

## **Paris v Metropolitan Borough of Stepney [1951] AC 367**

Chapter 4 (page 169)

### *Relevant facts*

Paris worked for the Metropolitan Borough of Stepney (MBS) as a fitter's mate in the garage of MBS's Cleansing Department. Due to an injury he sustained as a result of an air raid in May 1941, he was practically blind in his left eye. MBS was aware of this. On 28 May 1947, Paris was removing a rusted bolt using a steel hammer while performing maintenance work on the under carriage of a vehicle. A piece of metal flew off and entered his right eye causing him to lose sight in that eye as well.

MBS did not supply goggles for persons employed in the maintenance and repair of vehicles. It was known to MBS that when employees undertook the type of work being performed by Paris at the time he was injured, dirt sometimes got into their eyes and pieces of metal might sometimes fly off when bolts were removed. However, the weight of evidence was that it was not usual for employers to supply goggles to persons employed in garages and engaged in similar types of work.

Paris sued MBS for negligence. He alleged that MBS breached its duty of care to Paris by failing to (1) provide him with suitable goggles for the protection of his eyes while he was engaged in the work he was engaged in; and (2) require him to wear the goggles.

### *Legal issue*

Was the duty of care owed by MBS to Paris different to that owed to other employees engaged in similar work who had good eye sight in both eyes? Was MBS's knowledge of Paris' blindness in his left eye a relevant consideration in determining the precautions which MBS should have taken to discharge the duty of care it owed Paris?

### *Decision*

On 13 December 1951, a majority of the House of Lords (3-2 decision) reinstated the trial Judge's decision that MBS had breached its duty of care to Paris by failing to provide him with goggles. In separate reasons, the majority accepted that reasonableness may require an employer to take different precautions against a risk of likely injury for different employees. In addition, the majority stated that the gravity of the consequences of injury to the particular employee was a relevant consideration in determining the reasonable precautions against injury that an employer was required to take in relation to that worker.

In obiter comments, a number of Lords expressed the view that BS would not have owed a duty of care to provide goggles to other workers with good eye sight in both eyes.

According to Lord Normand:

The test is what precautions would the ordinary reasonable and prudent man take. The relevant considerations include all those facts which could affect the conduct of a reasonable and prudent man and his decision upon the precautions to be taken. Would a reasonable and prudent man be influenced, not only by the greater or less probability of an accident occurring but also by the gravity of the consequences if an accident does occur ...

The Court's task of deciding what precautions a reasonable and prudent man would take in the circumstances of a particular case may not be easy. Nevertheless the judgement of the reasonable and prudent man should be allowed its common every day scope, and it should not be restrained from considering the foreseeable consequences of an accident and their seriousness for the person to whom the duty of care is owed.'

According to Lord Oaksey:

In the present case the question is whether an ordinary prudent employer would supply goggles to a one-eyed workman whose job was to knock bolts out of a chassis with a steel hammer while the chassis was elevated on a ramp so that the workman's eye was close to and under the bolt.

### *Significance*

The decision is authority for the proposition that the duty of care owed to a particular person is to be determined in part by considering the gravity of the consequences of a reasonably foreseeable injury to the particular person. Where the plaintiff has a known injury, it is relevant to take into account the additional seriousness of the consequences of a particular type of foreseeable injury for the particular plaintiff in determining the steps that should be taken by the defendant to prevent the injury.