

# **Obligations of the employer in terms of occupational health and safety with focus on personal protective equipment**

## **Abstract**

The thesis deals with obligations of the employer in terms of occupational health and safety with focus on personal protective equipment. The main aim of the thesis is to analyse applicable legislation of occupational health and safety that was (and still is) under examination due to COVID-19 pandemic. Further goal is to analyse if the legislation is sufficient, unequivocal or if the pandemic showed some deficiencies which should be amended.

The first part primarily introduces the issue of occupational health and safety in terms of labour code. It continues with analysis and summarization of individual obligations of an employer as well as rights and obligations of an employee. This section then also considers the legislation of occupational health and safety in relation to employment agencies and their employees.

The second part contains European and domestic legislation of personal protective equipment and subsequent case law. One chapter attempts to summarize practical information about procedure of classification of risks and how to subsequently create a list of personal protective equipment based on such procedure. Another chapter of this part then summarizes financial side of providing personal protective equipment and securing occupational health and safety, including the claim of record by health insurance companies.

The third part focuses on employer's liability for offences and crimes in the field of occupational health and safety. It also focuses on controls made by inspection offices, State Labour Inspection Office's and Regional Labour Inspectorate's competences and analysis of annual control plans.

The last part, which represents the main part of the thesis, concentrates on practical issues that have arisen in the field of occupational health and safety during the pandemic of COVID-19. The measures that employer was obliged to take due to pandemic (also due to possible infection of employees) are summarized in one chapter of this part. Moreover, there is one chapter about vaccination of employees and about regulation of home working.

Some insufficiencies of home working legislation and occupational health and safety of agency employees were revealed in this thesis. The analysis of criminal courts decisions concerning crimes in the field of occupational health and safety was made, the main part of analysis

was focused on crime of negligent homicide. Based on the analysis, the reflection about adequacy of sanctions and about the state's approach to the area of occupational health and safety was made.