

Tick All The Boxes

A municipality had comprehensive and well documented procedures. Road Crew Cards had clearly marked sections indicating completion of Sanding, Salting and Plowing in specific weather conditions.

However, during a lawsuit concerning a severe injury road accident, investigation of facts confirmed that only the "Plowing" box on the crew card had been ticked. At trial, the operator testified that he had indeed performed all three functions, and it was his custom to tick "Plowing" at the end of all of the steps.

The judge found that since "Sanding" and "Salting" were not ticked, he could infer the steps were not completed and the weather conditions called for these. Result: Judgement in favour of the Plaintiff.

The lesson...Procedures for documentation must be followed. Oral evidence will not defeat written evidence.