

Abstract

Ondřej Lachnit

Liability for Damage Regarding Occupational Accidents and Illness

The following thesis deals with the issue of liability for damage regarding occupational accidents and illness in the Czech Republic. At the present time, employer's liability conforms to the Labour Code from 2006, which builds on the preceding Labour Code from the year 1965. A rich judicature concerning occupational accidents and illness has been formed since the 1960s. In this thesis, I often quote from this judicature.

The current Labour Code, however, only provisionally deals with this issue; an ensuing change is about to take place due to the passing of a new law concerning the workers' compensation insurance. This law is already valid, but has yet to become operative. The law will come into effect on January 1st, 2013. Whether the law will become operative is questionable as its legal effect depends on the political situation in the Czech Republic. Currently, the right-wing government does not favour the new law, since it would burden the state budget more than the current system.

In the Czech Republic, the employer's liability for damage regarding occupational accidents is defined very broadly: it is objective and employers are liable for the result only. Employers are also liable for damage that they do not cause, in case the damage occurs while on the assigned job under legal circumstances. This system is about to be changed by new legal regulations.

The following focuses on the conditions necessary for the employer's liability regarding occupational accidents and illness. First, I will explain the term 'occupational accidents' and clarify what kinds of accidents belong in this category. Then, I will address the issue of occupational illness. Furthermore, I will discuss under what conditions the employer's liability ceases to exist. In general, this thesis discusses the compensation of damages caused by occupational accidents or illness as well as lawsuits concerning said compensation.

Besides, the thesis deals with employer's insurance for cases of occupational damages and illness.

I will also outline the new legal regulations according to the new law concerning workers' compensation insurance, which would change the existing system of mandatory accidental insurance for the liability for damage regarding occupational accidents and illness to a system of state insurance within the social security system. In the new law, the definition of occupational accidents and illness remains the same. However, this law revokes employer's liability for damage regarding occupational accidents and illness. The system continues to exist in which employers can claim benefits from the social security system in case of damage regarding occupational accidents and illness. Employers will still be required to pay into this social security system for their employees.

Nevertheless, it is still not clear when and whether this legal change concerning occupational accidents and illness will take place.