

The employer's obligation to compensate for the damage caused to the employee

Abstract

In the submitted dissertation, the author deals with the topic of the employer's obligation to compensate for the damage caused to the employee. This issue is highly actual, as in the past there have arisen, and these days still continue to arise new and new connected questions to discuss, and sometimes the re-opening of questions that have already been settled occurs as well. At the same time, it is also a common-sense oriented topic, as almost every employer has at some point been in a position where they were forced to fulfil this legal obligation towards their employee.

Within the scope of this dissertation, fundamental attention is devoted to the analysis of individual types of the employer's liability for damage caused to the employee and to a critical insight into the complexity of their legal provisions and their real usability. International comparisons are also provided in places, where it is appropriate and useful. A number of concrete suggestions *de lege ferenda* are also provided.

The first part is devoted to a basic insight into this issue, but in addition to it, it also contains a clear statistic comparison of the amount of court decisions carried out in cases of lawsuits on fulfilment of the relevant types of the employer's responsibility, so that it is sufficiently obvious at the very beginning to what extent this legal regulation is used in real court practice.

The second part is then devoted to the employer's general obligation to compensate for the damage, including its connotations within other types of work performances.

The third part is a joint treatise on the employer's special obligation to compensate for the damage caused by the fulfilment of a special preventive obligation, and on the employer's obligation to compensate for the damage caused on in-brought and left things. Also at this point, the relevant hints *de lege ferenda* are included within the text.

The fourth part is a kind of general introduction, in which the basics of the employer's obligation due to an occupational accident or an occupational illness are defined.

In the fifth part, the very principle of the compensation for the occupational accidents or the occupational illnesses in the Czech Republic is subscribed. At the same time, a number of relevant comparisons with the foreign legislation are added.

The sixth part looks at the occupational accidents and the occupational illnesses in a rather unusual way, on the one hand, from the point of view of the employer's possible obligation to provide wage compensation to an employee whose occupational accident or occupational illness is viewed as an obstacle to work on the part of the employer, and on the other hand, from the point of view of the employer's obligation to compensate for an occupational accident or an occupational illness in the case of a *de facto* employment relationship and the performance of "probation work".

In the conclusion, of course, some partial findings that the author arrived at while writing are summarized.

Key words: employer's obligation to compensate for the damage; occupational accident; occupational illness