

subcontractor had responsibility for insuring worksite safety under its agreement with the general, the latter retained coordinating and supervising authority over safety. The general contractor had, in fact, conducted safety meetings on a weekly basis, but it had never taken any action regarding safety nets. The court found that the general contractor had failed to adequately exercise its safety authority by not providing for nets.⁷³

If one thing is clear, however, it is that the principal is at risk of incurring significant costs every time it substitutes a contractor for its own employee. A professionally run safety program of the type described above is worth the incremental legal risks it adds if it results in an improved safety record, fewer accidents and, therefore, fewer occasions for lawyers to apply the various theories of liability discussed above.