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# TAILGATE TALK

## GENERAL CONTRACTOR TAKES A *BIG FALL!*



### THE PROBLEM:

ABC General Contracting was constructing a single family custom home. They contracted with Apex Construction to do the siding work on the home. Apex then subbed out the siding work to Acme siding company.

The principal of Acme was up on scaffolding when he fell two stories and landed on his back. The injured worker was airlifted from the jobsite with injuries to his spine and head.

ABC had properly obtained a contract with Apex that contained defense and indemnification language. In addition, they have obtained a certificate of insurance and an additional insured endorsement from Apex's carrier. However, Apex had not obtained a contract, certificate or additional insured endorsement from Acme. Therefore, ABC will be involved in the defense and settlement of a case that should have been handled entirely by Apex's and/or Acme's carrier. This claim is worth in excess of \$300,000 due to the injuries sustained.

### THE SOLUTION:

To avoid this situation, the general contractor should make sure that their contract with subcontractors include defense and indemnification language also protecting the GC for subcontractor's subcontractors and their employees. The subcontractors used by the GC should be obtaining contracts, certificates and additional insured endorsements with any subcontractors that they use. Since, the GC ultimately is responsible for all jobsite safety it is very important that all companies on that jobsite are either contracted directly with the GC or indirectly through the subcontractor of the GC.