



Statutory Liability

Maritime Safety Act and H&S at Work Act

The insured is in the marine industry. Its workboat with six employees on board hit an anchored vessel in t in good weather conditions. As a result, two died, three others sustained serious physical injuries, and one suffered mental trauma in seeing his co-workers dead and injured. The skipper's operator licence was a week out of date, as was the vessel's sea-worthiness certificate.

The company was charged under the Maritime Safety Act for its employee operating a ship in a manner which caused unnecessary danger or risk to others, operating a ship without a current Safe Ship Management Certificate, and its employee driving the vessel without a current operating licence.

Under the Health & Safety in Employment Act, the employer was charged with failing to take steps to ensure the safety of its employees. The skipper's own unlawful and negligent acts were imputed to the company resulting in its pleading guilty to all charges.

VL's total costs for the claim exceeded \$225,000.