

*Legestic*

vol. 3, 2026, p. 1-10

<https://doi.org/10.5219/legestic.13>

ISSN: 2730-0641 online

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Received: 1.11.2025

Revised: 21.1.2026

Accepted: 27.1.2026

Published: 27.1.2026



## Procedural protection of employees in individual employment disputes under Slovak civil procedure

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### ABSTRACT

Individual employment disputes represent a specific category of civil litigation characterised by a structural imbalance between the employee and the employer. This imbalance, rooted in the nature of dependent work and the unequal distribution of economic, organisational, and informational power, significantly affects not only substantive labour law but also the procedural position of the parties in judicial proceedings. The article examines the theoretical foundations of individual employment disputes as conflict-driven legal relationships and analyses the procedural mechanisms introduced by the Slovak Civil Dispute Procedure Code to protect employees as the weaker party. Particular attention is devoted to the classification of these disputes as disputes involving protection of the weaker party, the expanded duty of the court to provide guidance, the inclination towards the investigative principle in evidence taking, the exclusion of procedural concentration in relation to the employee, and the prohibition of default judgments to the employee's detriment. The article further evaluates the effectiveness of these procedural instruments in practice, with a focus on causal jurisdiction and access to justice. The analysis demonstrates that while the current procedural framework strengthens the formal and material protection of employees, it also raises concerns regarding the length of proceedings, judicial accessibility, and overall procedural efficiency. The article concludes that effective protection of employee rights requires not only enhanced procedural safeguards but also organisational and systemic adjustments within the judiciary to ensure accessible, timely, and professionally competent adjudication of employment disputes.

**Keywords:** individual employment disputes, weaker party protection, civil procedure, labour law, procedural equality

### 1. Introduction

Employment relationships constitute a specific category of social relationships characterised not only by their economic and social significance but also by the inherent imbalance between the parties' positions. This imbalance traditionally manifests itself in the relationship between employee and employer, where the employee appears as the economically, organisationally, and informationally weaker party. It is precisely this asymmetry of power, which is an immanent feature of dependent work, that represents the fundamental rationale for the specific legal regulation of employment relationships, not only at the level of substantive law but increasingly also in the field of procedural law. Individual employment disputes are a natural consequence of these relationships' conflictual nature, reflecting the tension between the employer's economic interests and the employee's labour, social, and existential security [1].

From the perspectives of sociological and economic theories, employment relationships are often interpreted as power-and-control dynamics in which the employer holds the authority to determine the content, scope, and manner of work performance. This authority is legitimised by the employment contract, which may be described as a *sui generis* contract, as it differs fundamentally from classic synallagmatic contracts of private law. By entering into the employment contract, the employee voluntarily submits to the employer's authority within the

so-called zone of acceptance. This, however, does not imply absolute equality of the contracting parties. On the contrary, legal theory and empirical experience have long demonstrated that the formal equality of the parties to the employment contract conceals their factual inequality, which subsequently manifests itself in disputes arising from employment relationships [2].

Individual employment disputes, as a specific category of civil disputes, therefore cannot be understood merely as a technical subcategory of civil litigation. These disputes concern rights and obligations directly related to the performance of dependent work and often have an immediate impact on the social status, economic stability and dignity of the employee. Loss of employment, unpaid wages, invalid termination of employment or workplace discrimination constitute interferences whose intensity significantly exceeds that of ordinary property disputes. For this reason, modern legal doctrine increasingly emphasises that employee protection must be ensured not only through mandatory substantive law norms but also through specific procedural rules that compensate for the employee's disadvantaged position in judicial proceedings [3].

A significant milestone in the procedural protection of employment relationships in the Slovak Republic was the adoption of Act No. 160/2015 Coll., the Civil Dispute Procedure Code, which entered into force on 1 July 2016 and introduced a specific regulation of individual employment disputes. These disputes were systematically classified as those involving the protection of the weaker party, thereby explicitly acknowledging a natural imbalance between employee and employer. By this step, the Civil Dispute Procedure Code abandoned the previous concept of formal procedural neutrality and adopted a model of differentiated procedural protection aimed at ensuring real equality of arms between the parties to the proceedings.

