified formal conditions. Very strict requirements are defined for the application for an extraordinary remedy (review) filed with the Supreme Court.
7. Interest may be awarded only in the cases specified by law, if the debtor is in default on the performance of the debt. In other cases, the court may also award contractual interest, if it has been agreed in a contract as a type of penalty.

