

Difference Between Fault & Preventability

Fault and preventability are two terms motor carriers often confuse. The process of determining who was at fault in a collision is typically based on applicable motor vehicle laws and the actions of both drivers. Evidence will be collected and witness statements are taken so that fault can be determined, either by law enforcement or in a legal proceeding.

Preventability, on the other hand, has a completely different meaning. According to the National Safety Council (NSC), "a preventable collision is a collision in which the driver failed to do everything reasonable to avoid it." So, even if a truck driver is not cited for being at fault for an accident, the motor carrier could still deem the collision preventable.

Since determining fault is typically done externally, motor carriers often conduct an accident investigation to determine if their driver could have done anything to prevent the crash from occurring.

Employers can use their findings to determine what corrective actions are needed, such as road testing the driver, providing additional training, or deciding if disciplinary action is warranted.

Here are two examples of rear-end crashes:

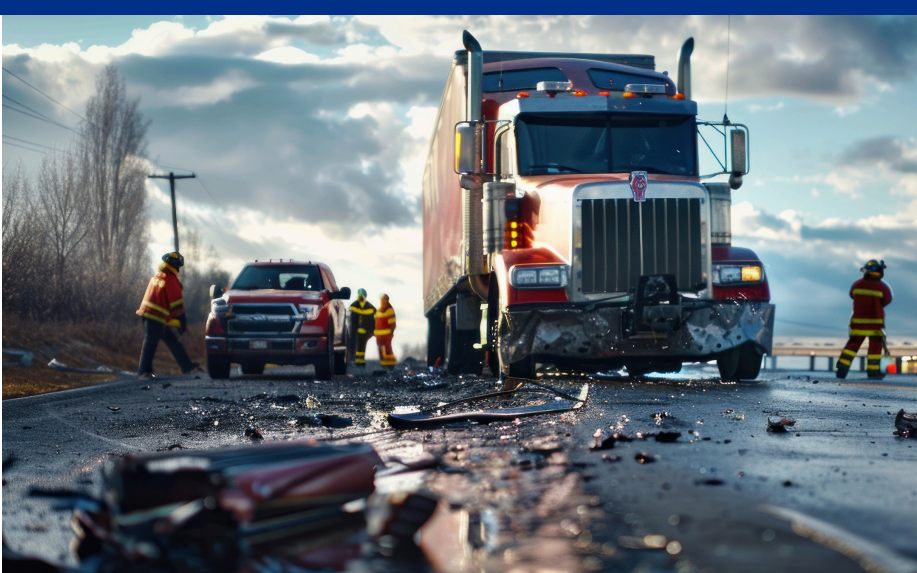


STRIKING ANOTHER VEHICLE IN REAR - PREVENTABLE IF:

1. The driver failed to maintain safe following distance and have his/her vehicle under control.
2. The driver failed to keep track of traffic conditions and note a slowdown.
3. The driver failed to ascertain whether a vehicle ahead was moving slowly, stopped, or slowed down for any reason.
4. The driver misjudged the rate of overtaking.
5. The driver came too close before pulling out to pass.
6. The driver failed to wait for the car ahead to move into the clear before starting up.
7. The driver failed to leave sufficient room to get safely back in line after passing a vehicle.

STRUCK IN REAR BY OTHER VEHICLE - NON-PREVENTABLE IF:

1. The driver's vehicle was legally and properly parked
2. The driver was proceeding in his/her lane of traffic at a safe and lawful speed.
3. The driver was stopped in traffic due to existing conditions, or was stopped in compliance with a traffic sign or signal, or the directions of a police officer or other person legitimately controlling traffic.
4. The driver was in the proper lane, waiting to turn.



Call to Action

- Document all vehicle collisions by maintaining an accident register and accident files.
- Conduct root cause analyses of all vehicles collisions to determine preventability.
- Based on the root cause analysis, determine what corrective actions will prevent future recurrences.

Knowledge Verification

Please answer, and forward a completed copy to your Safety Department/Safety Representative.

1. A root cause analysis should be completed on all collisions. True False
2. Fault and preventability are the same thing. True False
3. If a driver is not charged, the collision can still be preventable? True False

Driver's Name:

Driver's Signature:

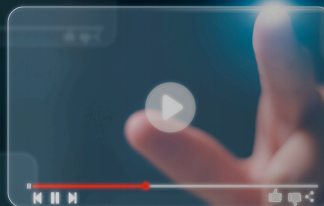
Witness Name:

Date:

Online Learning Library



Scan to view



At Old Republic Canada, we value safety and education.

Our online Learning Library is a tool our customers can use to enhance their training efforts and keep safety on the forefront of their employees' minds. Below are some additional titles that can be accessed on any mobile device, computer, or tablet. Simply go to <http://orican.infinitt-i.net> to get started.

Value Driven Driving:

Module 1 - Preventing Rear-End Crashes

Module 2 - Preventing Loss of Control Crashes

Module 3 - Preventing Lane Change Crashes

This material is intended to be a broad overview of the subject matter and is provided for informational purposes only. Old Republic Insurance Company of Canada does not provide legal advice to its customers, nor does it advise insureds on employment-related issues. Therefore, the subject matter is not intended to serve as legal or employment advice for any issue(s) that may arise in the operations of its insureds. Legal advice should always be sought from the insured's legal counsel. Old Republic Insurance Company of Canada shall have neither liability nor responsibility to any person or entity with respect to any loss, action, or inaction alleged to be caused directly or indirectly as a result of the information contained herein.

Used with permission by Great West Casualty Company.