

# Ladder Fall Victim Can't Prove Employer Was Negligent



A driver delivering a heavy truck to a truck dealer fell off the 8-foot stepladder the dealer gave him to use while at the site. Workers' comp bans injured workers from suing their employer for negligence. The twist in this case is that the defendant *wasn't* the driver's employer; he actually worked for the factory that built the truck being delivered. But while the driver was allowed to bring his negligence case, he couldn't prove it. As the plaintiff, the driver had the burden of proving that the dealer's negligence caused the fall. His problem was that he didn't remember how the fall happened and there were no eyewitnesses. And after going through all the expert evidence, the Sask. court concluded that the ladder met CSA standards and wasn't dangerously defective. Result: The court tossed the case without a trial [*Casbohm v Winacott Spring Western Star Trucks*, 2019 SKQB 44 (CanLII), Feb. 14, 2019].