Court Refuses to Dismiss Negligence Case Against Company Directors



Two workers were steam cleaning an oil tank when it exploded. One worker was killed; the other was seriously injured. The injured worker sued the directors of the company that operated the shop were the incident occurred, claiming negligence. The directors asked the court to dismiss the lawsuit, arguing that they owed no duty to the worker and so couldn't be negligent. They claimed they were directors and shareholders in name only, and didn't know anything or do anything with respect to running the company. The court, relying on the *Epton* case, said the defendants had a duty with respect to health and safety in the workplace. It remains to be seen whether their liability will be established on the facts of this case, but their own evidence that 'they did nothing would seem to take the plaintiff most of the way there,' said the court in refusing to dismiss the lawsuit [*Bower v. Evans*, [2016] ABQB 286 (CanLII), May 19, 2016].