

Kondis v State Transport Authority (1984) 154 CLR 672

<http://lawcasesummaries.com/knowledge-base/kondis-v-state-transport-authority-1984-154-clr-672/>

Facts

- An employee was injured when standing under a crane and it fell on him
- The crane was being operated by a contractor
- Brought an action in negligence
- Employer argued no vicarious liability

Issue

- Was the employer liable for the negligence?

Held

- Yes, on the basis of non delegable duty of care
- There was no vicarious liability
- Duty is of such a nature that it cannot be delegated; this is true of the employer/employee relationship
- In dangerous situations, the employer has a heavy duty of care and this can be non-delegable
- Must ensure reasonable care and skill is taken;
- employer has the exclusive responsibility to the premises, work, etc – employee must rely (employee's safety is in the hand of the employer)
- Workplace safety is not discharged by delegation
- Must take all reasonable steps to ensure harm, including ensuring all contractors have a safe system

Law case summary from www.lawcasesummaries.com