

DOI: <https://doi.org/10.46502/issn.1856-7576/2023.17.03.20>

Cómo citar:

Panchenko, O., Oksana, R., Tkachenko, A., & Panimash, I. (2023). Compensation for moral damage to an employee suffered due to industrial accident or occupational disease. *Revista Eduweb*, 17(3), 235-244. <https://doi.org/10.46502/issn.1856-7576/2023.17.03.20>

Compensation for moral damage to an employee suffered due to industrial accident or occupational disease

Indemnización por daño moral a un trabajador sufrido por accidente de trabajo o enfermedad profesional

Panchenko Olha

<https://orcid.org/0000-0003-4365-0495>

Candidate of Legal Sciences, Senior Researcher, Senior Research Fellow of the Department of Doctorate and Post-graduate Studies of the National Academy of Internal Affairs, Kyiv, Ukraine.

Oksana Rakul

<https://orcid.org/0009-0006-2549-3405>

Doctor of Legal Sciences, Professor of the Department of Civil Law Disciplines of the National Academy of Internal Affairs, Kyiv, Ukraine.

Tkachenko Andrii

<https://orcid.org/0009-0005-7436-5728>

Candidate of Legal Sciences, Associate Professor of Faculty No. 2 of the Department of Criminal and Legal Disciplines of the Kryvorizka Educational and Scientific Institute of the Donetsk State University of Internal Affairs, Judge of the Saksagan district court of the city of Kryvyi Rih, Kryvyi Rih, Ukraine.

Panimash Iuliia

<https://orcid.org/0000-0002-5337-6613>

Candidate of Pedagogical Sciences, Associate Professor of the Administration Department in the field of civil protection of the Faculty of Civil Protection of Cherkasy Institute of Fire Safety named after Chernobyl Heroes of the National University of Civil Defense of Ukraine, Cherkasy, Ukraine.

Recibido: 03/03/23
Aceptado: 21/05/23

Abstract

The purpose of the article is to consider the terms for compensation for moral damage to an employee who suffered as a result of an accident at work or an occupational disease. The paper established that compensation for moral damages to an employee under the abovementioned circumstances is possible in the presence of certain conditions provided for by law, which are general for the onset of liability in all cases of infliction of moral damage. All these conditions (presence of the fact of infliction, wrongful behavior of the person causing the damage; causal relationship between wrongful behavior and moral damage; guilt of the perpetrator) are considered in detail, taking into account the specifics of the legal relationship under investigation. The author's definition of moral damage caused to an employee as a result of an accident at work or an occupational disease is proposed.

Keywords: moral damage, terms for compensation, accident at work, occupational disease, grounds.

Resumen

El objeto del artículo es considerar los términos de la indemnización por el daño moral que sufra el



trabajador a consecuencia de un accidente de trabajo o de una enfermedad profesional. El documento estableció que la compensación por daños morales a un empleado en las circunstancias antes mencionadas es posible en presencia de ciertas condiciones previstas por la ley, que son generales para el inicio de la responsabilidad en todos los casos de infligir daño moral. Todas estas condiciones (presencia del hecho de infligir, comportamiento ilícito de la persona que causa el daño; relación de causalidad entre el comportamiento ilícito y el daño moral; culpabilidad del autor) se consideran en detalle, teniendo en cuenta las especificidades de la relación jurídica que se investiga. Se propone la definición del autor del daño moral causado a un trabajador a consecuencia de un accidente de trabajo o de una enfermedad profesional.

Palabras clave: daño moral, plazos de indemnización, accidente de trabajo, enfermedad profesional, causales.

1. Introduction

In compliance with the requirements of labor legislation, the employer is obliged to create safe, healthy and proper working conditions for employees, taking into account legal, social, economic, technical and sanitation standards. In turn, employees must strictly adhere to established safety measures, undergo initial, repeated, unscheduled and targeted briefings, training on providing first aid to accident victims, as well as on rules of behavior and actions in case of emergency, fire and natural disasters.

However, in practice, employers often neglect established safety rules, refuse to implement modern protection technologies at the enterprise, fail to conduct occupational safety exercises and necessary internships for their subordinates, which leads to injuries (including moral) and disability of employees, and as well as loss of future full-time work capacity.

