

## Case Brief

Parties: M.Š. (plaintiff)

A. s.r.o. (defendant)

So these case is about man, who fell into the skylight when we was working on the roof. He suffered a severe work injury in the performance of job duties. He sit on the sheet which covered skylight, the sheet failed and plaintiff fell 10 meters on the ground.

He wants for defendant almost 2,479.854,- Kč for the infujry. Because of this injury he has a disability pension now.

In the first instance, the court ruled that there is no casuality between work and this accident because plaintiff had a break, he smoked and sit on the skylight. While he was in work but his injury has nothing to do with work.

Then the case went to Court of Appeals. The Court of Appeals severed the District Court decision and reminded the case back to the District Court. The Appeals Court noted that there was breach of duty in the care of the safety of workers from the defendant, not the fault of the plaintiff. Because it's normal that workers have some breaks during their work and is not a breach of discipline.

Reasoning of the high Court was, that plaintiff had a break when he should not have had and because he worked there he knew that the skylight is unsecured. The court argued that workers had meeting every day and their boss told them, that they should keep distanc from skylights when they not work with it.