

ABSTRACT

I have decided to devote my thesis to the topic of “Liability for damage regarding occupational accidents and illness”. I consider this problem as very actual, especially regarding currently held debates on particular ways how the damages should be paid in order to compensate a work injury or an occupational disease.

As a whole, the work is divided into eight chapters and their sub-chapters. The first two chapters consist of a general introduction into the topic. The very first of them focuses on the importance of employees’ health protection (the importance of prevention) and tackles some questions of safety and health protection at work. The second chapter sheds light the concept of duty in law in general and in labour law in order to create a general picture of the problem of damages duty of work injuries and occupational diseases.

The major part of my work is devoted to the currently used legislation on damages of work injuries and occupational diseases, which is however understood as temporary and thus is included in provisional law enactments no. 262/2006 Coll. of the Labour Law Code. It is based on objective damage duty held by the employer to a harm caused by a working injury or an occupational disease. Its basis and preconditions of its emergence are described in the third chapter. An important part of this chapter consists of general explanation of the most important terms, such as occupational accident, occupational illness, fulfilling working tasks and direct connection between them. Next, the fourth chapter describes conditions in which an employer can fully or partly free himself from his damage duties. The fifth chapter, which is also the most contentious one, describes in detail particular types of compensations that are available in the case of above-described event. Demands of the harmed ones are covered by obligatory insurance of duty of the employer, which is further analysed in the sixth chapter.

The currently used legislation on damages of occupational accidents and occupational illnesses is only provisional, valid only until the new legislation on employees’ health insurance comes into effect. Thus, in the seventh chapter, I analyse the new legislation included in the law on employees’ health insurance no 266/2006 Coll., that will come into effect on 1. 1. 2013. In this chapter, I try to shed light on the reasons that led to adoption of this law and I attempt to depict changes this law brings.

Moreover, I am asking there whether the new law will actually ever come into effect and what are its alternatives.

In the last chapter, my aim is to show the last years' development in numbers of working injuries and occupational diseases in the Czech Republic.