

100-YEAR ANNIVERSARY OF WISCONSIN'S SAFE-PLACE STATUTE

Most employers are generally aware that they have a duty to provide a safe work environment for their employees. Section 101.11, Wisconsin Statutes, requires that every employer furnish a safe place of employment and do everything reasonably necessary to protect the "life, health, safety and welfare" of employees and frequenters. This is not new law; Wisconsin has had a safe-place statute since 1911, although the language of the statute has changed somewhat over the years.

The safe-place statute applies to more than just employers. It also applies to the owners of public buildings, and the owners of places of employment. The duties under the safe-place statute are non-delegable.

Under the statute, employers, owners of public buildings and owners of places of employment have a duty to maintain their property as safe as the nature of the place and the nature of the employment will reasonably permit.

The duties owed under the safe-place statute do not just apply to employees. They also apply to "frequenters," such as customers and other persons who "frequent" the property. If, for example, a customer slips and falls in a business owner's parking lot, any resulting lawsuit will usually include a claim under the safe-place statute.

The safe-place statute imposes a significantly greater duty on employers and owners of public buildings and places of employment than is imposed on other property owners. They are required to maintain the premises "as safe as the nature of the place will reasonably permit." Employers and owners of public buildings and places of employment are required to be on the lookout for and correct unsafe conditions. The safe-place statute does not go so far as to create liability when the employer or owner did not have notice or constructive knowledge of the condition which led to the accident. However, liability under the statute may exist if the condition existed for a length of time before the accident that the employer or owner, in the exercise of reasonable diligence, should have discovered it in time to take reasonable precautions to remedy the situation.

Many premises liability cases are hotly contested. Was the accident the fault of the injured plaintiff, or was it the fault of the employer or property owner? The safe-place statute, which imposes a greater duty of care on the employer/property owner, increases the chances that an injured plaintiff will succeed in a lawsuit.

As we enter the 100-year anniversary of the safe-place statute, employers and owners of public buildings and places of employment should be aware of their duties under the safe-place statute, and be on the lookout for unsafe conditions.