The problem of creating harmless and safe working conditions existed in Ukraine long ago, as evidenced by accident statistics: 15 – 20 years ago, about 4 000 people died at work – 1.6 times more than now. The silence of this bitter truth due to the secrecy prevailing in the system was a source of complacency and negligence for those on whom it depended. And today, the probability of injuries and occupational diseases is 5 to 8 times higher than in other industrialized countries of the European Union. The state of labor protection remains unsatisfactory. The problem of industrial injuries is very acute – every year about 50 000 people are injured at work, 1 500 of them die, more than 3 500 thousand get occupational diseases. 2.5 – 3 million man-days are lost annually due to incapacity for work, the average severity of each injury reaches 25 man-days of incapacity for work. However, even these indicators do not give a sufficiently objective picture, since we should not forget that we have a systematic decline in production (Zyhmunt, 2020).

Taking into account the relevance of the chosen topic and the need to solve the problems that have arisen within this issue, we consider it necessary to examine the conditions for compensation of moral damage to an employee who suffered as a result of an accident at work or an occupational disease, and the features of the former.

2. Methodology

A number of general scientific and special methods of cognition were applied for the comprehensive disclosure of the raised issues, the achievement of an objective scientific result and the formulation of relevant conclusions and recommendations. The basis for scientific research was the dialectical method, which contributed to a comprehensive study of the terms of compensation for moral damage caused to an employee as a result of an accident at work and professional diseases in their interconnection and interdependence, which made it possible to reveal the current state of the problem under consideration.

Functional method came in handy when clarifying scientific and legislative approaches to determining the conditions for compensation for moral damage under such circumstances.

Formal and logical method was chosen in the process of critical analysis of the current labor legislation in matters related to the legal regulation of establishing the terms for compensation moral damage caused to an employee.

Analytical method helped to conduct the research of the relevant judicial practice as an empirical basis for the study.

Logical method was applied when analyzing scientific views on the concept of moral damage caused to an employee due to an accident at work or an occupational disease.

The method of legal abstraction was helpful when formulating the author's definition of the abovementioned concept.

Hermeneutic method was used in the course of consideration of domestic legislation governing the problem raised.

Some other scientific methods and techniques were also reflected in the dissertation with the aim of deepening the disclosure of the raised issues.

3. Literature Review

Unfortunately, this topic has not been throughout studied in modern Ukraine; currently, there are only two monographs on the issue of compensation for moral damage caused by violations of labor rights: by Chernadchuk, V. "Compensation for moral damage in case of violation of labor rights (2001) and Soroka, O. "Compensation for moral damage resulting from accidents and occupational diseases" (2021).

The first one investigated the content and the definition of the concept of moral damage caused by the violation of labor rights, conducted the classification of moral damage, considered the criteria for determining the amount of compensation for moral damage caused by the violation of labor rights. By moral damage caused by the violation of labor rights, the author understands losses of a non-property nature that arose as a result of emotional, mental or physical suffering caused by the violation of legal labor rights by illegal acts or omission on the part of the owner or the authorized body, which lead to humiliation of professional honor, dignity, labor reputation; damage to health; disruption of normal life ties due to the impossibility of extending active public life; violation of communication with surrounding people; forced changes or restrictions in the choice of employment, usual circle of communication and other negative consequences.

The second one revealed theoretical and applied approaches to calculating the monetary equivalent of moral damage caused by an employee as a result of an accident at work or an occupational disease; found out the essence of moral damage caused under such circumstances; developed the methodology for determining the amount of monetary compensation for moral damage; revealed the peculiarities of the conditions for compensation of moral damage caused to the employee as a result of an accident at work or an occupational disease; established the procedure for collecting compensation for moral damage.

As one can see, an extremely limited number of works are devoted to the issue of compensation for moral damage caused to the employee, especially in terms of identifying the conditions for the onset of employer's liability, which led to the urgency of our research.

