

Tremain v Pike [1969]

Evidence

The defendant in the case, Pike, hired the plaintiff, Tremain, to perform on their farm as a herdsman. During the work on Pike's farm, the plaintiff obtained Weil's disease, which is transmitted and carried by rodents. At that time, there was an infestation of rodents on the farm and the defendant was not informed about the degree of the issue. Nonetheless, the reported instances of the disease infecting humans are not numerous. The substance of the plaintiff's claim is the negligence of Pike of their employment duties and a failure to provide the necessary working conditions or acknowledge employees about the problem, which resulted in him catching the disease during his work at the defendant's farm.

Problematics

The plaintiff received a disease as a result of an injury that the employer had to mitigate.

Resolution

The court concluded that the plaintiff contracted a disease that could not have been foreseen by the employer. Thus, the defendant acted in accordance with their duty as an employer. However, the defendant did suffer an injury in his contact with a rodent, and it is a different kind of damage, apart from Weil's disease. Therefore, the obligation of the defendant's awareness of the infestation of rodents did not prove to be relevant in the particular case.

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