



Kevin Crossan
*Construction Practice
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Kevin Crossan has more than 30 years of multi-line casualty claims experience, specializing in construction and wrap-up programs. He also has experience with multi-line claims handling, including workers compensation, general liability, auto liability, primary and excess losses, professional liability, medical malpractice, errors and omissions, and bad faith claims. As the head of ESIS' Construction Practice Group, Kevin oversees ESIS' construction claims, as well as the development of products and services specifically for construction clients.

Our Construction Practice Group has dedicated claims teams that specialize in New York Labor Law claims.

5 Things to Know About Mitigating NY Labor Law Exposure

In New York, workers compensation and Labor Law claims are inextricably linked. The absolute liability imposed by portions of the New York Labor Law creates substantial exposure for construction project owners, contractors, and companies – and potentially lucrative opportunities for plaintiffs' attorneys. Kevin Crossan, ESIS Construction Group Practice Leader, shares five key steps to mitigate exposure to these high stakes claims.

1 Integrate WC & GL Claim Management

Under New York Labor Law, employees have the right to sue the general contractor and owner in addition to filing a workers compensation claim. That suit is often filed long after the initial workers compensation claim. The medical costs incurred, together with lost wages, drive the value of a potential verdict. ESIS' construction workers compensation and general liability claims professionals specialize in these claims and work together throughout the life of these claims to optimize outcomes. For example:

- Investigations focus on information needed to mitigate the claim and the lawsuit
- Appropriate medical care helps the employee recover as quickly as possible and avoid overtreatment or unnecessary procedures that drive up costs
- Faster return to a full or light duty positions reduces the lost wage component

2 Lay the Groundwork Before a Project Begins

All stakeholders should convene before a project kicks off to agree on the best approach to manage claims and line up rapid response resources, such as onsite medics and a nurse triage hotline, to provide immediate support when an accident occurs. This is also the time to confirm special claims handling instructions and to ensure claims data that will be collected by the adjuster will be tailored to that particular project and to support custom reporting.

Construction Safety

In 2020, ESIS' team of construction safety professionals performed
1,150
site consultation visits.

Our knowledgeable safety professionals anticipate challenges from project startup through close-out, enabling your safety management team to implement a strategic safety plan for all project site construction needs.

Our services include:

- Full-time and part-time consultants
- Implementation and auditing of risk control and safety programs
- Pre-construction planning
- Job hazard analysis
- Jobsite surveys
- Tower/mobile crane training
- Rigger/signalperson training
- OSHA 1926 10/30 hour training
- Supervisor and task-specific training
- Insurance loss control evaluations
- Track and trend recommendations
- Environmental consulting and engineering
- Ergonomic evaluations
- Transportation and fleet services
- Certified Industrial Hygienist (CIH) consultation
- ESIS AIHA-accredited industrial hygiene laboratory
- Program audits
- Environmental consulting, testing, and remediation management

3 Take Good Care of Injured Workers from Day One

Kicking off claim intake with nurse triage can immediately build rapport with the injured worker and help to ensure that they receive timely, *appropriate* medical care – and avoid overtreatment. Employees are not required by New York law to use preferred providers, but when they feel that they have trusted experts committed to their recovery and wellbeing, injured workers often welcome recommendations that can get them to the right care, immediately.

4 Identify and Manage Potential Triggers

Workers compensation claims professionals should be trained to immediately identify likely triggers for a general liability claim. This includes materials falling from above, falls from heights, and triggers of absolute liability, so claims be managed in ways that mitigate potential workers comp losses and litigation outcomes at every stage.

5 Conduct Thorough, Early Investigations

Immediate investigation is critical to verify the facts of an accident and preserve evidence while recollections are fresh and the construction site is unchanged. With our network of specialized construction investigators means, ESIS can, within hours, have someone on a site that understands New York Labor Law and what to investigate and document to help mitigate potential liability exposure. They can also assess possible causes of loss and opportunities for subrogation. As a result of this investigation, when a lawsuit is filed, valuable information has already been collected to share with defense counsel to help mount the strongest possible defense.



To learn more about how our construction practice group can help your company reduce your total cost of risk, connect with us today.

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For more insights on how we can help you reduce your total cost of risk, connect with us on [LinkedIn](#)