4. Results and Discussion

In accordance with the rules of Article 237-1 of the Labor Code of Ukraine (Law of Ukraine No. 322-VIII, 1971), compensation by the employer for moral damage to the employee is carried out in the event that the violation of his (her) legal rights, including as a result of discrimination, mobbing (harassment), the fact of which was confirmed by a court decision that entered into force, led to moral suffering, loss of normal life ties and require additional efforts to organize his (her) life.

Common grounds for compensation for moral damage are fixed in Art. 1167 of the Civil Code of Ukraine (Law of Ukraine No. 435-IV, 2003), from which it is «implied» that the obligation to compensate arises in the presence of: 1) moral damage as a result of violation of personal non-property rights or encroachment on other intangible goods; 2) unlawful decisions, acts or omission of the person causing the damage; 3) causal link between illegal behavior and moral damage; 4) fault of the person causing the damage.

Therefore, compensation for moral damage to an employee who suffered as a result of an accident at work or an occupational disease is possible in the presence of certain conditions provided for by law, which are general for the onset of liability in all cases of causing non-pecuniary damage. Let's consider them in more detail, taking into account the specifics of the legal relationship under investigation.

1) the fact of causing (presence of) moral damage.

Under moral damage caused to an employee due to an accident at work or an occupational disease, Soroka (2021, p. 14) understands non-material losses arising from mental, psychological and/or physical suffering of the victim, caused by damage to his (her) health, which lead to a violation of normal life ties due to the inability to prolong active public life, forced changes or restrictions in the choice of work, abandoning his (her) usual social circle and other negative consequences. Thus, moral damage is a set of moral and/or physical suffering of a person. When determining their nature and degree, it is necessary to proceed from the subjective (individual) characteristics of the victim and his (her) perception of negative consequences of causing such damage.

Sinchuk and Amelicheva (2022) come to the conclusion that compensation of moral damage to the victim of an accident or occupational disease in the context of Art. 237-1 of Labor Code of Ukraine and Art. 16 of the Civil Code of Ukraine is a way to protect the employee's violated constitutional right to work and to proper, safe and healthy working conditions as a component of this right. This way of the employee's rights defense is a direct consequence of the legal relationship between two subjects of labor relations – the employer and the employee, due to the rights and obligations defined by the legislation on labor protection. Compensation for moral damage to an injured party as a way to protect his (her) right to work has objective (legislative conditions of application) and subjective (internal criteria of the subject of the violation of rights) limits.

Tytarenko (2011, p. 146) believes that damage caused to the life or health of an employee while performing his (her) duties should be understood, firstly, as property damage that is associated with the deterioration of the employee's health (with death) as a result of an accident at work or an occupational disease; secondly, moral damage that occurred under such circumstances, but not by itself the deterioration of the worker's health or his (her) death.

We propose to understand this concept as physical and moral suffering experienced by the employee as a result of occupational disability or other health damage, which leads to the loss of normal life ties and requires additional efforts to organize his (her) life, and which occurred due to violation by the employer his (her) rights to proper, safe and healthy working conditions, enshrined in the legislation, collective agreement, regulatory acts of the enterprise (institution, organization), labor contract.

The peculiarity of this tort is that the damage is caused by the performance of the employee's duties (at the workplace or during professional activity) or on the road (on the company's vehicle or on behalf of the employer). The fact of infliction of moral damage, based on the established judicial practice, is considered proven if there is a conclusion of the medical and social expert commission (MSEC) on the damage to health during employment. Thus, the Constitutional Court of Ukraine in paragraph 4.1 of its Decision (Decision of the Constitutional Court of Ukraine No. 1-rp/2004, 2004) stated that health injuries caused to the victim during the performance of work duties cause to him (her) moral and physical suffering regardless of the degree of loss of professional capacity. The loss of working capacity, which is established by the conclusion of the MSEC, is in itself indicative of moral harm, because the health of the victim has deteriorated.

- 2) the illegality of the employer's actions, which occurs in the event of failure to fulfill his (her) obligations to ensure proper, safe and healthy working conditions, or in their violation.

Article 43 of the Constitution of Ukraine (Law of Ukraine No. 254K/96-VR, 1996) stipulates that everyone has the right to proper, safe and healthy working conditions. This right is realized through labor protection as a system of legal, socio-economic, organizational, technical, hygienic and curative measures and means aimed at preserving life, health and working capacity of a person in the process of work.

