Accident Victim Can’t Use Cal-OSHA Violation to Prove Negligence?

A 1999 California law says that violation of Cal-OSHA standards is proof that a company committed negligence. In 1997, an electrical supervisor at a California ski mountain fell into the machinery of a ski lift and lost his leg. The supervisor sued the company (that retrofit the ski lift) for negligence. The ski lift, he claimed, didn’t have the machine guards required by Cal-OSHA. And, since the company violated Cal-OSHA, it was automatically guilty of negligence under the 1999 law, the supervisor argued. The court disagreed. The accident happened before the 1999 law took effect. And since the law wasn’t retroactive, the supervisor couldn’t use it to prove the company was negligent.

[*Gradle v. Doppelmayr USA, Inc.*, Cal. App. Unpub. LEXIS 3479].