

Contractor Liability

This brochure is intended for small contractors' general liability insurance. Employee and property hazards are not included.

Hazards are the conditions that create or increase the risk (chance) of injury to people, property and equipment. Controlling hazards reduces the risk of injury. "Safe" means low risk of injury because reasonable hazard controls, based on today's knowledge and technology, are in place.

To manage hazards: 1) **identify**, 2) **assess risk**, 3) **eliminate**, then 4) control by work practices, rules, procedures and processes. Physical hazards, such as a frayed electrical wire, are easy to detect and correct (control).

People either don't see, refuse to see or tend to minimize hazards. However, warnings and barriers may help people to identify hazards before they result in a loss. Effective hazard control means training to manage hazards.

Consider the following as you Develop Hazard Control Techniques:

Pre-Bid

- Develop a written job safety plan
- Identify work to be done
- Identify work not to be done
- Identify existing damage
 - Document with a digital photo
- Subcontractors
 - Ensure they are qualified
 - Get certificates of insurance
 - Get named as an additional insured
 - Get a hold harmless agreement

Bid

- Create a written estimate
- Summarize existing damage
- Use enforceable disclaimers
- Customer(s), along with all other parties involved, should always accept and sign the bid

Job Site

- Implement your written job safety plan
 - Complete a hazard assessment
 - Assign responsibility
 - Complete regular inspections
 - Carefully monitor performance
- Implement your written job site emergency plan
 - Always have first aid materials available
 - Establish a team of trained first aid responders
 - Coordinate your plan with EMT's and rescue resources

Site Control

- Attend safety meetings
- Restrict site access
- Utilize a fence or barricade
- Limit entrance points
- Post warnings
- Always have visitors validate their purpose at the site
- Direct all visitors to the job trailer
- Escort visitors at all times
- Coordinate with law enforcement
- Review restricted access policies with customer children
- Always anticipate site control if in residential or school area
- Separate hazard control may be needed

- Control traffic
 - Barricade and place cones using local codes or standards
- Excavations
 - Identify underground hazards
 - Close excavations promptly
 - If an excavation remains unattended or open overnight, barricade and fence the perimeter
- Manage material flow
 - Incoming, housekeeping, debris staging and removal
- Hazardous material management
 - Limit the use of flammable liquids and gasses
 - Use non-toxic materials when available
 - Store hazardous items in a protected area
 - Post warnings and enforce them
- Fire prevention protection during construction
 - Have fire extinguishers at the site
 - Obtain hot work permits
 - Coordinate with responding fire department
- Machinery, equipment and tools
 - Ensure all machinery is in good operating condition
 - Keep all equipment well-maintained

Construction Methods

- Develop and use best practices
- Use best practices when superior to local code

Losses

- Injured people
 - Promptly obtain treatment for an injured person

- Provide first aid until the ambulance arrives
- Get the facts
- Designated responders where possible to assist
- Use a written form to document date, time, conditions, preceding actions, cause and mitigating circumstances
- Don't force an interview
- Don't place blame
- Don't offer opinions
- Remember, this could become a public record
- Promptly report the loss to your insurance company
- Damaged property
 - Provide prompt remediation to prevent further damage
 - Secure the area to keep onlookers out
 - Get the facts
 - Design and use a written form to document the details of the damage – date, time, conditions, preceding actions, cause and mitigating circumstances
 - Attempt to determine what failed – material, workmanship or person
 - Don't offer opinions
 - Remember, this could become a public record
 - Promptly report the loss to your insurance company
- Theft of materials, tools or equipment
 - Prevent theft by securing valuable items appropriately
 - Remove what is practical to remove



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