According to Art. 88 of the Labor Code of Ukraine (Law of Ukraine No. 322-VIII, 1971), healthy and safe working conditions are compliance with safety rules and regulations, necessary lighting, heating, ventilation, elimination of harmful effects of noise, radiation, vibration and other factors that negatively affect the health of workers, etc.

Proper working conditions in the technical sense should be considered operating efficiency of machines, lathes and devices; proper quality of materials and tools necessary for the performance of work and their timely submission; well-timed supply of production with electricity, gas and other energy sources; in-time provision of technical documentation. Healthy and safe working conditions are compliance with safety rules and regulations, necessary lighting, heating, ventilation, elimination of harmful effects of noise, radiation, vibration and other factors that negatively affect the health of workers, etc.

According to the rules of Art. 153 of the Labor Code of Ukraine (Law of Ukraine No. 322-VIII, 1971), the employer is obliged to provide healthy and harmless working conditions, implement modern safety equipment and hygienic conditions preventing industrial injuries and the occupational diseases. Consequently, each employee has the right to a workplace meeting the requirements of labor protection, as well as guarantees and compensations established by labor legislation. In addition, the employer is obliged to ensure safety of employees during the operation of buildings, structures, equipment, implementation of technological processes, as well as tools, raw materials and supplies used in production; to provide means of collective and individual protection preventing and reducing the negative impact of dangerous production factors on the employee; ensure proper sanitary and living conditions.

If the owner does not comply with these legal requirements, then, accordingly, he (she) violates the employee's right to proper, safe and healthy working conditions, which may lead to damage to the health of the latter, including as a result of an accident at work or an occupational disease. Consequently, such actions by the employer may be grounds for holding him (her) liable, including compensation for moral damages.

- 3) causal link between wrongful acts (omission) by the employer and the infliction of moral damage on the employee. A wrongful act on the part of the employer – failure to provide the employee with proper, safe and healthy working conditions, or their violation – should result in moral damage to the latter as a result of an accident at work or an occupational disease, i.e. lead to moral suffering, loss of normal life ties or the need make additional efforts to organize his (her) life.

The practice indicates that the argumentation of moral damage and the formation of the evidence base falls on the employee, who should prove by all available and appropriate evidence that he suffered moral harm.

As we have already noted above, the fact of the assignment of moral damage is considered proven if there is a conclusion of the MSEK about health damage during the performance of labor duties. The High Specialized Court also considers the opinion of a psychiatrist in a preventive and curative institution or medical advisory or medical-social expert commission on the stress experienced by the victim as a result of an industrial injury or occupational disease, or their consequences to be analogous to the conclusion of the MSEK on the establishment of the fact of causing moral damage, about depression or other negative manifestations of the victim's condition; forensic report (Yefimov, 2012).

For example, in case No. 185/10125/21 (2023), the Court recognizes the following documents as confirming the claimant's right to compensation for moral damage caused by injury to health as a result of the performance of work duties:

- the medical opinion of the medical expert commission, in which it was decided to refer PERSON_1 to MSEK, and to inform the defendant about the presence of the plaintiff's newly discovered occupational diseases;
- notification of an occupational disease;
- act of investigation of causes of chronic occupational disease, approved by the State Labor and Employment Administration;
- the fact of dismissal of the plaintiff from work, due to incompatibility of his state of health with the work performed;
- MSEK certificate dated May 28, 2019, series 12AAA No. 056651.

As for the conclusion of the forensic psychological examination, then according to Art. 102 of the Code of Civil Procedure of Ukraine (Law of Ukraine No. 1618-IV, 2004), the expert's opinion is a detailed description of the research conducted by the expert, the conclusions drawn as a result of them and substantiated answers to the questions posed to the expert, drawn up in the order determined by the legislation. The subject matter of the expert's conclusion may be the investigation of circumstances that are part of the subject of proof, the establishment of which requires special knowledge.

Psychological examination establishes those features of mental activity and their manifestations in a person's behavior that have legal significance and cause certain legal consequences. Its main task is to determine: individual psychological features, character traits, leading personality qualities; motivational factors of mental life and behavior; emotional reactions and states; regularities of the course of mental processes, the level of their development and its individual properties of the sub-expert person (Order of the Ministry of Justice of Ukraine No. 53/5, 1998).

