

Who's to Blame for Worker's Trip over Pallet Left in Loading Aisle?



A store worker going backwards while using a manual skid jack to move a load tripped over an empty pallet left in the aisle. Although the store also claimed the pallet wasn't a hazard, the real issue was due diligence and whether the victim was to blame. The store noted that it constantly warned and held workers accountable for trip hazards. It also had a rigorous inspection plan. The problem was that the pallet was in a central aisle of the receiving area leading to an emergency exit and the store couldn't produce logs showing the area had been properly inspected at the time of the incident. So the court rejected the store's 'reasonable steps' due diligence defence. The appeals court said there was ample evidence to support the ruling and refused to overturn it [*R. v. Wal-Mart Canada Corp.*, 2017 ONSC 6726 (CanLII), Nov. 8, 2017].