

ABSOLUTE LIABILITY & WORKER INTOXICATION

“None of the defendants' assertions concerning the plaintiff's contributory negligence, including his use of marihuana on the afternoon in question, can be interposed as a defense to a claim of liability under Labor Law § 240 (1).”

Keane v Sin Hang Lee,
188 A.D.2D 636

“None of defendant's assertions concerning plaintiff's contributory negligence, including plaintiff's ingestion of prescription drugs on the afternoon of the accident, constitutes a defense to a Labor Law § 240 (1) cause of action.”

Hodge v Crouse Hinds Div. of Cooper Indus.,
207 A.D.2D 1007

Judges say that worker intoxication at the time of an accident is not a valid defense to a claim brought under the Scaffold Law.

With precedent like this, these lawsuits are often settled before they ever make it to court.

“Could plaintiff Harold Tate's alleged intoxication as a contributing cause of the happening of the accident be a defense to the cause of action? The short answer is no.”

Tate v Clancy-Cullen Storage Co, Inc.,
171 A.D.2D 292

“Plaintiff's alleged drug use amounts, at most, to comparative negligence which is not a defense to a Labor Law § 240 (1) claim.”

Samuel v Simone Development Co,
13 A.D.3D 112

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