



# Management Liability WHS Claims Examples



## Trades Person

- ⌚ 56 staff
- ⌚ \$20M turnover

## Background

Whilst performing excavation works the Insured ruptured a high-pressure gas main. The Insured were subsequently prosecuted with a claim that it's work was conducted negligently and recklessly.

## Outcome

Following the appointment of Counsel, all charges were dropped against the Insured on the basis that each party bears its own costs, which was a great result for the Insured.

**Payment:** \$70,000 legal costs.

## Manufacturer

- ⌚ 33 staff
- ⌚ \$15M turnover

## Background

Manufacturer worker was fatally injured when they came into contact with plant equipment.

WHS commenced prosecutions against the Insured Entity.

## Outcome

The Industrial Manslaughter charge was downgraded to a category 2 penalty for the entity and fined \$250,000. The CEO was fined \$60,000. As Fines and Penalties are not insurable, only the investigation and defence costs were covered.

## Construction

- ⌚ 12 staff
- ⌚ \$7.3M turnover

## Background

The Insured was engaged to construct a multi-story residence. On the day of the event the Insured's site manager had advised the contractor not to work on the second story without property fall equipment. The contractor proceeded to work on the second floor and fell from the building and died at the scene.

The Insured was subject to a WHS

investigation which found that the Insured has failed in its obligation to provide fall protection on the building.

## Outcome

The Insured incurred a reduced penalty by agreeing on a Statement of Facts.

**Payment:** Defence costs only.