

Vaccination of employees

Abstract

In her thesis the author looks at the topic of vaccination of employees. This issue is very actual, especially in the context of the recent pandemic of the covid-19 disease. Nevertheless, vaccination from the labour law point of view is a neglected topic in which many issues remain unresolved or interpreted contradictorily by the doctrine.

The thesis besides an introduction and a conclusion consists of four chapters, in which a number of warnings about deficiencies in the legislation and suggestions *de lege ferenda* are presented.

The first chapter of the thesis focuses on the legal regulation of vaccination against infectious diseases in the Czech Republic and its sources at the international and European level. The focus is mainly on the analysis of compulsory types of vaccination; however, the regulation of voluntary vaccination is not omitted. Furthermore, the conclusions of recent case law of the Constitutional Court and the European Court of Human Rights related to the compulsory vaccination are analysed and critically evaluated.

The second chapter deals with the labour law aspects of vaccination. The author focuses on partial institutes of labour law and their application in connection with vaccination of employees. The chapter includes an analysis of the obligations of the employee and the employer, focusing on the possibility to mandate vaccination by the employer and the consequences of the employee's failure to comply with the vaccination obligation. The chapter also covers the assessment of medical fitness, the processing of vaccination data provided by the employee to the employer and compensation for damages caused by vaccination. Finally, the chapter contains a brief treatise on vaccination as an employee benefit.

The third chapter covers vaccination against covid-19 disease. In this part of the thesis the specific impacts of the pandemic on the issue of vaccination of employees are analysed. At the end of the chapter, the repealed decree, which was supposed to establish the vaccination obligation for certain professions, is examined in detail.

The *de lege ferenda* suggestions are the subject of the final chapter, in which the author summarises the problematic parts of the legislation and presents possible solutions.

Key words: vaccination of employees; compulsory vaccination; damage to health caused by vaccination; vaccination against covid-19