

COMPARATIVE ANALYSIS OF LEGAL FRAMEWORK ON WORK ACCIDENTS AND OCCUPATIONAL DISEASES IN CZECH REPUBLIC AND IN PORTUGAL

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Abstract

Introduction: Every year, thousands of workplace accidents occur in Portugal (PT) and the Czech Republic (CR), which can lead to permanent health consequences. **Objectives:** Present work aims to compare the legal framework regarding work accidents and occupational diseases in the CZ and PT, identify the main differences and similarities, and analyze the statistics of work accidents and diseases in both countries. **Methodology:** The work is based on a comparative analysis of national regulations on work accidents and occupational diseases, an analysis of statistics on work accidents and diseases. **Results:** The CZ emphasizes the prevention of work accidents, while PT focuses on post-accident support for workers in the form of compensation and rehabilitation. Statistics reveal differing areas of risk, with the CZ seeing frequent accidents in the manufacturing and transport sectors, while in Portugal, construction and fishing are the main areas of concern. Fatal accidents are more common in PT than in the CZ. **Conclusions:** The CZ and PT differ in their approaches to the prevention of work accidents and subsequent support for workers, with the CZ focusing on prevention and PT on compensation and rehabilitation. Cooperation between both countries may serve as a foundation for improving worker protection.

Keywords: work accident, occupational disease, health and safety at work.

Introduction

Workplace accidents and occupational diseases are a serious issue with far-reaching consequences for both individuals and society as a whole. Every year, thousands of workplace accidents occur in Portugal and the Czech Republic, which can lead to permanent health consequences, loss of work performance, or even death. In addition, occupational diseases, resulting from long-term exposure to harmful factors in the work environment, are also a significant problem that often remains inadequately addressed. Different countries have different legal frameworks and approaches to protecting workers from these risks. This study focuses on comparing the legal frameworks of the Czech Republic (CZ) and Portugal (PT) in the area of workplace accidents and occupational diseases. The aim is to identify key differences and similarities in the legal regulations of both countries, further identify the role of the various control and support institutions involved in worker protection, and evaluate the statistics of workplace accidents in each country.

Legal framework

Concepts in CZ

The following terms are included in Czech legislation in Act No. 262/2006 Coll., the Labour Code:

Work accident (Pracovní úraz). A work accident is a health impairment or death of an employee that occurs:

- independently of their will;
- due to short-term, sudden, and violent external influences;
- while performing work tasks or in direct connection with them.

Performing work tasks:

- performance of work duties arising from the employment relationship and from agreements on work performed outside of the employment relationship;
- activities that are the subject of a business trip;

- activities performed for the employer at the initiative of a trade union, employee council, or health and safety representative;

In direct connection with the performance of work tasks:

- actions necessary for performing work and actions typical or necessary before starting work or after its completion;
- actions customary during breaks for meals and rest carried out on the employer's premises;
- examinations by a healthcare provider conducted at the employer's request or examinations related to night work, first aid treatment, and the journey to and from it;

Actions in direct connection with the performance of work tasks are not:

- travel to and from work;
- meals;

Fatal work accident:

- such health impairment, the consequences of which caused the employee affected by the accident to die no later than one year after the incident.

Occupational diseases (Nemoc z povolání):

- it is a disease arising from adverse effects of chemical, physical, biological, or other harmful influences, provided that it occurred under the conditions specified in the list of occupational diseases;

The list of occupational diseases is divided into 6 chapters, each containing a different number of items. It consists of simple tables with the names of individual occupational diseases and the conditions under which they occur.

The List of Occupational Diseases is included in the Czech Republic legislation in Government Regulation No. 290/1995 Coll.

- Chapter I: Occupational diseases caused by chemicals;
- Chapter II: Occupational diseases caused by physical factors;
- Chapter III: Occupational diseases related to the respiratory system, lungs, pleura, and peritoneum;
- Chapter IV: Occupational skin diseases;
- Chapter V: Occupational infectious and parasitic diseases;
- Chapter VI: Occupational diseases caused by other factors and agents.

