

# SAFE HARBOR

A monthly newsletter for the Maritime worker from  
The Law Offices of Lyle C. Cavin, Jr.

*December 2020*

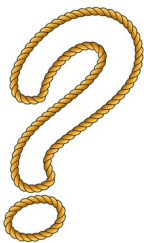


Thank you for your maritime service and taking the time to review our Newsletter. We at the Law Offices of Lyle C. Cavin, Jr. hope you find the following information helpful. If you have any questions regarding your rights or remedies please contact us at any time. We are here to serve you.



## DOES YOUR COMPANY DO A JOB HAZARD ANALYSIS?

Many mariners have been assigned unsafe tasks that result in injury. Shipowners seek to blame the victim when this happens. However, it must be borne in mind that shipowners are under a heavy burden to comply with the ISM Code (International Safety Management Code). A key provision in that Code is designed to protect the maritime worker in mandating a Job Safety Analysis ("JSA"), or otherwise referred to as a Job Hazard Analysis ("JHA"). Simply stated, any job assigned other than mundane, routine or repetitive tasks that do not pose any danger of harm requires that a JSA or JHA be performed *before* the work is undertaken. This requires the assigning supervisor to go over a proper job procedure and discuss any risks that the job entails or concerns the worker may have.



## QUESTION FROM THE BRIDGE

*I was injured on a ship this past year and the company is trying to blame me for my injury claiming it was common knowledge that the anchor brake was difficult to operate. This was my first time on that ship. Can I overcome this issue?*

*Brandon, W. Norfolk, VA*

### **ANSWER:**

Brandon, you should be able to overcome this meritless defense. First of all, if this brake condition was known for some time the supervisor assigning you this task should have made you aware of the problem with a proper JHA, and provided additional help to operate the brake. Violation of the JHA procedures under the ISM Code carries a great deal of weight in a court of law. Additionally, this difficult task will likely be found by a judge or jury to be an unseaworthy condition. Your legal counsel will be aware of these implications.

## About Our Law Firm

For more than four decades, merchant mariners, longshoremen, fishermen and harbor workers plying their trades at sea, on the docks, on our U.S. coastal waters and inland waterways have turned to the maritime law firm of Lyle C. Cavin, Jr. & Associates in Oakland. Today, we are proud to be recognized as one of the preeminent maritime law firms serving injured marine workers nationwide, as well as one of the most successful personal injury litigation firms serving victims of negligence in the San Francisco Bay Area and throughout the West Coast.

## Team Approach to Every Personal Injury and Jones Act Claim

When you retain Lyle C. Cavin, Jr. & Associates for a Jones Act injury claim, or personal injury claim, you don't get just one attorney, you get our entire team of dedicated professionals. Our attorneys offer many years of courtroom and negotiated claims settlement experience. We will represent your interests with unwavering dedication, speed and expertise.

### Law Offices of Lyle C. Cavin, Jr.

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