The specific procedural regulation of individual employment disputes is reflected in the introduction of several legal instruments designed to strengthen the employee's position before the court. These include, in particular, the court's extended duty to provide guidance, the inclination towards the investigative principle in evidence-taking, the exclusion of procedural concentration in relation to the employee, the exclusion of default judgments to the employee's detriment, and the introduction of causal jurisdiction for courts. These measures pursue the legitimate objective of ensuring fair, effective, and timely protection of the rights of the employee as the weaker party to the dispute, while at the same time raising several application and doctrinal questions, particularly with regard to their impact on the length of proceedings, procedural equality of the parties, and the overall effectiveness of judicial protection [4].

## 2. Hypothesis

The present article is based on the premise that the evaluation of a specific procedural regime governing individual employment disputes cannot be confined to an abstract assessment of its normative objectives, but must be grounded in an analysis of its actual capacity to ensure effective judicial protection for the employee as the weaker party to the dispute [5]. In this respect, particular attention must be paid to the inherent tension between the protective function of labour-related procedural norms and the fundamental requirements of civil justice, such as procedural economy, reasonable length of proceedings, and real accessibility of courts [6]. Against this background, the article formulates the following scientific hypothesis: The specific procedural regulation of individual employment disputes under the Slovak Civil Dispute Procedure Code strengthens both the formal and material procedural position of employees as the weaker party; however, this enhanced level of procedural protection does not in itself result in greater efficiency of judicial proceedings and, under certain systemic and organisational conditions, may adversely affect access to justice and the overall effectiveness of judicial protection.

This hypothesis assumes that procedural differentiation in favour of the employee, although normatively justified by the structural imbalance inherent in employment relationships, may generate unintended consequences in judicial practice, particularly when it is not accompanied by corresponding organisational and institutional measures. The verification of this hypothesis is therefore based on a doctrinal analysis of the applicable legal framework, its theoretical foundations, and its confrontation with available empirical data and scholarly discourse.

## 3. Research objectives

The primary objective of this article is to provide a comprehensive doctrinal assessment of the procedural protection afforded to employees in individual employment disputes within the framework of Slovak civil procedure, with particular emphasis on the conceptualisation of these disputes as disputes involving the protection of the weaker party.

To achieve this overarching objective, the article pursues several interrelated research aims. First, it seeks to conceptualise individual employment disputes as conflict-driven legal relationships arising from the structural imbalance inherent in employment, which manifests itself not only in the substantive legal sphere but also in the

procedural positions of the parties. Secondly, the article analyses the systematic classification of individual employment disputes as protection of the weaker party under the Civil Disputes Procedure Code and examines the doctrinal assumptions that underpin this classification.

Furthermore, the article focuses on a detailed analysis of the specific procedural instruments through which the legislature aims to strengthen the employee's position in judicial proceedings, in particular the expanded duty of the court to provide guidance, the inclination towards a more investigative approach to evidence-taking, the exclusion of procedural concentration with respect to the employee and the limitation on issuing default judgments to the employee's detriment. Finally, the article aims to assess the practical effectiveness of these procedural mechanisms, especially in relation to causal jurisdiction and access to justice, to identify systemic and organisational constraints affecting their application in practice, and to formulate critical conclusions and *de lege ferenda* considerations concerning the future development of procedural protection in individual employment disputes.

#### 4. Methodology

This article is based on a doctrinal legal research methodology, which is appropriate for analyzing procedural regulation and its theoretical and practical implications in the fields of civil procedure and labour law.

The primary research method employed is doctrinal legal analysis, which examines the relevant provisions of the Slovak Civil Dispute Procedure Code governing individual employment disputes and disputes involving the protection of the weaker party. This analysis is supplemented by interpretative methods, in particular grammatical, systematic, and teleological interpretation, which are used to elucidate the meaning, purpose, and internal coherence of the analysed procedural norms.

Analytical and synthetic methods are applied to assess the relationship between substantive labour law principles and procedural mechanisms of employee protection, and to identify internal tensions and systemic consequences arising from their application. To a limited extent, the comparative method is also employed to situate the Slovak procedural framework within broader theoretical and foreign approaches to procedural protection of employees.

In evaluating the effectiveness of procedural protection, the article further draws on assessments of available judicial practice and empirical data, particularly statistical information on the duration and accessibility of proceedings. The chosen methodology thus enables a comprehensive evaluation of both the normative design of procedural protection and its actual functioning in the context of judicial practice.

