

Liability in Labour Law

Summary

Liability represents one of basic legal institutes which applies in most branches of law, including labour law. However, employment relations have several distinctive features which are also reflected in the conception of liability. Since the consequences of violation of law can substantially affect the position of violator, it is necessary to be aware of one's duties and a possible occurrence of liability.

The aim of my thesis is to analyze liability in labour law according to the legislation in force. Liability in labour law is not only a theoretical concept but it also has practical impacts on both subjects of employment relation, therefore it is desirable to have knowledge of this institute.

Since liability denotes one of the most complicated institutes in law it is, at first, essential to explain the concept of liability in general. Legal theory construes liability in several different ways and it is interesting to mention opinions of various theorists. The next chapter characterises the concept of liability in labour law and describes its main features. The following chapter deals with division of liability in labour law into several kinds from different points of view.

The thesis focuses on liability for damage because of its importance in labour law itself. Chapter five considers liability for damage in labour law in general. The first part provides an outline of legal regulation of this institute and also deals with the conceptual changes made by a judgment of the Constitutional Court. The next parts describe functions of liability for damage in employment relations and presumptions of liability.

Chapter Six characterises liability for damage in civil law and the next one compares liability in these two branches of law. Although the concept of liability is basically the same, there are several differences which should be mentioned.

The next chapter divides liability for damage in labour law into single kinds according to its subjects, an employee and an employer. At first, I compare the principles of liability of these subjects of employment relations and then I classify single types of liability. I don't only deal with this matter according to the legislation in force, but also provide a comparison to the

previous Labour Code and point out the main changes included in the contemporary law. For the clarification of terms I use practical examples from judicial decisions and practice.

The next chapter explicates statutory employer liability insurance for damage in an industrial injury or occupational disease and upcoming conceptual changes associated with the Workers' Compensation Insurance Law.

Whereas an employee can perform dependant work not only in an employment relationship but also under agreements on work performed outside an employment relationship, Chapter Ten describes liability for damage sustained in such cases.

Finally, I assess the concept of liability in legislation in force, point out the areas which, from my point of view, could be disputable and mention a possible change in contemporary law. The concept of liability in the Labour Code has not substantially changed in comparison to the previous legal regulation, however, the new Labour Code has limited the list of things for which an employer is liable in terms of damage caused to things brought or deposited which could be negatively perceived by employees. The regulation basically conform to the present social conditions and we can also welcome the new Workers' Compensation Insurance Law which will comprehensively regulate the area of an industrial injury and an occupational disease.