



Media relations
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Press Release

regarding judgment C-6120/2017 of 20 August 2019

Suva affiliation obligation for taxi agencies

A taxi agency from Zurich which, as well as booking and arranging taxis, also transports passengers itself, is obliged to insure all of its employees with Suva. This is the decision reached by the Swiss Federal Administrative Court.

Suva, the Swiss National Accident Insurance Fund, ruled in September 2017 that employees of a taxi agency based in Zurich, must be insured with it from 1 January 2018. From Suva's point of view, the taxi agency constitutes a traffic and transport business in accordance with the Swiss Federal Accident Insurance Act (AIA) because it transports its customers either itself or in the taxis affiliated to it. In October 2017, the company appealed to the Federal Administrative Court against this ruling. The appellant claimed that, as it only arranged taxis for its customers, it primarily provided a form of brokerage service. It also made the point that it had no fleet of its own and that the taxi owners affiliated to it were to be considered self-employed contractors. Solely one hospital shuttle bus could be counted as a transport activity, and its driver was correctly registered with Suva.

Decision of the Federal Administrative Court

According to the AIA, the employees of traffic and transport businesses and companies directly connected to the transport industry are to be insured with Suva as a matter of obligation. In this case, the Federal Administrative Court has now established that, in a judgement¹, the Federal Supreme Court had deemed the taxi drivers affiliated to this taxi agency organized as a brokerage service to be actually employed by the taxi agency whereby transporting passengers was part of the appellant's business purpose. As well as booking and arranging taxis, the agency also provides additional services in the range of transporting passengers and goods, for which it uses taxi or special trips such as the hospital shuttle bus or the limousine service. At least some of these trips are undertaken by its employees. Based on the case law of the Federal Supreme Court, how much of the relevant transport activity is actually carried out, i.e. whether transport makes up a significant or minimal proportion of the activities performed overall, is irrelevant. As such, the appellant's activity undoubtedly comes under the definition of transport within the meaning of the AIA. The Federal Administrative Court has therefore concluded that the appellant is to be insured

¹ Judgement 8C_357/2014 of 17 June 2014

with Suva as a matter of obligation and has dismissed its appeal.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 355 employees (305.5 FTE) and its 76 judges (68.4 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,500 judgments every year.