

1911 SAFE-PLACE STATUTE: CONTROL

Before a person has a duty to furnish a safe place of employment, the person must have the right to present control over the place so that the person can perform the duty to furnish a safe place of employment. This control of the premises need not be exclusive, nor is it necessary to have control for all purposes in order to impose a duty to furnish a safe place of employment.

If you find under the evidence that (the owner of the property) (the general contractor) (any contractor) (or both) had a duty to furnish a safe place of employment, that duty extends only to such use as the (owner, general contractor, contractor, or both) and (his) (her) employees made of the premises and the effect produced thereon by (his) (her) own work, materials, and equipment within (his) (her) supervision and control.

COMMENT

The instruction and comment were initially approved by the Committee in 1978. The instruction was revised in 1986. The comment was updated in 1990. Editorial changes were made in 1992 to address gender references in the instruction. No substantive changes were made to the instruction.

Schwenn v. Loraine Hotel Co., 14 Wis.2d 601, 607, 111 N.W.2d 495 (1961); Singleton v. Kubiak & Schmitt, Inc., 9 Wis.2d 472, 101 N.W.2d 619 (1960); Criswell v. Seaman Body Corp., 233 Wis. 606, 290 N.W. 177 (1940); Boyle, Safe Place, §§ 103-04.

See also Couillard v. Van Ess, 141 Wis.2d 459, 415 N.W.2d 554 (Ct. App. 1987).