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## **Summary**

**Models of employer's liability for damages to employees - *de lege lata* and *de lege ferenda*  
remarks**

The first part analyzes compensatory liability based on civil law provisions. This enabled the identification of a conceptual framework and the decoding of the conditions that determine the obligation to redress damages. The first part of the dissertation was divided into three chapters. The first discussed the main assumptions of the compensation for damages in the civil law model. The second chapter was devoted to the dualistic model of liability for damages. The third chapter analyzed other models of liability for damages.

The second part of the doctoral dissertation analyzes the provisions governing employer's liability for damages to employees. The model of employer liability for damages to employees has not been exhaustively regulated by the labor law. In the author's opinion, this regulation is fragmented because it primarily relies on the appropriate application of the civil law provisions, which gives rise to numerous dogmatic and practical issues. All important cases concerning on the liability regime for damages and determining the compensation limit. All system bases on solutions used in the Civil Code. The attempt to reconstruct a dualistic regime of liability for damages based on the analogy of articles 415 and 471 of the Civil Code. This arises in systemic differences in the formulation of claims. The dualistic regime of liability for damages is based on the assumption that claims formulated under the regime of tortious or contractual liability are different. Both regimes frame separate compensation rules for damages, especially in termination. However, under the labor law system, regardless of the injured party's choice, these claims would be subject to identical principles of enforcement and a uniform limitation period. Furthermore, article 415 of the Civil Code invoke only if one of common interests has been violated. This legal norm not protects obligations established by the parties. In the Labour Code employment contract is the main source of rights and obligation of the contract parties. Therefore, it is impossible to find consistency between the regulations of delictual model established in art. 415 of the Civil Code and liability regimes established in Labour Code.

The consequence of the fragmentation of employer liability for damages to employees is the creation of a *sui generis* dualism of legal sources establishing this liability in specific areas. Some claims will be based on the provisions of the Labor Code, while others will be based on the provisions of the Civil Code, although the labor court retains jurisdiction to adjudicate the amount of compensation benefits. The indicated dispersion of the bases and sources of employer liability for damages to employees may raise doubts as to the rationale of the legislature's intentions. The lack of a comprehensive and comprehensive regulation, given the expected further expansion of the bases for liability for damages in the future, may justify

the most far - reaching accusation of the randomness of individual models of liability for damages and the lack of consistency in the adopted solutions. The burden of providing an appropriate framework for legal norms and finding the correct *ratio legis* has now been almost entirely shifted to the process of applying the law.

The second part of doctoral dissertation is divided into four chapters. The first discusses the model of employer's liability for damages to employees for improper termination of an employment contract. The second chapter is devoted to models of employer's liability for damages to employees for violations of personal rights, discrimination and violations of the principle of equal treatment in employment, and mobbing. The third chapter covers the model of employer's liability for damages to employees for accidents at work or occupational diseases. The fourth chapter will present the remaining models of employer's liability for damages to employees. Each chapter of this part of the dissertation concludes with *de lege lata* conclusions, which constitute the author's proposals for solving problems arising in the practical application of law in the analyzed area.

The third analyzes the existing drafts of the Labor Code from 2007 and 2018 in terms of the proposed models of employer's compensatory liability to employees and presents the author's own concept of such liability models. This part of the dissertation is divided into three chapters. The first presents the models of employer's compensatory liability to employees proposed in the 2007 draft of the Labor Code. The second chapter discusses the models of employer's compensatory liability to employees included in the 2018 draft of the Labor Code. The third chapter presents *de lege ferenda* conclusions, which constitute an attempt to create the author's own concept of individual models of employer's liability for damages to employees. The dissertation concluded with a summary of the analyzed legal regulations and an assessment of the *de lege ferenda* conclusions.

In the author's opinion, it is impossible to create a comprehensive and holistic model of an employer's liability for damages to employees, e.g. based on the employee's liability for damages caused to the employer. Unlike under article 415 and article 471 of the Civil Code, in labor law it is impossible to draw a rigid distinction between universally statutory duties and obligations created by the parties. This stems from the specific nature of the sources of labor law listed in article 9 of the Labor Code, which are not limited to statutory norms but also include autonomous sources.

In the author's opinion, an attempt should be made to systematize the employer's liability for damages towards employees for their own acts, in order to minimize the problem of inconsistency within individual labor law institutions. This would resolve the difficulties arising in the practical application of the provisions of the Labor Code, which were discussed extensively in Part II of this dissertation. It is necessary to postulate the introduction of a structured and possibly complete regulation into the Labour Code regarding the employer's liability for damages to the employees, so that the possible appropriate application of the provisions of the Civil Code is as limited as possible.