

Construction Risk Insights

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Construction Sites and Attractive Nuisances

Attractive nuisances are man-made conditions on your property, vacant site or active site after-hours that draw trespassers. If children trespass on site due to these conditions, the general contractor on the site can be held liable for any injuries they sustain.

Construction sites have an abundance of attractive nuisance hazards, especially for children, including unstable walls and surfaces to climb, heavy equipment to play on and man-made ditches that could present a falling hazard. You have the ability to prevent entrance onto your property and discourage young trespassers from getting hurt.

If you have any reason to believe that children might trespass onto your construction site, treat the problem with the highest gravity. Doing nothing to prevent the entry or injury of trespassers creates a serious risk for anyone that may enter and for the liability of your company.

Liability of the Owner

Even though you may not own the property, if you are working on a site, you are responsible for taking steps to ensure that anyone who enters, whether welcome or unwelcome, stays safe from injury. While warning signs are an excellent start, many children may not be able to read them, so it is important to find additional ways of protecting your worksite. Ensure that gates are secured and fences are not easily climbed. Adequately cover or protect any conditions, including ditches, walls or other man-made physical features that might present a hazard. Your plan to protect from injury may also consist of placing sturdy fencing around hazardous areas and placing warning or "No Trespassing" signs. In addition, all safety equipment, such as hard hats, respirators and safety clothing, should be stored and locked at the end of each shift to avoid trespasser tampering.

Keeping Up the Premises

Contractors are also liable for the maintenance and security that the property needs so that it remains safe for all visitors. This includes the following:

- Fixing cracks or gaps in walkways to avoid slip and fall dangers
- Locking all hazardous tools, equipment and chemicals away from the public
- Ensuring that employees can conduct work duties without the risk of injury
- Hanging flood lights in areas with low visibility
- Taking steps to install wireless electronic alarms or security doors and screens
- Installing rescue equipment

In attractive nuisance cases, negligence means that the contractor was aware that someone could be injured on the property and did nothing to prevent it. If you take all necessary precautions to prevent injury on site, you are less likely to be found negligent in a premise liability suit.

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