

REDUCING CARRIERS LIABILITY CLAIMS – BE SAFE NOT SORRY

As a haulier you have a legal responsibility or “duty of care” to the legal owner of the goods which you are carrying and it is important to understand how you and / or your drivers actions when loading / unloading and carrying these goods can result in a costly claim occurring and increased insurance premiums and excesses as a result.

Supply chains are now hugely complex and truly global in nature, whether you are aware or not, you are probably carrying goods for large multinational companies whose reputation is as, if not more, important to them as any other asset in their business. When they outsource their logistics function to logistics providers or freight forwarders they expect that they will not be exposed to any negative publicity, claims or litigation.

Between just in time manufacturing, HACCP control systems for foods stuffs and other developments in Industry, getting a delivery to the right place, at the right time, in good condition and at the right temperature is now more important than ever.

Businesses now trade on their reputation to a greater extent that at any point in history and from years spent handling claims in this area, regardless of whether you are insured or not, your customer will definitely be inconvenienced by damaged or short shipped goods and will probably think twice about giving your company business in the future.

So although you may think you have insurance to cover every eventuality, it may be worthwhile to consider can your business absorb the long term cost of carriers claims?

Claims arising for loss / damage occurring when goods are in the custody of the haulier can be reduced / eliminated by following a number of simple steps

- Be sure that you clarify what exactly is to be collected when your customer calls you with an order.
- Be sure that you / your driver checks the documentation that the company loading the goods gives you against what is actually put on the trailer / truck.

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- If there is any discrepancy between what you are told is in the shipment and what is put on the trailer / truck, then the delivery note / waybill / consignment note / POD / CMR, etc must be noted and the person who loaded the vehicle should be asked to sign this also. If you do not do this **the law says you are responsible for another person's mistake.**
- Any damage to packaging or evidence of moisture on goods or packaging / shrink-wrap should also be noted.
- You should have a book of simple consignment notes printed in triplicate form so that in the absence of a consignment note the driver can write one when he is picking up the goods.
- This should include your standard conditions of carriage either printed in full on the back or for example the following should be included on the bottom of the form: "Goods carried under standard IRHA conditions, copy available on Request". **This limits your liability under the law.**
- No goods should ever be carried without documentation.
- A simple means of detecting issues with temperature control loads is to carry a temperature probe with you and probe the goods as they are loaded and note the temperature. If for example you have been told that the load must be carried at temp X and the goods temperature is either above / or below this when loaded then this should be noted on the documentation as above. **If this is not done then the law says you are responsible.**
- Temperature controlled goods should not be loaded above the red air flow line on the fridge trailer as air cannot circulate around the goods, temperature controlled goods may not be suited to double stacking.
- A sufficient number of ratchet straps / load restraint devices in good working order should be carried in the vehicle at all times and the most appropriate method of securing the load in question should be used. Follow this link to the Health & Safety Authority website for information on securing loads: [Securing Cargo](#) and this link for a poster with key points: [Load Security](#).
- If you are picking up an unaccompanied or third party trailer from a port / other location where possible the load should be checked for damage / discrepancy against the papers.

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