

Liability of the employee for damage

Abstract

The content of this thesis is the issue of employee's liability for damage caused to employer. The topic of the thesis is constantly relevant, as it concerns a large number of people, because in the first quarter of 2020 more than four million employees were registered in the Czech Republic. The issue of employee's liability for damage, respectively its compensation is a very sensitive topic for employees, as compensation for damage, for example in the amount of several monthly incomes, is a significant intervention in the economic situation of almost every employee. In addition, the regulation of employee liability for damage, given its long-term strong protection of employees, can have an impact on the labor market, as employers are often exposed to the significant risk of damages they may demand from employees. As a result, employers may prefer other forms of cooperation than on the basis of an employment contract.

The aim of the thesis was to give a clear and comprehensive interpretation of the institute of employee's liability for damage, to analyze this institute in detail and analyze the legal regulation of various types of employee's liability for damage in connection with selected relevant case law, and finally to provide partial proposals *de lege ferenda*. I proceeded from the hypothesis that this is an area whose legislation is relatively constant and the principle of employee protection in this area is very intensive.

The thesis is divided into seven parts. The essence of the first part is the definition of the concept of labor law, its principles, formal sources and the position of labor law in the legal system. In the second part of this thesis I briefly deal with the definition of legal theoretical terms of liability and damage, as these are key terms for the issues. The third part of this thesis is devoted to the types of liability in labor law. In the fourth part, I focus on liability for damage in labor law, its legislation and individual functions. An important part of this chapter is also the preventive duty of the employee and the employer, as well as the interpretation of the employer's liability for damage, as it is essential to complete the context and the possibility of comparison with the employee's liability for damage. In the fifth part I deal with the concept of employee liability for damage, the historical development of this institute and further I analyze the various types of employee's liability for damage with respect to case law. The sixth part of this thesis is devoted to a brief comparison of the Czech legislation in this area with the Slovak legislation. The seventh part of the thesis are *de lege ferenda* proposals, which I came to after the analysis and comparison of the Czech legislation.