

## ExecPro® Professional Liability Protection for Safety Consultants

### How would a protracted lawsuit affect your finances and reputation?

Safety consultants are targets for bodily injury and property damage lawsuits. You can be sued directly by an injured worker for bodily injury or sued by your clients over lawsuits they face as a result of work you perform for them. Here are just a few examples of the types of safety consultants we insure and the claims they face\*.

#### Construction Site Safety Managers:

While working on a scaffold at a condominium construction project, a 28-year-old union carpenter fell 15 feet to the ground resulting in injuries that left him permanently disabled. The carpenter sued the building owner and general contractor for negligence seeking damages of over \$3.5 million for pain and suffering, emotional distress, and the loss of future earnings. In turn, the building owner and general contractor brought suit as Third-Party Plaintiffs against the site safety manager, our Insured, as Third-Party Defendant seeking contribution and indemnity for their losses. Three years after the accident, a jury awarded the plaintiff almost \$2 million. The site safety manager was responsible for one third of the total, and his lawyer bills exceeded \$200,000.

#### Safety Training & Content of Safety Manuals:

The Special Administrator of the estate of a fatally injured worker sued his former employer, their safety consultant, and three other firms involved on a job site where a forklift overturned crushing and killing the driver. The safety consultant had provided content for the employer's safety manuals and performed some basic safety training. The safety consultant's lawyer was originally successful in getting the Insured dismissed from the lawsuit, however, the Plaintiff filed an amended complaint alleging negligent inspection of the road where the accident occurred. Since the safety consultant had taken this engagement "on a handshake" there was no paper trail documenting that inspection services were not included in the scope of the consulting agreement. After more than two years of litigation, the defendants collectively settled the matter for \$150,000. Our Insured was responsible for \$22,500, plus an additional \$80,000 in defense costs.

#### OSHA Logs and Fall Prevention Standards:

A construction firm engaged a crane safety professional to create OSHA Logs and establish fall prevention standards. The professional was never on site and only provided consulting recommendations with no authority to enforce them. The client and the safety professional were later named in a negligence lawsuit brought by the widow of a deceased employee who had fallen 34 stories to his death. The client eventually provided an affidavit stating that the safety professional had nothing to do with the project where the fall occurred. However, despite the client's cooperation, the Plaintiff continued to pursue a jury trial. After numerous motions and depositions, the Plaintiff agreed to dismiss the safety professional from the litigation, but it still cost the safety professional nearly \$40,000 in legal bills.

Many potential clients are breaking ground on new projects but require proof of Professional Liability Insurance before you can begin work for them. With the threat of litigation and economic activity picking up, the importance of having Safety Consultants Professional Liability is greater than ever. Great American is able to provide limits up to \$2 million for most types of safety professionals. Applications are available online at [GreatAmericanELD.com](http://GreatAmericanELD.com).

\* Note that these claims examples are not an indication of what might or might not be covered under any policy issued; the policy itself determines what coverage each Insured has or does not have.

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