

CASE BRIEF

Parties:

Employer of JUDr. P. K. (plaintiff) vs. insurance (defendant)

Facts:

The instant case involves the following circumstances:

The plaintiff wanted to agglutinate her team in lawyer company. Thus she arranged a visit in ski center in Hintertux. It was meant as business trip. There was a program for plaintiff's team and it was called „teambuilding“. One part of program was skiing and JUDr. P.K. broke his wrist. His employer considered it as accident at work and paid him compensation for loss and injury. Then she demanded money from insurance for this payment. Insurance said that it had not paid anything because it had not been accident at work.

Legal issue:

The issue in this case is whether it was accident at work during the business trip.

Procedural history:

The Prague district court in the first instance ruled that it was business trip because it contained all requirement for it. The JUDr. P.K. performed duties according the contract of employment in skiing center so it was accident at work.

Defendant appealed against the decision of the first instance.

The city court of Prague overruled the lower court's decision because it was not performance of duties at work. The court only upheld that it was business trip.

The High court in Prague reversed decision of lowers' courts.

Reasoning of the court

The High court of Pargue affirmed that it was business trip. The court also poited out that it was accident at work (same as the Prague district court) but disaffirmed first instance courts' reasons for it (that was accident at work). The High court turned back the case to the Prague district court – case will be discussed again.