

Wilson & Clyde co Ltd v English [1938]

Evidence

The complaint, Mr English, got a job offered by the defendants. He was repairing the airway which was situated on the Mine Jigger Brae. It served as a part of the traction system. The complaint was going down the minor pit right at the time when the haulage was turned on. Despite that he made an attempt to move through the hatchway to escape inevitable danger, the carriage smashed him. As a result of the accident, the complaint died. The defendants, Clyde Co Ltd, who were the employers of the complaint, asserted that Mr English was negligent. Consequently, the accident was entirely his fault. They assured there was another way the complaint could have chosen. Also, they claimed that Mr English could have prevented the accident by informing the worker—who was responsible for the carriage—about his intention to go to the bottom of the pit. Moreover, they claimed that the complaint could have asked the latter to stop the machine.

Problematics

According to the facts, the defendants made one of their workers responsible for organizing the safe working process. Supposedly, they took all the necessary steps to be certain that his competence and experience were enough to provide the essential safety of other workers of the mine. Consequently, the defendants were chargeable for the accident that had happened. The claimant applied for the Court to clarify whether the employers were responsible to provide secure working conditions for their employees without any side help.

Resolution

The House of Lords stated that since Wilson and Clyde Co Ltd was an employer, it had to take responsibility for making the working conditions safe. Thus, the defendants could not completely entrust this depute to another employee of the mine. In law, employers preserve the duty of care under all conditions. Based on this, they have to ensure the sufficient safety of the working process for their employees. Hence, they are responsible for any possible failure that workers may enact through inadvertence. The above-mentioned obligation of employers overtakes three aspects: hiring qualified specialists, supplying quality equipment and materials, and ensuring solid control over the working process. As a result, the defendants were chargeable for the harm.

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