

# Veteran worker neglected fall PPE: Was insufficient training to blame?



October 19, 2015 By David King

Stephen Crosby hustled out of his truck and over to Supervisor Benny Gorman. “I’m sorry, it took me forever to find the place. I must have made the same wrong turn three times.”

“It’s OK,” Benny said. “But now that you know where it is, we need you to be on time for the remainder of the job.”

“It won’t be a problem,” Stephen said. “I swear.”

“OK,” Benny replied. “The rest of the team is

already up there. You can join them in a minute, after I give you the safety runthrough.

“It’s the same deal as always, you know it by now,” Benny went on. “Stay tied off at all times. If you have any questions, ask your co-workers or me.

“Take your time, be careful, come home safe,” Benny concluded. “Just like our motto says.”

“You got it,” Stephen said.

## Warm greetings

Stephen climbed to the top level of the steel structure he and his co-workers were going to be working on. He was met with sarcastic warm greetings.”

“Hey, thanks for coming today!” one co-worker said.

“Nice of you to join us ... Can we get you anything? A road map? An alarm clock?” another quipped.

“Yeah, yeah,” Stephen said. “I know. Like none of you have ever gotten lost.”

“Hey, don’t listen to them,” Gary, a veteran worker said. “It can happen to anyone. Just get tied off and get to work.”

“Thanks,” Stephen said.

“Oh and one more thing,” Gary said. “You’re going to be on cleanup duty this afternoon. And first round’s on you tonight.”

“I figured as much,” Stephen said, sounding deflated.

## Looked for an anchor point

Stephen grabbed his harness and looked for an anchor point. “Hey, where are we tying off?” he asked.

“Wherever,” Gary said. “I guess you could do the top beam, though that might be kind of difficult when you’re using tools.”

“I’m using the lower beam,” said Charles another co-worker. “Just be careful not to trip over it.”

“OK, I’ll figure it out later,” Stephen said, putting his harness off to the side for the time being.

A short time later, Charles called over to Stephen from across the structure. “Hey, grab me that water bottle, will ya?”

“Sure,” Stephen said. He walked over, but his boot slipped. In an instant, Stephen was in a free-fall, tumbling 17 feet to the ground.

His co-workers looked on in horror and yelled for help as his Supervisor on the ground rushed over to help.

## Negligence?

Stephen’s fall resulted in painful injuries and surgery to repair several broken bones.

He sued his employer, arguing its safety plan didn’t cover where to tie off his harness in order to stay safe.

The employer argued it was Stephen’s decision not to wear his fall PPE that caused the injury.

**Result:** A jury heard the case, and found the company was negligent. However, it also decided that negligence wasn’t the cause of the accident – Stephen’s unwillingness to wear PPE was.

Therefore, the company wasn’t held financially liable.

**Key:** Safety instructions require more than basic information. It’s important to review the specific hazards of a site, as well as specific safety procedures.

Anything less could leave rules open to interpretation, putting workers in danger.

## What you need to know:

General safety philosophies and vague rules don’t fly. Safety procedures need to be site-specific and crystal clear.

Be sure to:

- warn workers of the hazards of individual work sites
- provide clear instruction for individual safety steps to be followed, and
- point out locations of safety devices and first aid supplies.

Based on Salazar v. A&J Construction

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