

The liability of an employer for damages caused by industrial accidents and occupational diseases

Summary

This dissertation deals with the liability of an employer for damages caused by industrial accidents and occupational diseases which are regulated by the Labour Code in the Czech Republic. It essentially focuses on the sources of law, liability of an employer, release of liability, form of compensation for injured employees, a concept of specification of damage, industrial accident, occupational disease, fulfillment of duties arising in the course of employment or causality. Yet, it also aims to cover other issues.

Because of the extensive changes in the legal order in the Czech Republic which will be implemented in the near future, I am also discussing the expected statute about the casualty insurance of employees which completely change the current conception of a liability of an employer for damages caused by industrial accidents and occupational diseases. I am describing the essential features of the expected legislation as well as the contributions to injured employees which will be according to the new statute.

For better understanding of the expected legislation, I am comparing the expected Czech legislation with the current legislation in Poland. I have chosen to compare these two states not only due to the fact that they possess many similar features in the legal aspects but also importantly because the concept of casualty insurance of employees has already been in effect in Poland.

Furthermore, the dissertation covers two chapters dealing with problems of dissolution of employer and insolvency of employer. I have decided to tackle these two aspects because of these situations occurring all over the world. Many companies have financial problems or even many of them dissolve. In these situations a question arises; “What will happen with compensation for injured employees”? Industrial accidents and occupational disease

are large interference in human integrity and injured employees should be compensated in all cases. As such, I would argue that analysis of the problems discussed in my dissertation are fundamental, most importantly because of the impacts of financial crisis happening all over the world.