Concepts in PT

The following terms are included in Portuguese legislation in Law no. 98/2009 of 04 September:

Work accident (Acidente de trabalho):

- An accident that occurs at the workplace and during work hours, resulting directly or indirectly in bodily injury, functional disturbance, or illness, which leads to a reduction in work capacity or earnings, or to death.

A work accident is also considered to occur in the following cases:

- During the journey to or from the workplace;
- Routes normally used and the time typically spent by the worker;
- Between any of their workplaces, in the case of having more than one job;
- Between their usual or occasional residence and the facilities that constitute their workplace;
- Between any of the locations mentioned in the previous point and the place of payment of the salary;
- Between the location where, by the employer's instructions, the worker performs any work related to their job and the facilities that constitute their usual workplace or their usual or occasional residence;
- Between the workplace and the place of the meal;
- Between the location where, by the employer's instructions, the worker performs any work related to their job and the facilities that constitute their usual workplace or their usual or occasional residence;
- Occupational accidents that occurred during interruptions or deviations from the normal route.
- While performing spontaneously provided services that may result in economic benefit for the employer;
- At the workplace when attending a professional training course;

- At the location of wage payment, while the worker remains there for that purpose;
- At the location where the worker is to receive any form of assistance or treatment due to a previous accident;
- While seeking employment during the time credit granted by law to workers undergoing the termination of their employment contract;

Occupational disease (Doença profissional):

- Occupational disease is one that is listed in the List of Occupational Diseases and that results from the worker being exposed to the respective risk due to the nature of the industry, activity or conditions, environment and techniques of the usual work;
- Furthermore, any bodily injury, functional disturbance, or disease not included in the list, provided it is proven to be a necessary and direct consequence of the activity performed and does not represent normal wear and tear of the body.

The list of occupational diseases is divided into 5 chapters, in this list we can find individual risk factors, diseases or other clinical manifestations and characterisation (indicative timeframe), list of examples of work likely to cause the disease.

The List is included in the Portuguese legislation in Regulatory Decree No. 76/2007, of July 17:

- Chapter 1: Diseases caused by chemical agents;
- Chapter 2: Diseases of the respiratory system;
- Chapter 3: Skin diseases and others;
- Chapter 4: Diseases caused by physical agents;
- Chapter 5: Infectious and parasitic diseases.

Analysis of differences and convergence of legal frameworks in both countries

The concepts of work accidents and occupational diseases in the Czech Republic and Portugal share several similarities but also exhibit notable differences due to variations in national laws and regulatory frameworks.

Work accident (Pracovní úraz vs. Acidente de trabalho)

The definition of a work accident differs significantly between countries. In the Czech Republic, emphasis is placed on the fact that the work accident must occur independently of the employee's will, and that it results from a short-term, sudden, and violent external influence. This factor plays an important role when assessing a work accident. While the definitions in both countries use different wording, they essentially state that the work accident must occur during working hours, and both definitions mention that a work accident leads to health impairment or death.

As for situations that are also considered work accidents, such as the commute to work, other locations instead of the employee's usual workplace, or situations before and after working hours, the legal frameworks are similar in both countries. The exception is that in Portuguese legislation, it is stated that a work accident also includes situations where the employee deviates from the normal route in cases of satisfying the employee's necessary needs, force majeure, or unexpected events. From this perspective, the recognition of work accidents in Portugal is more lenient, whereas in the Czech Republic, these cases are not considered.

Occupational disease (Nemoc z povolání vs. Doença profissional)

There are significant differences in the definitions of occupational diseases in Portugal and the Czech Republic. In the Czech Republic, the recognition of occupational diseases is governed by a list where these diseases are listed, with the only exception being acute poisoning caused by the harmful effects of chemical substances. In contrast, in Portugal, in addition to the diseases listed in the list of occupational diseases, they also recognize any injury, functional disturbance, or disease that is not on the list, as long as it is a necessary and direct consequence of the performed work activity and does not represent normal wear and tear of the body. This is one of the reasons for the higher number of occupational diseases in Portugal compared to the Czech Republic.