At the same time, it is worth remembering that the forensic psychological examination does not focus on solving the issue of determining the amount of the monetary equivalent of the moral damage caused. The expert opinion in this part is of scientific and recommendatory nature. It is an important piece of evidence, but the court makes the final decision. At the same time, the latter must be based on the principles of reasonableness and justice, and disagreement with the expertise must be motivated in an appropriate procedural manner (Shevtsov & Tymoshenko, 2011, pp. 9 – 10).

Indeed, if the victim has provided enough evidence, which confirms the fact of inflicting moral damage on him and its amount, then the court may not order an examination. In addition, almost all appellate courts believe that when determining the fact of causing moral damage in connection with health damage, established by the conclusions of the MSEK, moral suffering of the victim is proven. At the same time,

attention of the courts should be drawn to the fact that causing non-pecuniary damage in disputed legal relations is not a material and legal presumption. Therefore, it is necessary to prove not only the fact of such harm, but also its amount (Luspenyk & Vysotska, 2012).

We agree with the thesis that moral damage caused as a result of an accident at work or an occupational disease is a proven fact and believe that it can be manifested in the following:

- moral or physical suffering caused by the acts (omission) of the employer that encroach on the life and health of the employee (for example, the employee was injured as a result of a crane falling, or the owner purchased low-quality personal protective equipment that did not save the employee from dangerous production factor);
 - moral experiences in connection with the loss (death at work) of a close relative;
 - moral distress related to the inability to prolong an active life or engage in a favorite sport (for example, after the injury, the employee is unable to visit the bicycle tourism club);
 - moral distress related to job loss (for example, as a result of the injury, the worker has lost the opportunity to work in a single profession, which he (she) owns, or the he (she) has loans, the repayment of which is problematic or impossible at all when losing job, or the victim is the sole breadwinner in family, etc.);
 - moral suffering associated with temporary restriction or deprivation of any rights (for example, the employee lost one eye, as a result of which he was deprived of the right to drive vehicles);
 - moral experiences in connection with physical pain;
 - moral experiences from mutilation, disfigurement, etc.
- 4) the fault of the employer, which is the latter's mental attitude towards the violation of the employee's legal rights and its consequences, expressed in the form of intent (direct or indirect) or carelessness (simple or gross), which in this case is manifested in the improper provision of the latter's working conditions. The degree of fault of the owner is important in determining the amount of moral damage.

The fault of the employer in each individual case is determined by the accident investigation commission. Thus, in the event of an accident at work, the employer is obliged to notify the territorial body of the State Labor Service of Ukraine using means of communication within two hours, and also to provide a report on the accident on paper no later than the next working day. Notification of an accident is provided at the place of occurrence of the accident.

The State Labor Service conducts its activities in accordance with the Procedure for investigating and recording accidents, occupational diseases and accidents at work, approved by the Resolution of the Cabinet of Ministers of Ukraine 337 (2019).

Special investigation commission (hereinafter – special commission) is formed by the State Labor Service and/or its territorial body. After inspecting the place where the accident occurred, studying the documents and materials available, determining the type of event that led to it, determining the compliance of working conditions and its safety with the requirements of labor protection legislation; the need to carry out laboratory research, tests, technical calculations, expertise, etc.; clarification of the circumstances and causes of the accident; identification of persons who violated the requirements of regulations on labor protection, etc., special commission is obliged to draw up H-5 accident investigation report in three copies, as well as H-1 certificate in six copies, if this accident is recognized as being related to production, or NVP act, if this accident is recognized as not related to production, and submit them for approval to the employer.

The employer should consider and approve H-5, H-1 or NPV certificates within a day after the end of the investigation, and for the cases that occurred outside the enterprise – within a day after receiving the necessary materials.