#### 5. Theoretical foundations of individual employment disputes and the imbalance between the parties

Employment relationships represent a specific category of social and legal relationships characterised by a pronounced asymmetry between their parties. This imbalance does not manifest itself solely at the level of substantive law but also has significant sociological, economic, and power-related dimensions. The existence of this imbalance creates a natural precondition for the emergence of conflicts, which at a certain stage transform into individual employment disputes. The purpose of this chapter is therefore to conceptualise the employment relationship as a conflict-generating relationship based on an unequal distribution of power, to explain the nature of an individual employment dispute as a consequence of this imbalance, and to establish a basis for understanding the need for a specific procedural regulation of such disputes under the Civil Dispute Procedure Code.

##### 5.1 Theoretical foundations of employment relationships

Individual employment disputes cannot be analysed in isolation from the broader theoretical framework of labour and industrial relations. Their essence is closely linked to the nature of the employment contract, the distribution of power between its parties, and the social function of work itself. A fundamental premise of most theories of employment relations is the recognition that they are asymmetrical relationships in which the employer holds a stronger economic, organisational, and informational position. This imbalance manifests itself not only in everyday work performance but also culminates precisely in conflict situations that subsequently transform into individual employment disputes [7].

From an economic theoretical perspective, one key approach is Simon's theory of the employment relationship, which conceives of the employment contract as a distinct type of contract, distinct from an ordinary contract of sale. The employee does not commit to delivering a precisely defined result but rather to allowing the employer to determine the employee's behaviour within a defined zone of acceptance. In this way, decision-making authority is transferred to the employer, thereby establishing a relationship of authority and subordination. Although formally grounded in the consensus and rationality of both parties, this relationship in fact leads to an

uneven distribution of power, with significant consequences for the resolution of employment-related disputes [1].

Simon's analysis is further developed by the systems theory of industrial relations, which views employment relationships as part of a broader social subsystem composed of actors such as employers, employees and the state, and influenced by technological, market, power and ideological contexts. Within this framework, individual employment disputes represent failures or tensions in the system of rules intended to regulate workplace behaviour. A dispute thus constitutes not merely an individual conflict between two parties but a manifestation of broader structural inequalities and insufficient regulation or application of labour law rules [8].

Pluralist and critical theories of employment relations go even further by emphasising that conflict is an inherent element of employment relationships. According to these approaches, complete harmony between labour and capital cannot be achieved, as their interests are objectively conflicting. Employment disputes are therefore a natural expression of conflicts over the distribution of resources, control over the work process and social status. From this perspective, law performs not only a regulatory but also a compensatory function, as it is intended to mitigate the consequences of the employee's unequal position and protect the employee against excesses of employer power [2].

## 5.2 Individual employment disputes as a consequence of the imbalance between the parties

The above theoretical foundations are also crucial for understanding the procedural dimension of individual employment disputes. If the employee is objectively the weaker party in the substantive legal relationship, it logically follows that this weakness is transferred into judicial proceedings. Employers typically have greater access to evidence, more financial resources, professional legal representation, and litigation experience. Employees, by contrast, often enter proceedings without sufficient procedural knowledge, without access to internal employer documents, and under the pressure of existential insecurity. This disparity significantly affects the parties' real ability to exercise their procedural rights and defend their interests [3].

For these reasons, modern legal systems increasingly adopt the concept of procedural differentiation, which rejects the absolute equality of procedural rules across all types of disputes. Instead, it is based on the idea that equality of parties can only be achieved through unequal treatment that compensates for factual disadvantages. Individual employment disputes are a typical example of situations where such differentiation is justified, as the objective is not formal equality of procedural rights but real equality of opportunities for success in the proceedings [4].

Comparative legal systems respond to this reality in various ways. In some jurisdictions, employee protection is ensured through specialised labour courts or specialised judicial panels, while in others, through procedural modifications within general civil proceedings. The common denominator remains the recognition of the specific nature of employment disputes and the need to enhance protection for the employee as the weaker party. In this context, Slovak legislation has opted for a model of special procedural regulation within the Civil Dispute Procedure Code, representing a compromise between establishing a separate labour judiciary and preserving a unified civil procedure [4].

The theoretical foundations of individual employment disputes thus constitute a necessary basis for further analysis of positive law regulation. Without understanding the social function of work, the power asymmetry inherent in employment relationships, and the conflictual nature of industrial relations, it would not be possible to adequately assess whether the current procedural protection of employees in the Slovak Republic fulfils its declared objectives. These issues will be examined in the following chapter, which analyzes the legal regulation of individual employment disputes under the Civil Dispute Procedure Code and systematically evaluates it.