The Portuguese list of occupational diseases is divided into 5 chapters, which are diseases caused by chemical agents, respiratory factors, skin problems, physical agents, and infectious or parasitic diseases. In the Czech Republic, the division of chapters is similar, with the addition of a chapter that covers occupational diseases caused by other factors and agents. While the Czech list of occupational diseases only includes the conditions for the occurrence of diseases, the Portuguese list provides more detailed information, including clinical manifestations with a time frame, as well as a list of example jobs where these diseases may occur.

Intervening bodies

Bodies intervening in accidents at work and occupational diseases in CZ

Bodies intervening in accidents at work in CZ

The **State Labour Inspectorate (Státní úřad inspekce práce - SÚIP)** and the **Regional Labour Inspectorates (Oblastní inspektoráty práce - OIP)** are key institutions in the CR that oversee compliance with labour laws and regulations concerning workplace safety and health protection.

Act No. 251/2005 Coll. labor inspection, this law regulates the scope, powers and activities of the labor inspection, both at the SÚIP level and at the OIP level.

SÚIP

SÚIP is the central administrative body that coordinates and oversees the activities of the regional labour inspectorates in the Czech Republic. It ensures the implementation of inspection activities at the national level, standardizes procedures, and develops methodological materials for labour inspectors.

Main tasks:

- Establishes methodological guidelines for regional labour inspectorates and monitors their activities;
- Creation and oversight of state policy in labour law;
- Regularly publishes statistics related to workplace accidents, incidents, inspection activities, and violations of labour law;
- It participates in educating both employees and employers about legal regulations concerning labour law, workplace safety, and health protection;
- It creates recommendations for improving working conditions and ensuring workplace safety;

OIP

Regional bodies that carry out inspections at the local level. Each regional labour inspectorate is responsible for a specific geographical area, typically a region or a group of regions. The inspectorates are responsible for monitoring compliance with labour laws and workplace safety and health regulations within their area.

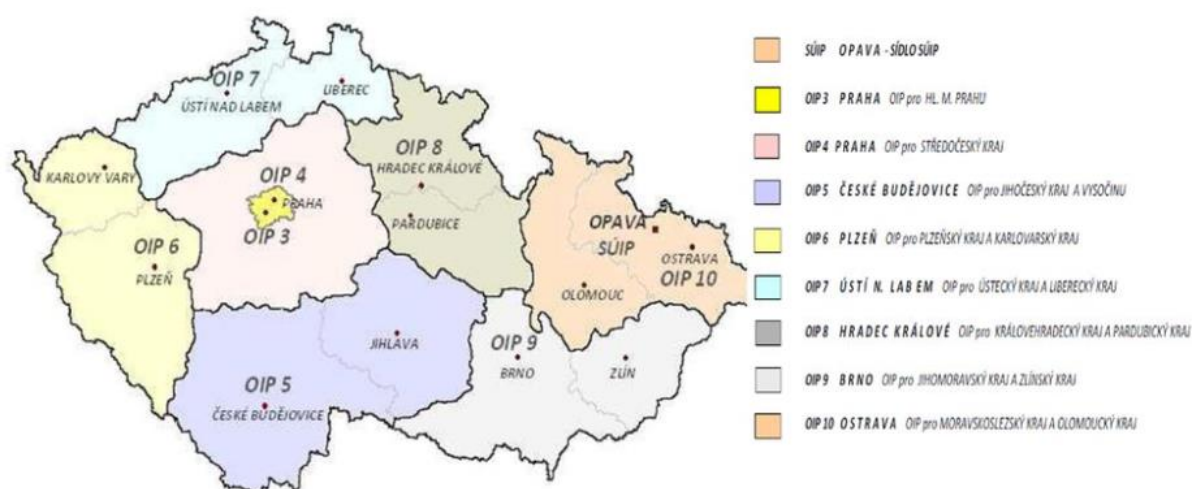


Figure 1. The division of OIP by regions (Státní úřad inspekce práce, 2012).