The fault of the employer in violation of the rules of occupational health and safety can be determined by the court. Thus, in the case No. 211/2524/16-ts (2019), the Supreme Court found that the occupational disease of PERSON_1, which causes him physical pain and mental suffering, was inflicted by JSC "Marganets Mining and Processing Plant", which allowed to exceed the maximum permissible level of dangerous and harmful factors of the production environment and labor process as confirmed by the findings on the claimant's disability. As a result, the Court came to the conclusion that there are legal grounds for compensation for moral damage caused as a result of an occupational disease.

Therefore, it can be concluded that in cases of damage to the life or health of employees by their employers, the fault of the latter is understood in a broad sense as their failure to provide safe conditions and proper labor protection. This means that the fault of the employer means any (even minor) violation of the rules of occupational health and safety, industrial sanitation, lack of proper supervision of work safety. The guilt of the owner is presumed, that is, he (she) is released from responsibility if he (she) proves that the damage was not caused by his (her) fault. Disability, occupational disease, and worker's death are most often related to the activities of the employer, which creates an increased danger for others. The fault of the employer can be expressed in the violation of inter-branch and sectoral rules on labor protection and safety, state standards of the labor safety system, construction norms and rules, norms of sanitation and hygiene, etc. (Vodopian 2019, p. 51).

5. Conclusions

According to labor legislation of Ukraine, an industrial accident or an occupational disease is the basis for compensation for moral damage caused to the employee, which is carried out in the case that the violation of the legal rights of the employee (including the failure to ensure proper working conditions) led to moral suffering, loss of normal life connections and require additional efforts to organize his (her) life.

Compensation for moral damage to an employee who suffered as a result of an accident at work or an occupational disease is possible in the presence of certain conditions prescribed by law, which are common for liability to arise in all cases of causing non-pecuniary damage: the presence of the fact of causing moral damage; unlawful decisions, acts or omission by the perpetrator; 3) causal link between illegal behavior and moral harm; 4) the fault of the perpetrator.

Under moral damage caused to an employee due to an accident at work or an occupational disease, we propose to understand physical and moral suffering experienced by the employee as a result of an occupational disability or other health damage, which leads to the loss of normal life ties and requires additional efforts to organize his (her) life, and which occurred due to the violation by the employer of his (her) right to proper, safe and healthy working conditions, enshrined in the legislation, collective agreement, legal acts of the enterprise (institution, organization), labor contract.

The illegality of the employer's actions in the legal relationship under consideration occurs when he (she) fails to fulfill his (her) obligations to ensure proper, safe and healthy working conditions, or when they are violated. If the owner does not comply with the requirements of the labor law, this can lead to damage to the health of the employee, including as a result of an accident at work or an occupational disease. As a result, such actions by the owner may be grounds for holding him (her) liable, including compensation for moral damages.

The causal link in the aspect under consideration exists in the case when the illegal act on the part of the employer – failure to provide the employee with proper, safe and healthy working conditions, or their violation – has the consequence of causing moral damage to the latter as a result of an industrial accident or professional illness, i.e. lead to moral suffering, loss of normal life ties or the need to make additional efforts to organize his (her) life.

The fault of the employer means any violation of the rules of occupational health and safety, which led to damage to the life or health of the employee, as a result of which the latter has the right to compensation for damages, including moral ones.

6. Bibliographic references

Case No. 185/10125/21. Resolution of the Supreme Court of Ukraine. Unified State Register of Court Decisions. Kyiv, Ukraine. February 01, 2023. Retrieved from <http://iplex.com.ua/doc.php?regnum=108790777&red=100003cd05e76dbad57f89e05033596c15d415&d=5>

Case No. 211/2524/16-ts. Resolution of the Supreme Court of Ukraine. Unified state register of court decisions. Kyiv, Ukraine. February 20, 2019. Retrieved from <https://verdictum.ligazakon.net/document/80147468>

Chernadchuk, V. (2001). Compensation for moral damage in violation of labor rights. (PhD dissertation Abstract) Taras Shevchenko National University of Kyiv. Kyiv, Ukraine. https://essuir.sumdu.edu.ua/bitstream-download/123456789/51052/1/Chernadchuk_Vidshkoduvannia_moralnoi_shkody.pdf