Individual employment disputes cannot be perceived merely as a technical legal category of civil procedure but primarily as the outcome of a structurally imbalanced relationship between employee and employer. Conflicts that transform into judicial disputes usually do not arise randomly or in isolation but result from the long-term dynamics of the employment relationship in which power, economic, and organisational asymmetries accumulate. It is precisely this feature that distinguishes individual employment disputes from most other civil disputes, where the parties are generally in comparable positions [1].

From a theoretical perspective, conflict in employment relationships is regarded as an inherent phenomenon. Pluralist and critical theories are based on the premise that an irreconcilable conflict of interests exists between labour and capital, which periodically manifests itself in open or latent conflicts. An individual employment dispute is thus merely a formalised expression of a broader conflict transferred from the workplace to judicial proceedings. The court, therefore, does not act merely as an arbiter between two formally equal parties but as an authority entering into an existing imbalance and required to address it [2].



A significant aspect of individual employment disputes is that they often concern existential issues for the employee. Disputes over the invalidity of termination, wage compensation, discrimination or unpaid wages have a direct impact on the employee's social status and ability to secure basic living needs. This social dimension intensifies pressure on the employee and deepens procedural disadvantage, particularly compared with the employer, who often sees the dispute as only one of many legal matters.

From a procedural perspective, this imbalance manifests itself on several levels. Employers usually exercise factual control over evidentiary means such as internal policies, work records, evaluation reports, electronic communications or testimony of managerial staff. Employees, by contrast, are limited to a narrow range of evidence and often lack knowledge of the existence of relevant documents. This disparity significantly weakens their evidentiary position and ability to meet the burden of proof [3].

Another significant factor is inequality in legal and procedural know-how. Employers, particularly larger ones, have internal legal departments or external professional legal representation experienced in litigation. Employees often enter proceedings without legal representation or with minimal procedural knowledge, increasing the risk of procedural errors and loss of the case for purely formal reasons. This situation undermines the principle of equal rights between parties and calls into question the effectiveness of judicial protection of employee rights.

These circumstances have led modern legal theory to reject a purely formal understanding of procedural equality. There is a growing consensus that equality between parties cannot be ensured by the mechanical application of identical procedural rules, but only through targeted differentiation of procedural mechanisms. Individual employment disputes represent a paradigmatic example of cases in which enhanced protection of the weaker party is necessary to achieve material equality and a just outcome [4].

Foreign theoretical approaches also highlight the risks arising from the absence of such differentiation. Where a legal system ignores factual inequality between parties and leaves conflict resolution exclusively to the adversarial process, corrective mechanisms are relegated to judicial discretion. Courts are then compelled to informally balance inequalities through the interpretation of vague legal concepts or the application of value judgments, thereby reducing predictability and legal certainty.

From this perspective, explicit statutory regulation of specific procedural rules for individual employment disputes appears systemically preferable. Such an approach allows for a transparent and normative response to the imbalance between the parties rather than its implicit correction through case law. At the same time, it enhances the predictability of procedural conduct and strengthens employee trust in the effectiveness of judicial protection [3].

Individual employment disputes thus combine substantive legal, social, and procedural dimensions. Their specificities cannot be reduced solely to the subject matter of the dispute but must be assessed in the broader context of the employee's overall position within the legal system. These theoretical foundations provide the basis for understanding why the Slovak legislature adopted a specific procedural regulation of individual employment disputes in the Civil Dispute Procedure Code, which will be analysed in the following chapter.

### 5.3 The need for a specific procedural regulation of individual employment disputes

The identification of employment relationships as relationships characterised by an imbalance between the parties naturally raises the question of whether the general procedural framework of civil litigation is capable of ensuring fair protection of employee rights as those of the weaker party. General civil proceedings are traditionally based on principles of adversariality, party disposition, and procedural concentration, which presuppose relative equality of the parties' procedural opportunities. This presumption is generally absent in individual employment disputes [9].

The employee enters litigation against the employer not only as an economically weaker party but also as one with limited access to information, evidence, and legal expertise. The employer, by contrast, possesses organisational structures, legal resources, and factual control over documents decisive for the outcome of the dispute. Strict adherence to adversariality and procedural concentration could therefore lead to materially unjust outcomes that formally comply with procedural rules while negating the very purpose of judicial protection.