Bodies intervening in occupational diseases in CZ

Public health authorities (OOVZ) are institutions that carry out state administration in the protection of public health, to the extent and under the conditions specified by Act No. 258/2000 Coll., on the Protection of Public Health, as amended. In the Czech Republic, these are primarily the Ministry of Health and **Regional Hygiene Stations (KHS - Krajská hygienická stanice)**.

KHS

Regional hygiene stations are managed by the regional authorities and are subject to the Ministry of Health. Each station is headed by a director, who is responsible for carrying out duties in the region. There are various departments within the regional health station that focus on specific areas, such as: Department of Epidemiology, Department of Environmental Hygiene, **Department of Occupational Hygiene**, Department of Food Hygiene, Food Control Department, etc.

Main tasks of the field of occupational hygiene at KHS:

- Control of working conditions and working environment
- Assessment of occupational risks and factors
- Prevention of occupational accidents and diseases
- Carrying out measurement and evaluation of occupational risks
- Investigation of occupational accidents and diseases

Bodies intervening in accidents at work and occupational diseases in PT

ACT

The **Authority for Working Conditions (Autoridade para as Condições do Trabalho)**, whose acronym is ACT, is a Portuguese body under the guidance of the public administration, and is supervised by the Ministry of Labour, Solidarity and Social Security. ACT emerged from the former General Labour Inspectorate (Inspeção Geral do Trabalho – IGT) and the Institute for Safety, Hygiene and Health at Work (Instituto para a Segurança, Higiene e Saúde no Trabalho - ISHST). ACT is governed by the Regulatory Decree No. 47/2012, of 31 July.

Main tasks:

- Promote, control, and supervise compliance with legal, regulatory, and conventional provisions related to labor relations and working conditions, particularly those concerning occupational safety and health;
- Promote the development, dissemination, and application of scientific and technical knowledge in the field of occupational safety and health;
- Promote specialized training in the areas of occupational safety and health;
- Promote and participate in the development of occupational safety and health policies;
- In the case of workplace accidents, especially serious or fatal ones, ACT conducts investigations to determine the causes of the accident and assess whether the relevant safety regulations were followed;
- It participates in analyzing the circumstances of workplace accidents and recommends corrective measures.

Others

In Portugal, the ACT is the main body responsible for occupational safety and health, including the prevention of work-related accidents and diseases. However, the **DGS (Direção-Geral da Saúde)**, although not the main authority for workplace safety, also plays an important role in protecting workers' health, namely in the authorization of external occupational health services.

The **Instituto da Segurança Social (ISS)**, which is the Social Security Institute in Portugal, plays an important role in occupational safety, particularly when it comes to compensation and social security for workers who have suffered work-related accidents or illnesses due to the work environment.

In the case of fatal work accidents, the **Police** and the **Institute of Legal Medicine (IML - Instituto de Medicina Legal e Ciências Forenses)** are also involved in the investigation to examine the circumstances and prepare reports.

Comparison of statistics on occupational accidents and diseases in CZ and PT

The statistics related to workplace accidents and diseases in Portugal and the Czech Republic, first, data will be presented on the number of serious workplace accidents in both countries, broken down by sector, as well as the number of fatal workplace accidents. Next, the focus will be on the number of serious workplace accidents and fatal workplace accidents according to the type of injury. The final part will address the number of occupational diseases and the most commonly diagnosed diseases. In the Czech Republic, statistical data on work accidents is collected by the State Labour Inspection Office, and data on occupational diseases is collected by the State Health Institute. In Portugal, this information is gathered by ACT or the National Institute of Statistics.

