

# **Compensation of Pecuniary and Non-pecuniary Damage Caused by Occupational Injury or Occupational Disease**

## **Abstract**

The thesis deals with the topic of compensation of pecuniary and non-pecuniary damage caused by occupational injury or occupational disease whereas its main sources comprise of Czech and foreign literature and mainly of vast range of court decisions. The introduction researches the topic of concept of damage compensation as a part of tort law, both from the general private law and specific labour law perspective. Further, the dissertation explores the historical development of the legal rules concerning compensation of damage caused by occupational injury or occupational disease focusing on the most significant legal regulations valid on the territory of the Czech Republic. The brief summary concerning subjects of the relevant liability closes the introduction part of the thesis.

The merits of the dissertation cover detailed research of assumptions of the liability of employer for damage caused by occupational injury or occupational disease, i.e. detailed research of the terms “*damage*” (pecuniary and non-pecuniary), “*occupational injury*”, “*occupational disease*” and “*causation*” between damage and occupational injury or occupational disease. Although fault does not belong to the assumptions of the relevant liability, its existence either on the part of an employer or on the part of an employee leads to the substantial legal consequences and, therefore, the dissertation briefly deals also with this topic. Further, the thesis researches the topic of liberation of an employer in very detail and the topic of statutory insurance of employer’s liability for damage caused by occupational injury or occupational disease. The dissertation also includes detailed research of particular types of compensation specified by the Labour Code and deals also with some further aspects of the relevant regulation, e.g. with termination of employment or recourse claims.

Final part of the thesis dealing with comparison of civil law and labour law regulation regarding compensation of personal injury focuses mainly on the topic of compensation of pain and loss of amenity. This part also focuses on selected aspects of legal regulation concerning compensation of damage caused by occupational injury or occupational disease of the Federal Republic of Germany and of the United Kingdom of Great Britain and Northern Ireland (England and Wales). The dissertation is concluded with reflections regarding the legal regulation *de lege ferenda*.

**Key words:**     **damage compensation; occupational injury; occupational disease**