Theoretical approaches to industrial and employment relations have long emphasised that conflict between employer and employee is not pathological but inherent to employment relationships. From this perspective, procedural neutrality cannot be regarded as value-neutral. On the contrary, procedural law in employment disputes must reflect existing power asymmetries and actively address them; instead, it becomes a tool for reproducing inequality rather than correcting it [4].

Specific procedural regulation of individual employment disputes therefore pursues the legitimate objective of balancing the parties' unequal positions through increased judicial intervention as an organ of legal protection. This approach is based on the concept of material equality, which does not mean formal procedural equality but

rather equality of opportunities to successfully assert subjective rights. This concept forms the core value of disputes involving the protection of the weaker party, including individual employment disputes.

From the perspective of procedural theory, the specific regulation of individual employment disputes may be understood as a departure towards a modified inquisitorial element in which the court assumes a more active role in establishing the facts. This departure does not negate the fundamental principles of civil procedure but rather adapts them to a specific category of disputes in which strict formal equality would lead to factual injustice [4].

In conclusion, the existence of a specific procedural regulation of individual employment disputes does not constitute a legislative excess but a logical consequence of the nature of employment relationships as power imbalances. This regulation creates the conditions for effective judicial protection of employees and legitimises enhanced judicial activity, which will be analysed in greater detail in the following chapter focusing on specific procedural features of individual employment disputes under the Civil Dispute Procedure Code.

## **6. Procedural regulation of individual employment disputes under the Civil Dispute Procedure Code**

The adoption of Act No. 160/2015 Coll., the Civil Dispute Procedure Code [10], brought a fundamental conceptual shift in Slovak civil procedure aimed at abandoning a formalistic model of litigation and strengthening its value-based and functional foundations. One of the most significant manifestations of this recodification is the introduction of a distinct category of disputes involving protection of the weaker party, including individual employment disputes. The purpose of this chapter is to analyse the procedural specificities of individual employment disputes under the Civil Dispute Procedure Code, their systematic classification, significance, and practical implications for the protection of employee rights [11].

### **6.1 Individual employment disputes as disputes involving the protection of the weaker party**

The Civil Dispute Procedure Code introduced the category of disputes involving protection of the weaker party, explicitly recognising that not all civil disputes are based on equality of procedural opportunities. The legislature thus reflected the objective inequality of certain substantive legal relationships, inevitably affecting the procedural sphere. The Code expressly includes consumer disputes, anti-discrimination disputes, and individual employment disputes within this category.

The classification of individual employment disputes as involving protection of the weaker party is based on the fundamental principle of labour law, which holds that the employee is the weaker party in the employment relationship. This principle, traditionally present in substantive labour law, is extended by the Civil Dispute Procedure Code into procedural norms. Procedural protection for employees is thus no longer left solely to the employee's own initiative but is systematically supported by increased judicial involvement [3].

The purpose of disputes involving the protection of the weaker party is not to deny the principle of equality of parties but to fulfil it materially. Equality under the Civil Dispute Procedure Code does not mean identical procedural status, but an equal degree of opportunity to effectively exercise procedural rights and means of defence. This concept allows the legislature to legitimately intervene in traditional procedural principles and modify them in favour of the weaker party [11].

### **6.2 Specific procedural rules in individual employment disputes**

The procedural specificity of individual employment disputes is reflected primarily in deviations from the general rules of adversarial proceedings. These deviations are not arbitrary but aim to balance the parties' unequal positions and ensure effective judicial protection of employee rights. One of the key elements is the court's extensive duty to provide guidance. Under Section 318 of the Civil Dispute Procedure Code, the court is required to instruct the employee not only on procedural rights and obligations but also on necessary evidence, the possibility of applying for interim or security measures, and other means necessary for effective assertion or defence of rights. This duty applies regardless of whether the employee explicitly requests instruction, and it represents a significant departure from the general principle of party responsibility.

Another important feature is the inclination towards the investigative principle in the process of evidence-taking. In individual employment disputes, the court may admit evidence not proposed by the employee if it is necessary to decide the merits of the case. This mechanism reflects the reality that employees often lack access to all relevant evidence held by the employer. The court's active role thus serves to ensure material justice.

Specific regulation also applies to procedural concentration. In individual employment disputes, neither judicial nor statutory concentration applies to the employee, allowing the employee to submit allegations and

evidence until the decision on the merits is pronounced. This eliminates the risk of procedural failure resulting from a lack of legal knowledge or evidentiary limitations at early stages.

