

Industry Voices

A question of duty

Are crane operators responsible for the actions of others?

By Jim Headley

A recent lawsuit illustrated how common it still is for crane operators to be blamed for accidents, even when the accident is the fault of others.

The job was winding down and about the only thing left to do was load out some of the remaining scrap. A truck was ordered and a crane was requested to perform the lifting. After the operator and riggers received instructions from the supervisor, the riggers signaled the operator to lift the scrap materials and place them on a flat bed truck. As the pile of scrap rose higher, a piece suddenly rolled off the truck, killing one of the riggers. Fingers began to point and eventually the operator was blamed for not recognizing the hazard beforehand and refusing to make the lift.

Usually in a crane accident—particularly one resulting in injury or death—someone will ultimately be held responsible. But placing blame on operators involved in rigging accidents like this is not realistic, and is plain unjust.

Now before someone says, “yes, but the operator should have...” let me point out a few things that might have been missed. First, this accident had nothing to do with the operation of the crane; and second, the operator was instructed and directed as to where to place the materials.

Moral responsibility or job duty?

Of course crane operators are not held responsible for every single rigging accident, but in most cases the opposing

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party will try to find a way to pin the blame on them. Why are such accusations so common?

- *The distinction between an operator's moral responsibility and his actual job responsibilities is often unclear.* No one would deny that operators have a moral obligation to help protect those they work with from accidents, even when they have no direct involvement in a particular job. But everyone at the jobsite has such an obligation to point out unsafe conditions. The issue when determining who is responsible for an accident is not who failed to fulfill a moral obligation, but who neglected the duties of the job at hand.

To illustrate this, let's assume that you are directed by a police officer to drive through an intersection. As you proceed through you are hit by another car. Who is at fault—you, for not seeing the other car, or the police officer? Of course the police officer is responsible! Even though you were driving the car, the officer controlled the situation and was in a position to better see the other traffic. The bottom line is that directing traffic was the officer's job and that job has responsibilities. Likewise, if an operator must rely on the actions of others to perform his job, how can he be held responsible for accidents resulting from their mistakes?

- *Another misunderstanding exists about the division of job responsibilities at the worksite, resulting in confusion about who should be blamed when accidents occur.* There are generally three responsible parties involved in making a lift: the operator, the riggers and someone to oversee the job. The operator is responsible for the crane. The riggers are responsible for the load and the supervisor oversees and directs the lift. Each party depends on the



others to fulfill and execute their duties correctly. The problem occurs when there is a failure on the part of the riggers or supervisor which results in an accident. It is in situations like this that the operator gets blamed unjustly.

Just as riggers are limited in how much control they have over the operation of the crane, operators have inherent limitations that prevent them from overseeing the actions of the riggers. The operator is confined to the cab and does not have total view of the load and rigging. At times he cannot see the load at all. Even if the load is accessible, leaving the crane unattended to check the rigging could in itself create an unsafe condition.

To operate the crane safely, the operator also has to rely on directions from a signal person. Standards and regulations—not to mention the operator's inability to clearly see the load—mandate that he respond exactly to the signals given. Furthermore, there are aspects of rigging that require a certain degree of knowledge and expertise that the operator may not have.

To hold an operator responsible for the failure of others is simply unjust. The operator is in no position to oversee total operation, and can in no way be responsible for what he cannot see from the crane's cab. Unfortunately, allegations against the operator are made with profit as the motive instead of making a sincere attempt to establish the responsible party. Perhaps a comment made by a disc jockey sums it up best. He said, “I knew it was really cold this morning when I saw a lawyer with his hands in his own pockets.” ■

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