The following tables reveal that the most hazardous sector in terms of serious accidents in the Czech Republic is the manufacturing industry, with construction coming in second place, far behind. In Portugal, the situation is the opposite: construction ranks first, and manufacturing is in second place, with the difference compared to the Czech Republic being only little. In both countries, wholesale, retail, and motor vehicle repair industries are also significant sources of workplace accidents. The Czech Republic has a high accident rate in the transportation and storage sector, whereas in Portugal, surprisingly high numbers are found in administrative activities and support services.

Table 1. Number of serious accidents at work in CZ by activity sector 2020-2024 (SÚIP, 2023).

odvětví (CZ-NACE)	závažné pracovní úrazy, graf č. 4.3.0									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
A. Zemědělství, lesnictví, Rybnářství	112	80	96	77	78	65	69	50	55	42
B. Těžba a dobývání	6	0	13	24	23	19	10	15	5	1
C. Zpracovatelský Průmysl	454	398	418	370	347	318	239	243	226	216
D. Výroba a rozvod elektrické a jiné energie	17	15	13	10	8	9	8	6	8	11
E. Zásobování vodou; činnost s odpady	35	37	31	33	40	28	18	25	30	29
F. Stavebnictví	187	174	169	152	140	117	110	106	108	88
G. Velkoobchod, maloobchod; opravy motor. voz.	110	96	112	86	87	94	74	63	50	36
H. Doprava a skladování	149	159	144	127	137	124	96	98	96	96
I. Ubytování, stravování a pohostinství	23	23	23	17	22	13	9	8	14	7
J. Informační a komunikační činnosti	7	8	14	4	9	5	4	4	3	3
K. Peněžnictví a pojišťovnictví	4	9	2	5	4	3	3	2	2	3
L. Činnosti v oblasti nemovitostí	10	10	10	9	18	11	11	5	13	8
M. Profesionální vědecké a technické činnosti	28	22	20	11	30	11	18	18	15	16
N. Administrativní a podpůrné činnosti	45	56	62	54	46	31	31	27	21	29
O. Veřejná správa a obrana; pov. soc. zab.	49	30	43	31	25	39	29	17	19	26
P. Vzdělávání	40	44	44	31	38	39	23	20	31	39
Q. Zdravotní a sociální Péče	59	47	47	39	33	37	25	25	32	20
R. Kulturní, zábavní a rekreační činnost	19	20	14	8	12	5	8	7	7	8
S. Ostatní činnosti	11	7	4	7	4	7	6	9	4	5
nezjištěno	29	76	36	51	48	32	39	40	58	49
ČR	1 394	1 311	1 315	1 146	1 149	1 007	830	788	797	732

Table 2. Number of serious accidents at work in PT by activity sector 2020-2024 (ACT, 2024).

CAE	2020	2021	2022	2023	2024	General Total
A - Agriculture, Animal Production, Hunting, Forestry and Fishing	25	23	38	28	13	127
B - Extractive Industries	11	19	12	10	1	53
C - Manufacturing Industries	134	180	191	161	53	719
D - Electricity, Gas, Steam, Hot and Cold Water and Cold Air	0	6	0	2	0	8
E - Water Collection, Treatment and Distribution; Sanitation, Waste Management and Pollution Control	7	12	21	6	2	48
F - Construction	145	219	194	207	58	823
G - Wholesale and retail trade; Repair of motor vehicles and motorcycles	50	64	64	57	27	262
H - Transport and Storage	18	21	31	19	5	94
I - Accommodation, food and similar	2	7	15	9	4	37
J - Information and Communication Activities	1	2	5	1	1	10
K - Financial and Insurance Activities	1	0	1	0	0	2
L - Real Estate	2	6	8	4	0	20
M - Consulting, Scientific, Technical and Similar Activities	11	12	13	6	4	46
N - Administrative and Support Services Activities	43	63	67	48	16	237
O - Public Administration and Defense; Mandatory Social Security	6	4	3	5	2	20
P - Education	0	0	1	1	0	2
Q - Human Health and Social Support Activities	5	10	7	8	3	33
R - Artistic, Shows, Sports and Recreational Activities	3	1	1	3	1	9
S - Other Service Activities	3	5	2	2	0	12
T - Activities of Household Employers of Domestic Staff and Household Production Activities for Own Use	0	0	0	0	0	0
U - Activities of International Organizations and Other Extra-Territorial Institutions	0	0	0	0	0	0
Unknown	1	2	1	1	0	5
Total	468	656	675	578	190	2.567