### 6.3 Exclusion of default judgments and their significance

The exclusion of default judgments against employees is based on the assumption that employee inactivity does not necessarily reflect indifference or abuse of rights but may result from their weaker position, limited financial means, or insufficient procedural knowledge. Sanctioning such inactivity could negate the very right to judicial protection.

From the perspective of equality between the parties, this does not constitute unjustified preferential treatment but rather a legitimate legislative intervention aimed at protecting the weaker party. Constitutional case law [12] repeatedly emphasises that procedural equality is not absolute and may be differentiated where justified by the nature of proceedings and legitimate objectives.

A significant systemic change introduced by the Civil Procedure Code is the establishment of causal jurisdiction for individual employment disputes, assigning these cases exclusively to district courts located in regional capitals. The legislative intention was to enhance judicial expertise and specialisation. However, practice indicates that this jurisdictional model may also hinder effective judicial protection, particularly in terms of accessibility and the length of proceedings. This issue will be analysed in the following chapter, focusing on effectiveness [4].

## 7. Effectiveness of conducting individual employment disputes in the Slovak Republic (analytical assessment)

The efficiency of resolving individual labour law disputes was one of the fundamental objectives stated in the adoption of the Civil Procedure Code. The legislator proceeded from the premise that traditional procedural rules of general civil litigation are insufficient to adequately reflect the specific nature of labour law relationships, which are characterised by structural inequality between the employee and the employer. This imbalance does not manifest itself exclusively at the level of substantive law, but is also significantly reflected in the procedural position of the parties to the dispute, particularly with regard to their ability to exercise procedural rights and effectively bear the burden of proof.

The Civil Procedure Code responded to these premises by introducing a special category of disputes involving the protection of the weaker party, including individual labour law disputes. The aim of this regulation was not merely to achieve formal equality between the parties to the proceedings, but above all to ensure material equality of opportunity, intended to guarantee the employee a real possibility of seeking judicial protection of their rights. In this context, efficiency cannot be reduced solely to the speed of proceedings, but also encompasses the quality of judicial decision-making, the accessibility of courts, and the degree of legal certainty provided by court decisions [4].

One of the key instruments for achieving this objective is the court's increased procedural involvement in favour of the employee. This is manifested primarily through an extensive duty to instruct the employee, a shift towards the inquisitorial principle in evidentiary proceedings, and the exclusion of procedural concentration with respect to the employee. As a result, the court is not bound exclusively by the parties' procedural activity, but may actively intervene in the taking of evidence where necessary for a fair decision on the merits. This departure from the traditional adversarial model of civil litigation is legitimised by the need to protect the employee as an objectively weaker party; however, in practice, it raises questions as to whether it may lead to a weakening of the principle of equality of arms and to an undue advantage being afforded to one party to the dispute [3].

Particular attention, in the context of efficiency, must be paid to the introduction of the aforementioned causal jurisdiction of district courts seated in regional capitals for the adjudication of individual labour law disputes. Through this measure, the legislator sought to create conditions for the professional specialisation of judges handling labour law matters, thereby enhancing not only the substantive quality of judicial decision-making but also the predictability and consistency of case law. Nevertheless, the Slovak model does not constitute a fully-fledged system of labour courts in the sense of certain foreign legal systems, as labour law disputes remain within the general judiciary, and no separate labour courts or specialised judicial structures have been established [4].

Empirical data published by the Ministry of Justice of the Slovak Republic [13] do not indicate that the introduction of causal jurisdiction has led to increased efficiency in the handling of labour law disputes. On the contrary, statistical data point to a prolongation of the average length of proceedings, while the number of resolved labour law disputes has not increased significantly. In the legal literature, this situation is explained primarily by the overburdening of selected district courts and by reduced court accessibility for litigants. The negative consequences of this model are particularly pronounced for employees, for whom increased costs associated with

travelling to court and the length of proceedings may represent a significant obstacle to the effective enforcement of their rights.

Another factor influencing the efficiency of individual labour law dispute resolution is the possibility of employee representation by trade unions. This institution is based on the assumption that trade unions possess specific knowledge of labour law relations and are capable of effectively protecting employees' interests. However, the Civil Procedure Code does not impose any requirements regarding legal qualifications or procedural competence on trade unions or their representatives, which may, in practice, result in lower-quality legal protection for employees. At the same time, the absence of a system of disciplinary liability and mandatory liability insurance weakens the employee's legal certainty in cases of procedural errors committed by their representative.

