

General duty of the employee to provide compensation for damage

Abstract

The diploma thesis deals with the institute of the general duty of the employee to provide compensation for damage. The employee's general duty to provide compensation for damage stipulates that the employee is liable to the employer for the damage he caused by breaching his or her duties in performance of work tasks or in direct relation to him. Undoubtedly, the issue is still relevant and highly frequent in practice. This institute of labor law is intended to ensure greater protection of the employee as the weaker party of the employment relationship. This advantage for the employee is justified by the nature of the employment relationship where the employee is in a dependent position, as well as the general social and social context. An employee, if he fulfills the preconditions of the general obligation to compensate for damage, has a more advantageous position compared to other pests, which are responsible for the damage according to the general regulation contained in the Civil Code.

The thesis attempts to outline and answer important questions about the nature and application of the employee's general employer's liability for damages by using a descriptive, analytical, and comparative method. The work is divided into ten parts. In order to anchor the institute in the general issue of liability, the concept of legal liability will first be interpreted, followed by an interpretation of labor law liability and damage liability. Then the general duty of the employee to provide compensation for damage will be analyzed in more detail. We will focus on fulfilling its key preconditions, which are a breach of legal obligations in the performance of work tasks or in direct connection with it (or alternatively intentional behavior against good manners), the damage, the causal link between the occurrence of damage and breach of legal obligations and fault. Furthermore, it will be important to distinguish the employee's duty to provide compensation for damage from the specific types of this liability, i.e. liability for non-performance of the obligation to avert damage, liability for a shortfall in things of value entrusted to an employee, and liability for lost things. Then the work will also focus on the employer's claim for damages, the scope and method of compensation, and the discretionary power of the court. We will briefly compare the regulation of the employee's liability for damage and the employer's liability for damage. At the end of the work, a comparison of Czech legislation of the institute with the regulation of a comparable institute in Austria will be made. Comparison with other legislation of a similar institute will provide us a broader insight into the issue. An evaluation of the current regulation will not be left out either.