

## **ABSTRACT**

This diploma thesis deals with the matter of labor law liability of the employer for material and non-material damage within the legal system of the Czech Republic. It offers a complex elaboration of the most important types of employer's liability for material and non-material damage to harmed employees and third parties. A closer look is taken at the legislation related to compensation for non-material damage caused by occupational injuries and illnesses. The focus within this area is put on analysis of current case-law and comparison with case-law from the area of regular civil liability. The purpose of this thesis is to provide a comprehensive insight into the matter of labor law liability of the employer, analyze certain current issues within this area and establish and compare differences between compensation for non-material damage in labor law and regular civil law.

The results of this work allow the reader to familiarize himself or herself with the current legislation in the area of the discussed matter, with related case-law and with the opinions of the expert community on the individual issues that are discussed within this thesis. On the basis of this work the conclusion can be drawn that the main characteristic of labor law liability within the Czech legal system is the protection of employees and restriction of employer's autonomy. The legislation is, with the exception of a few cases, stable long term, there exists enough relevant case-law and also a great deal of specialized literature.

Contentious issue remains the matter of employer's liability for damage caused to third parties, mainly due to absence of relevant case-law and a non-uniform opinion of specialists in the field. The conclusion can also be drawn that there is an undesirable difference between compensation for injuries or mental distress of surviving family members in regular civil law and in labor law, especially within systems aimed at out-of-court settlement of these claims. These differences are contrary to the constitutional principle of equality seeing as the amount of damages is calculated using a different method in these two systems and in comparison, one of the parties always ends up disadvantaged. Not to mention that the entitled persons are defined differently in these two systems, all of which with absolutely no relevant legal ground. This issue needs to

be addressed and a uniform classification system for damages shall be implemented in both of these areas.