

# **The Obligation of an Employer to compensate for non-pecuniary damage**

## **Abstract**

The presented dissertation thesis deals with the topic of the employer's obligation to compensate for non-pecuniary damage. It comprehensively presents the issue of the employer's obligation to compensate for non-pecuniary damage, from the constitutional and theoretical basis of protection of human life and health, through pointing out to the reflection of the basic principles of labour relations in the field of non-pecuniary damage, to the definition of specific application problems in claims of non-pecuniary damage, including a proposal for their solution.

The thesis does not neglect the relevant case law of the highest national and international courts, including the analysis of its impact on the interpretation of selected legal institutes in the field of non-pecuniary damage compensation.

Thorough attention is paid to the general principles of non-pecuniary damage and a comprehensive interpretation of selected institutes in the field of applicable legislation on compensation for non-pecuniary damage in civil and labour law, including legislative proposals *de lege ferenda*. In the thesis, as one of the research questions, a possible subsidiary application of the Civil Code to the field of the liability employment relations is evaluated.

Detailed attention is also paid to the analysis and subsequent comparison of the method of compensation for non-pecuniary damage caused during the performance of the service with compensation for non-pecuniary damage regulated by the Civil Code and the Labor Code. In connection with this comparison, the different value of human life and health is subsequently pointed out, depending on the legal relationship of participation in the work in which the harmful event occurred.

Due to the problematic interpretation of some concepts and institutes, as well as due to insufficient interconnection of legal regulations governing employment relations or their lack of reflection on more general legal regulations, the presented thesis also presents more general considerations on the position of laws governing service relations in the Czech legal system.

**Key words:** non-pecuniary damage; labour relations; service relations