

# Abstract

## **Compensation for mental suffering of primary victims**

The basis of the thesis is the hypothesis that the current systems of compensation for bodily harm in civil and labor law do not allow for effective compensation for psychological injuries and mental disorders, since they do not devote even one, respectively just one item, of this type of harm in the hundreds of items of bodily harm. Therefore, the aim of the thesis is to analyze the current system of compensation for bodily harm from the perspective of mental disorders, to reveal its deficiencies and to present *de lege ferenda* proposals so that a comprehensive system is created that will allow the most effective compensation for all types of bodily harm.

In order to verify the hypothesis, in Chapter 1 the thesis evaluates the historical development of the compensation for psychological injuries and the invalid legislation, the deficiencies of which are a valuable basis for the suggestion of truly effective *de lege ferenda* proposals. Chapter 2 analyses the compensation of each bodily harm claims (pain, impediment to a better future and other non-pecuniary harm) from the perspective of mental disorders under civil law and, with the help of examples from practice and extensive case law, reveals the limits and deficiencies of the Supreme Court Methodology. Chapter 3 evaluates the system of compensation for bodily harm in the field of labor law. The analysis and comparison of the two systems then confirms the hypothesis, i.e. that neither system of compensation for bodily harm provides effective compensation for mental disorders. Beyond that, it demonstrates that both the Supreme Court's Methodology and the Government's Regulation on the Compensation of workplace injuries suffer from other significant deficiencies which not only do not allow for the compensation for other types of bodily harm but cause a violation of the constitutional principle of equality. In Chapter 4, the thesis examines particular aspects of the disposition of claims, namely assignment, transfer and limitation, which are equally important for the compensation of claims in specific cases.

The thesis concludes with formal and material *de lege ferenda* proposals, the aim of which is to create a unified and complex system that allows for the most effective compensation for bodily harm, both physical and mental.

*Key words: psychological injuries, bodily harm, workplace injury*