From a *de lege ferenda* perspective, legal scholarship identifies two aspects of current legal regulation as particularly problematic: the centralisation of jurisdiction to a limited number of district courts and the extension of the possibility of employee representation to entities without guaranteed legal expertise. One proposed solution is the establishment of specialised labour law chambers at all district courts, which would preserve court accessibility while simultaneously strengthening judicial specialisation. Such a model could represent a realistic compromise between the ideal of a separate labour judiciary and the current financial and personnel capacities of the Slovak judicial system.

On the basis of the foregoing, it may be concluded that although the current legal regulation governing the conduct of individual labour law disputes pursues the legitimate objective of strengthening employee protection, its actual contribution in terms of efficiency remains questionable. Effective protection of employees' rights requires not only increased procedural involvement of the courts, but also accessible, professionally competent, and timely judicial proceedings. It is precisely in this area that there is room for further doctrinal and legislative development [4].

## 8. Research results and discussion

The analysis confirms that the Slovak Civil Dispute Procedure Code represents a qualitative shift in the procedural protection of employees by explicitly recognising individual employment disputes as disputes involving the protection of the weaker party. Through the introduction of differentiated procedural instruments, the current framework mitigates the impact of structural inequality inherent in employment relationships and strengthens the employee's real capacity to assert and defend rights in judicial proceedings.

At the same time, the findings indicate that enhanced procedural protection does not necessarily lead to greater efficiency in judicial proceedings. Developments associated with the introduction of causal jurisdiction, particularly the prolongation of proceedings and reduced geographical accessibility of courts, suggest that procedural differentiation cannot be assessed in isolation from the organisational and institutional context of the judiciary.

The research further demonstrates that procedural protection's effectiveness is shaped not only by the content of procedural norms but also by the quality of legal representation and the institutional design of the judicial system. In this respect, the absence of statutory requirements regarding the professional qualifications and responsibilities of trade union representatives raises legitimate concerns about the consistency and reliability of employee protection in judicial practice.

Overall, the research supports the formulated scientific hypothesis and confirms that effective protection of employees in individual employment disputes requires a balanced model combining enhanced procedural safeguards with an accessible, professionally competent, and organisationally functional system of judicial protection. Only under such conditions can procedural protection fulfil its purpose in a manner that is not merely formal, but substantively effective.

## CONCLUSION

Individual employment disputes constitute a specific category of civil disputes in which the tension between formal procedural equality of the parties and the material imbalance arising from the nature of employment relationships is most pronounced. The employee, as the provider of dependent work, enters into a dispute with the employer in a position that is weaker not only economically, but also in terms of access to information and procedural capacity. It is precisely this structural inequality that justifies the application of a specific procedural regime introduced into the Slovak legal system by the adoption of the Civil Dispute Procedure Code.

From a doctrinal perspective, classifying individual employment disputes as protection of the weaker party represents a significant qualitative shift in the understanding of procedural protection in employment relationships. The Civil Dispute Procedure Code expressly acknowledges that the mechanical application of the principles of adversarial proceedings and procedural concentration may, in certain types of disputes, lead to a de



facto denial of the right to a fair trial. The strengthened duty of the court to provide guidance, the inclination towards the investigative principle, the exclusion of procedural concentration, and the limitation on issuing default judgments to the detriment of the employee pursue the legitimate objective of equalising the procedural opportunities of the parties and ensuring real rather than merely formal protection of employee rights.

Nevertheless, an analysis of judicial practice and available statistical data indicates that the declared objective of increasing the effectiveness of conducting individual employment disputes has not yet been achieved. The prolongation of proceedings and the absence of a significant increase in the number of resolved cases suggest that the mere strengthening of the employee's procedural rights does not automatically result in faster or more economical judicial proceedings. The effectiveness of rights protection in employment disputes depends not only on procedural rules, but also on the organisational and systemic configuration of the judiciary.

The most problematic element of the current legal framework appears to be the selected model of causal jurisdiction, which entrusts the adjudication of individual employment disputes exclusively to eight district courts located in regional capitals. Although the legislative intention was to promote judicial specialisation and enhance the professional quality of decision making, this model has produced several adverse effects in practice. Reduced geographical accessibility of courts, increased costs for the parties, and the overburdening of selected courts may discourage the exercise of rights, which is contrary to the very purpose of special procedural protection of employees.