The most common consequences of fatal workplace accidents in Portugal are, by a large margin, multiple injuries. Other significant consequences include concussions, internal injuries, or shock. An anomaly occurred in 2019, when the consequence of a fatal workplace accident for seven individuals was drowning or

asphyxiation. As for serious workplace accidents, the most common consequence is clearly fractures, followed by multiple injuries and amputations. A large number of accidents also resulted in burns and frostbite, or also wounds and superficial injuries. In the Czech Republic, there is no statistics on the number of workplace accidents broken down by consequences, which, in my opinion, is a mistake; it could help advance solutions in this issue. However, various portals dealing with workplace safety and health protection indicate that the most common consequence of fatal workplace accidents is multiple injuries, and for serious workplace accidents, it is primarily fractures, burns, and head injuries.

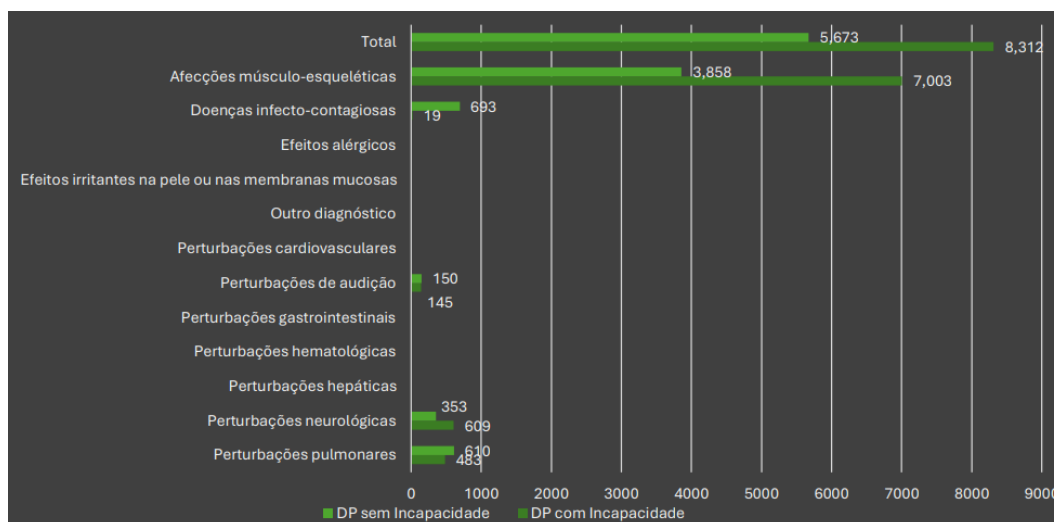


Figure 2. Occupational diseases by nature of disability and clinical diagnosis in PT 2023 (UGT, 2024).

Table3. Number of occupational diseases in the CZ 2014-2023 (Fenclová, 2023).

