

## **Managing Safety**

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One of our members, Andy Sway, a subrogation attorney in Ohio, tragically lost his life while conducting an on scene investigation of a property loss in Ohio. All of us at NASP send our thoughts and prayers to Andy's family and his firm. No one should ever be hurt, let alone killed while investigating an accident. The Nasp leadership is currently reviewing the steps we can take as stewards of our industry to see that no one in our field is hurt while doing their job.

Those of us who manage Law Firms, or for that matter any entity where our employees are out in the field, should also take a step back and ask this question: Are we providing proper training for our staff on how to keep safe while investigating a loss? My informal discussions with firm leaders lead me to believe there is a lot more we can do.

My understanding of OSHA requirements are that all employers may have an obligation to provide safety training for their employees. I have been told that where an employee of a law firm is hurt at a site, the employer may be subject to significant OSHA fines where employee training was not provided. I don't believe these fines would be covered by any of the insurance coverage's most firms have. In addition, think about a scenario where a loss occurs and a law firm or insurance company sends out an employee to investigate. The employee and an employee of the insured are hurt on the site and OSHA levies a fine against the insured for failing to maintain a safe workplace. The insured calls and complains that they never asked to have this investigation and they want you to reimburse them for the fine. How would you handle that?

I know many of us are so busy with the day to day operations of our offices that we rarely take the time to think about these crucial safety issues. I think we all make some basic assumptions that our people really know what to do and don't pay much attention to this issue. I am here to tell you that we need to not only think about it, but put an action plan into place to make sure our people have the proper training they need. It is not only required by the law but more importantly the right thing for us to do. As managers we need to get off the merry go round we live on, and put some plans into place to protect our employees. I know all of us never want to hear another story about one of our members and their family's suffering from another disaster.

I know NASP will be offering training programs in the future to help our members deal with this issue. Will you send your staff to the training? If you won't, will you find a way to train your people internally? I urge you to discuss this issue with your colleagues. If we don't do it, who will?