



RAUCH
SAFETY

Case Study: Expert Witness – Fall Incident

Geographic Location: U.S.

Industry Sector: Hospitality-Gaming

Client Type: Private

Background Information

Over 30 years of hands on international cross industry fall protection experience has made Rauch a leader in expert witness services for complex and highly controversial cases.

Issues and Challenges

The after effects of a fall incident have enormous impact on all parties involved. Setting aside emotion, and focusing on the actual events leading up to an incident can be particularly difficult when faced with the competing interests of injured personnel or their families, companies, insurers and lawyers.

In almost all circumstances, evidence and information provided is shaped by the perceptions and interests of the presenting party.

These issues make it challenging for any expert whose task it is to examine all evidence and clearly identify the facts, no matter the source or their own personal feelings, and to then deliver an unbiased assessment of the incident.

Solutions and Recommendations

Set forth the opinions regarding the adequacy of the provision of employee safety training, procedures and protocols and subsequent documentation and records of same to the general engineering and maintenance employee population and more specifically to the injured employee and the group with which the injured employee was working. Opinions were formed based on review of documents that were obtained in the capacity of Expert Witness together with hands on cross industry experience and knowledge of local, domestic and international fall protection regulations.



Risk Factors and Assessment

Primary risk factor was to see the results of the devastating injury and the associated long-term effects on the individual and his family and not let this affect the approach to the case or to review the facts and evidence in an unbiased manner.

Many fall protection expert witnesses rely solely on regulations without first-hand knowledge on how work is performed. This myopic view and approach can lead to incorrect assumptions and conclusions.

In many cases there exists major differences between an entities safety department and programs and its workers who find that the access procedures developed have nothing to do with how a specific area is accessed. Workers find their own way to “get the job done” safely or otherwise and fail to communicate issues with management or coworkers thereby placing workers, companies and owners at risk.

Through Rauch’s hands on/first-hand knowledge and experience relative to real world work flow and access and fall protection practices, it is uniquely qualified to assess all of the factors and deliver a sound and unbiased pronouncement.

Project Successes

Rauch delivered unbiased testimony and a final expert report which demonstrated the employer provided exceptional safety training, procedures, policies and protocols to its employees in general and specifically, to the injured employee and the group with which the injured employee was working.

That ironically the injured employee had the most safety training (including in the area of fall protection), of any employee in the company and that the incident was caused by a combination of complacency, violating safety training, established protocols and polices and normal and generally accepted work flow practices.