Kapitola	Položka	Nemoc z povolání	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
I.		NzP způsobené chemickými látkami	1	3	2	5	6	9	7	6	6	9
II.		NzP způsobené fyzikálními faktory	336	374	349	480	527	695	767	665	547	520
	II.4	percepční kochleární vada sluchu způsobená hlukem	8	4	4	8	12	19	10	14	11	17
	II.6 – II.8	nemoci z vibrací	100	136	103	145	155	178	217	199	155	154
	II.9 – II.10 ¹	nemoci z DNJZ	224	231	233	316	346	483	535	445	374	341
		ostatní NzP	4	3	9	11	14	15	5	7	7	8
III.		NzP týkající se dýchacích cest, plic, pohrudnice a pobřišnice	122	124	84	125	172	199	155	184	214	273
	III.1	pneumokoniózy způsobené SiO ₂	71	71	49	64	78	82	64	94	111	166
	III.2	nemoci plic, pohrudnice nebo pobřišnice způsobené azbestem	15	6	7	17	12	23	12	17	22	23
	III.6	rakovina plic z radioaktivních látek	1	1	-	-	1	2	1	2	2	8
	III.10	astma bronchiální včetně alergických onemocnění dýchacích cest	29	40	20	36	75	81	67	62	67	56
		ostatní NzP	6	6	8	8	6	11	11	9	12	20
IV.		NzP kožní	71	67	80	131	168	166	177	181	149	179
V.		NzP přenosné a parazitární	6405	6814	5473	294	193	153	171	205	117	230
	V.1	nemoci přenosné a parazitární s přenosem z člověka na člověka	6374	6790	5422	264	154	124	135	162	88	179
	V.2	nemoci přenosné ze zvířat na člověka	5	9	15	14	27	14	28	24	16	22
	V.3	nemoci přenosné a parazitární vzniklé v zahraničí	26	15	36	16	12	15	8	19	13	29
VI.		NzP způsobené ostatními faktory	2	1	3	-	1	-	1	1	2	3
		Nemoci z povolání	6937	7383	5991	1035	1067	1222	1278	1242	1035	1214
		Ohrožení nemocí z povolání	64	56	52	77	78	60	92	55	57	36
		Úhrnem	7001	7439	6043	1112	1145	1282	1370	1297	1092	1250
		Počet osob s hlášeným onemocněním	6156	6996	5890	952	951	1034	1117	1051	911	1065

The figures for occupational diseases in Portugal and the Czech Republic cannot be compared in any way. Each country has different lists of diseases it recognizes as occupational diseases, and the criteria for recognizing these diseases also differ. This means that what is considered an occupational disease in one country may not be recognized in the other, and vice versa. This difference in the recognition of occupational diseases affects not only the statistics but also the approach to prevention, treatment, and compensation associated with these diseases. The vast majority of occupational diseases in the Czech Republic are caused by COVID-19, while in Portugal, they are primarily musculoskeletal disorders, such as Epicondylitis, Carpal tunnel syndrome, Elbow bursitis. Musculoskeletal disorders are among the second most common occupational diseases in the Czech

Republic; however, compared to the diseases in Portugal, the numbers are negligible. In Portugal, other common diseases include lung disorders and neurological conditions, which are not currently recognized as occupational diseases in the Czech Republic.

Results and Conclusions

The results of the study highlight both differences and similarities between the legal frameworks of the Czech Republic and Portugal in the area of work accidents and occupational diseases. In both countries, the definitions of workplace accidents are similar, although Portugal recognizes a broader range of situations, such as unplanned deviations from the usual route to work. In the area of occupational diseases, Portugal adopts a more flexible approach, recognizing a wider range of diseases, including those not directly listed in the official register, whereas in the Czech Republic, the conditions for recognizing occupational diseases are stricter. Regarding the overall legal framework, the Czech Republic focuses on prevention, while Portugal primarily emphasizes a system of post-incident support for affected workers, including financial compensation and rehabilitation. Statistical data shows that in the Czech Republic, there is an annual decline in the number of serious workplace accidents and fatalities, while the situation in Portugal is less stable, with the country facing more frequent fatal workplace accidents. The study thus indicates that while the Czech legal framework contributes to effective prevention of workplace accidents, Portugal focuses on post-incident support for workers, which, combined with a broader definition of occupational diseases, leads to a higher number of registered diseases. Given the different approaches of individual countries in the area of occupational diseases, it would be desirable for the European Union to create a unified list of occupational diseases and methods for their recognition. The current situation, where each country has its own list of diseases and different criteria for their recognition, makes it difficult to effectively compare and analyze data. This difference between countries may lead to inconsistencies in monitoring occupational risks and providing adequate support to workers. Unification would allow for better protection of workers' health and facilitate tracking trends across all member states.

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