

The right to strike and lock-out

This master's thesis deals with the topic of the right to strike and right lock-out, which has proven to be a rather controversial theme in the Czech Republic and Czech law discourse. The thesis ponders the subject in its broad context in the Czech law environment as well as examines its relations towards International and European law context. The main aim is to provide a complex and through insight on the matter, define it and state its main challenges and pitfalls, and valorise Czech law environment around the strike.

The structure of the thesis consists of two main parts. The first part focuses on the right to strike in detail and is divided into eight chapters, whereas the second part deals with the right to lock-out.

The first chapter serves as an introductory to the examined matter and defines the basic terms such as "strike" or "walkout" and puts their meaning into the law context. Furthermore it describes various methods and kinds of strikes, actors and participants and scale of strikes.

The second chapter examines the historical developments and ramifications. From medieval times to the state-capitalist dictatorships before the year 1989, it seeks to draw the main lines of development and the driving force behind it.

The third chapter focuses on the related rules of International law. It walks through three main sources of such information and draws the implications which stem out of these labour law documents. As the three sources, it uses International Labour Organization rules, International Covenant on Economic, Social and Cultural Rights and the rules of Council of Europe.

The main aim of the fourth chapter is to evaluate the role of the right to strike in the European law. It is divided into four parts – the adjustment of collective actions in the rules of European law, the right to strike in the legal rulings of Court of Justice of European Union and the institution of the international strike, and adjustment of strike in legal order in chosen European countries.

The fifth chapter contains the core of the thesis; it deals with the (non)adjustment of the right to strike in the Czech law. Firstly, it ponders the role of constitutional law, then it moves to statement of the collective dispute and judgement statements "de lege ferenda" and lastly it provides some insights on strikes which have no legal background.

The sixth chapter is supplementary to the previous one as it focuses on additional issues related to the matter, such as responsibility for damage and impacts of the strike on the labour law and the law of welfare.

The seventh chapter shortly reflects "de lege ferenda" on three levels, International law, European law and Czech law. The main similarities and differences are pointed out as the comparison between those three provides interesting conclusions.