The possibility of trade union representation in individual employment disputes also warrants critical assessment. Although this institution is based on the idea of strengthening employee protection through the collective dimension of labour law, the absence of statutory requirements concerning the legal qualifications of trade union representatives raises doubts about its actual contribution to effective procedural protection. Compared with attorneys, who are subject to strict qualification, disciplinary, and insurance regimes, representation by a trade union may, in certain cases, pose a risk rather than an advantage for the employee.

It may therefore be concluded that the effectiveness of individual employment disputes cannot be reduced solely to the extent of procedural protection afforded to employees. Genuine effectiveness presupposes a balanced system in which the protection of the weaker party is achieved not only through increased judicial intervention, but also through an accessible, professionally competent, and organisationally functional judiciary. Only under such conditions can individual employment disputes serve not merely as a formal possibility devoid of real substance, but as an effective instrument for protecting employee rights within employment relationships.

## REFERENCES

1. Simon, H. A. (1951). A Formal Theory of the Employment Relationship. *Econometrica*, 19(3), 293. <https://doi.org/10.2307/1906815>
2. Hyman, R. (1979). Theory in industrial relations: Towards a materialist analysis. In J. Matthes (Ed.), *Social change in Western Europe: Proceedings of the 19th German Sociological Congress in Berlin 1979* (pp. 247–270). Campus Verlag. <https://nbn-resolving.org/urn:nbn:de:0168-ss0ar-136766>
3. Nevická, D. (2019). Individual employment disputes. *Acta Facultatis Iuridicae Universitatis Comenianae*, 38(2), 243–255. ISSN 1336-6912
4. Ladiverová, E. (2020). Effectiveness of conducting individual employment disputes. In *Proceedings of the International Scientific Conference Bratislava Legal Forum 2020* (pp. 75–80). Faculty of Law, Comenius University in Bratislava. ISBN 978-80-7160-553-9
5. Lazić, V. (2014). Procedural Justice for 'Weaker Parties' in Cross-Border Litigation under the EU Regulatory Scheme. *Utrecht Law Review*, 10(4), 100. <https://doi.org/10.18352/ulr.293>
6. Leloup, M. (2022). Not Just a Simple Civil Servant: The Right of Access to a Court of Judges in the Recent Case Law of the ECtHR. *European Convention on Human Rights Law Review*, 4(1), 23–57. <https://doi.org/10.1163/26663236-bja10055>
7. Jayeoba, F. I. D., Ayantunji, O. I., & Sholesi, O. Y. (2013). A critique of the systems theory of J. T. Dunlop. *International Journal of Academic Research in Economics and Management Sciences*, 2(2), 30–42. ISSN 2226-3624
8. Okhawere, N. E. (2023). Introduction to industrial relations. In *Organisational Behaviour* (Chapter 18, pp. 311–330). Malthouse Press Limited
9. Mikušová, J. (2023). Individual employment dispute. *Pan-European Legal Letters*, 6(2), 1–36. ISSN 2644-450X
10. Act No. 160/2015 Coll., Civil Dispute Procedure Code, as amended [in Slovak]. Retrieved from <https://www.slov-lex.sk>
11. Števček, M., Ficová, S., Barcicová, J., Mesiarkinová, S., Bajánková, J., Tomašovič, M., et al. (2016). Civil dispute procedure code: Commentary [in Slovak]. C. H. Beck. ISBN 978-80-7400-629-6

12. Constitutional Court of the Czech Republic. (2011). Decision file no. Pl. ÚS 49/10 [in Czech].
13. Kinstellar. (2024). How Slovak courts operated in 2023: Statistics don't lie. Retrieved from <https://www.kinstellar.com/news-and-insights/detail/2963/how-slovak-courts-operated-in-2023-statistics-dont-lie>

**Funds:**

This research received no external funding.

**Acknowledgments:**

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**Competing Interests:**

No potential conflict of interest was reported by the author.

**Ethical Statement:**

This article does not contain any studies that would require an ethical statement.

**AI Statement:**

AI tools were used solely for language formatting and stylistic refinement of the manuscript. No AI tools were used for data collection, data analysis, result interpretation, or the development of substantive content. The authors retain full responsibility for the academic and legal substance of the article.

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Author contribution: conceptualisation, methodology, investigation, resources, writing – original draft, writing – review & editing.

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