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## Bulletin 829 - 06/12 - Personal Injury claims due to poor maintenance of railings and gratings - USA

**The Club has been involved in several recent cases involving injuries to longshoremen due to poor maintenance of railings or lashing bridge access gratings.**

The Club would like to remind Members that railings and walkway gratings are an integral safety feature of the ship to crew, visitors, passengers and longshoremen when moving around the vessel.



If visual inspection of these features reveals corrosion or wear, effective maintenance should take place at the first opportunity. It should also be noted that the wear to the protective paint coatings should be rectified quickly as these will precipitate the metal corrosion process if left untreated.

In a recent case brought against an entered vessel a longshoreman leant against a railing whilst unlashng a container and fell sustaining a serious back injury. Upon investigation, it was found that the railing gave way due to it being seriously degraded from rust and decay and therefore was not structurally strong enough for a worker to lean against while performing lashing duties.

A separate incident involving another longshoreman resulted in a claim against the Club when a longshoreman fell through a missing lashing bridge walkway grating. Investigations revealed the grate had become dislodged because it was missing its bottom most



rung that would ordinarily had secured it to the pad eyes located on either side of the lashing catwalk opening. The grating showed signs of rust and wear and tear and should have been identified by the vessel's crew as an item in need of repair during regular vessel inspections.

The Pacific Maritime Safety Code found on the US West Coast, requires vessels to ensure that manhole covers are flush with the deck and when opened be barricaded by use of either covers or railings. The code further states that it is the vessel's obligation to present to the longshoreman a vessel that is in a safe condition such that an experienced longshoreman can safely carry out his duties.

Claims such as these are difficult to defend and often result in large personal injury claims. Longshoremen in the United States are usually highly paid so even a small reduction in the number of hours an injured longshoremen can work may result in a significant future wage loss claim and it is not uncommon for a similar claim to result in the ship owner being liable for several hundred thousand dollars

It is obvious to say the repair costs of corroded or failing gratings and safety rails are minimal in comparison to the potential costs of a personal injury claim to a longshoreman in the US.

**Source of Information:**

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