Decision of the Constitutional Court of Ukraine No. 1-rp/2004. The decision of the Constitutional Court of Ukraine in the case of the constitutional appeal of the Executive Directorate of the Fund of Social Insurance against Industrial Accidents and Occupational Diseases of Ukraine in the Kirovohrad Region on the official interpretation of the provisions of Part 3, Article 34 of the Law of Ukraine "On Mandatory State Social Insurance against Industrial Accidents and Occupational Diseases, which Caused the Loss of Working Capacity" (a case on compensation for moral damage by the Social Insurance Fund), Bulletin of the Verkhovna Rada of Ukraine, January 27, 2004. Retrieved from <https://zakon.rada.gov.ua/laws/show/v001p710-04#Text>

Law of Ukraine No. 1618-IV. Civil Procedure Code of Ukraine, Bulletin of the Verkhovna Rada of Ukraine, March 18, 2004. Retrieved from <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

Law of Ukraine No. 254K/96-VR. Constitution of Ukraine. Bulletin of the Verkhovna Rada of Ukraine, June 28, 1996. Available online. In: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

Law of Ukraine No. 322-VIII. Labor Code of Ukraine, Bulletin of the Verkhovna Rada of Ukraine, December 10, 1971. Retrieved from <https://zakon.rada.gov.ua/laws/show/322-08#Text>

Law of Ukraine No. 435-IV. Civil Code of Ukraine, Bulletin of the Verkhovna Rada of Ukraine, January 16, 2003. Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15#Text>

Luspenyk, D., & Vysotska, V. (2012). Courts in different regions assess payments for the same injuries differently. *Law and Business*, 15(1054). [HTTPS://ZIB.COM.UA/UA/9018.HTML](https://ZIB.COM.UA/UA/9018.HTML)

Order of the Ministry of Justice of Ukraine No. 53/5. On the approval of the Instructions on the appointment and conduct of forensic examinations and expert studies, Bulletin of the Verkhovna Rada of Ukraine, October 08, 1998. Retrieved from <http://zakon3.rada.gov.ua/laws/show/z0705-98>

Resolution of the Cabinet of Ministers of Ukraine No. 337. On approval of the Procedure for investigation and registration of accidents, occupational diseases and accidents at work, Bulletin of the Verkhovna Rada of Ukraine, April 17, 2019. Retrieved from <https://zakon.rada.gov.ua/laws/show/337-2019-%D0%BF#Text>

- Shevtsov, S. O., & Tymoshenko, A. I. (2011). Determining the amount of moral damage: legal principles and expert methods. Kharkiv: Expert Service of the Ministry of Internal Affairs of Ukraine. <https://docplayer.net/66547242-Viznachennya-rozmiru-moralnoyi-shkodi-pravovi-zasadi-ta-ekspertni-metodiki-informaciyniy-list.html>
- Sinchuk, S. M., & Amelicheva, L. P. (2022). Compensation for moral damages to workers who suffered from an accident at work and occupational disease, *Academy Vision*, 14, <https://www.academy-vision.org/index.php/av/article/view/163/151>
- Soroka, O. P. (2021). Compensation for spiritual injury due to work accidents and occupational diseases. (PhD Dissertation Abstract). Yaroslav Mudryi National Law University. Kharkiv, Ukraine. https://dspace.nlu.edu.ua/bitstream/123456789/19420/1/Soroka_eref.pdf
- Tytarenko, D. (2011). Concept and composition of harm caused to life or health of an employee in the performance of labor obligations. *Gaps in the russian legislation*, 3. <https://acortar.link/mXGAKz>
- Vodopian, T.V. (2019). Compensation for moral damage caused as a result of injury at work or occupational disease, *Legal horizons*, 18(31), 48-55. https://essuir.sumdu.edu.ua/bitstream-download/123456789/77780/1/Vodop%60yan_vidshkoduвання_moralnoyi_shkodi.pdf
- Yefimov, O. (2012). Compensation for moral damage: case law. *Accounting*, 38(1025), 77-78. <http://yefimov.com.ua/?p=439>
- Zyhmunt, L. (2020). Current state of labor protection in Ukraine and abroad. *Zolochiv.net*. <https://zolochiv.net/suchasnyy-stan-okhorony-pratsi-v-ukraini-ta-za-kordonom/>