

# **Mediation and its use in labor disputes**

## **Abstract**

This diploma thesis deals with the topic of mediation, which is one of the alternative ways of resolving disputes. Mediation is currently a very current issue, as it has been incorporated into the Czech legal system relatively recently and also because of its great potential due to the benefits it brings primarily to litigants. Such benefits include, for example, the voluntary nature of the whole process, non-publicity of the mediation or the placing of responsibility in the hands of the disputing parties themselves.

The thesis in the first chapter defines the concept of mediation, introduces the history of mediation, current legislation at the European level and within the Czech legal system, further deals with conflict theory, the mediator, his education, techniques, participants in mediation and mediation directions.

The second chapter focuses on labor law and the relationships arising within labor law. It also explains what types of labor law disputes may arise and does not omit the ways in which such disputes can be resolved. It then focuses in more detail on the benefits of using mediation in labor disputes.

The third part, so-called practical part, consists of information that was obtained through research on the use of the mediation in the Czech Republic. As part of this research, personal interviews were conducted with judges and mediators, while the questions focused on the advantages and disadvantages of mediation, its use in the Czech Republic in labor disputes and also sought to identify potential regulatory problems or real functioning in practice.

The contribution of this work is mainly a general concept of mediation, an explanation of its basic aspects, description of the history and current legislation. The main part of the practical part was obtaining information from the practice of mediators and judges and identifying possible obstacles that currently hinder the effective use of mediation in the Czech Republic.

Key words: mediation, alternative dispute resolutions, mediation law, mediator, labor dispute