

**Pennsylvania Court Rules Owner has no Liability for Injuries to Subcontractor on Worksite**

On July 24, 2012, the Court of Common Pleas of Lehigh County dismissed claims filed by an injured worker against a building owner. In Zangrandi v. Kay Builders, Lehigh C.C.P. No. 2011-C-4077, the plaintiff, Gelson Zangredi was injured after falling off a roof during the course of his employment with Lima Construction, LLC, a contractor hired by the property owner, defendant Kay Builders. Zangredi alleged his injuries were a result of Kay's negligence, specifically, that Kay was responsible for the safety of the worksite and, through its personnel who provided daily inspections, retained control over the work.

The legal issue facing the court was whether Kay retained control to the extent required under law so as to incur liability for an injury sustained by an employee of a subcontractor. The general rule in Pennsylvania is that "an owner of property does not have a duty to protect the employees of an independent contractor for risks arising from or created by the job contracted." LaChance v. Michael Baker Corp., 869 A.2d 1054, 1057 (Pa. Cmwlth. 2005) (citing Celneider v. Allegheny County Sanitary Authority, 222 A.2d 461, 463 (Pa. Super. 1966)). In contrast, in the event an owner retains sufficient control over the work, liability will result from a failure to exercise such control with reasonable care.

Based upon the evidence presented to the court, the court determined that Kay did not retain a level of control over the worksite to hold it liable for injuries of a subcontractor. Specifically, the court ruled that Kay did not direct or control the manner in which work was performed. At most, Kay employed on-site employees merely to inspect the work and ensure the "result to be obtained." Therefore, Kay did not retain enough control over the worksite to hold them responsible for subcontractor's injuries, and plaintiff's claims were dismissed.

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