Minimizing Liability for Construction Accidents Through Good Contracting (Abstract)

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A serious injury or death of an employee or member of the public on a construction site poses a considerable risk to the construction industry professional. Whether resulting from an unsafe condition on the site or from the injured party's own negligence, a lawsuit seeking a large award is likely to follow. While an architect or engineer with general inspection responsibilities over a construction project does not normally owe a duty of care to the contractor's employees or the public, he or she may assume such a duty through contractual language or by exercising control over safety issues. With the unpredictability of juries and the ready availability of experts willing to testify that a construction industry professional was at fault, careful contract drafting becomes essential for protecting an organization and shifting the responsibility for site safety to those best able to control the risk. The design professional will wish to ensure that the contractor is fully responsible for site safety. The contractor, on the other hand, must be on guard against the assumption of responsibilities beyond that normally expected in the industry.

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