



LOGGING LIABILITY: PERSONAL INJURY

Liability, [def.]: the state of being legally bound, as to make good any loss or damage that occurs in a transaction or operation; answerable; *responsible*.

A logging contractor may be liable for "personal injury" to someone else as the result of his operations. Personal injury claims occur when the "public," someone who is not directly employed, directed, or connected with the logging operation, incurs a "bodily injury" as the direct result of the logging operation. The logger may be legally liable for payment for the "bodily injury damages" to the "injured party." A logger could be forced to make substantial out-of-pocket payments for the "personal injury" legal liability, creating a severe financial crisis for his business.

Loggers may purchase "General Liability" insurance, which provides the logging firm coverage for payment of "bodily injury claims" to the public. This insurance may be referred to as "Public Liability." The insurance policy will make payment for the logger's "covered legal liability" of the "claimant's injuries" up to the policy liability limits. It is important to remember, in order for a claim to be covered there must be "legal liability." General Liability can also protect the logger against claims occurring as the result of operations by others acting on the logger's behalf as an agent or subcontractor. Be aware, the insurance provided is subject to the terms and conditions of the individual policy. General Liability insurance usually does not cover personal injuries to direct employees while on the job or property damage or personal injury to others in motor vehicle accidents. These risks should be covered by Workers' Compensation and Automobile Liability insurance policies respectively.

The risk of Personal Injury is increased when "visitors" are on or near a logging operation. Loggers can minimize their exposures by putting a "Visitor Safety Plan" in place and training their employees about implementing it when visitors appear on the job.

This plan could include the following:

1. Warning signs should be posted to alert visitors of danger.
2. Survey the surrounding areas for the possibility of "unexpected" visitors.
3. All visitors must be supervised by the contractor or a designated employee at all times.
4. Visitors must be informed of the required OSHA safety procedures related to their presence.
5. Visitors must be told of the personal injury hazards existing on the logging site.
6. Visitors must be furnished appropriate personal protective equipment (hard hat minimum) and required to wear it.
7. Unsupervised visitors must not be allowed in the immediate felling, skidding, and loading areas.
8. All work in the visitor's immediate area must be stopped until the visitor is moved to a safe area.
9. Employees must immediately report all "unauthorized and unsupervised" visitors to their supervisor.

10. Visitors who refuse to comply with safety procedures, should have the hazards and safety requirements again politely explained to them, and, if necessary, be asked to leave the logging site.

Remember! It is the logging contractor's duty to assure the "right of safety" to the public. With proper planning, employee training, and strict adherence to safety procedures, a logger's "personal injury legal liability risks" can be managed and reduced.