

Chapter One: Construction Accidents

If you are hurt on the job, then you should make a claim with your state. In some states this is called Worker's Compensation or Labor and Industries. This particular state government agency will pay for your medical bills and a portion of your lost wages regardless of whether you or your employer was responsible for your accident.

In the event that you are working on another company's property and another company—in other words, a company different from your employer—caused your injuries, then you have both a worker's claim with the state and a what is called a third party claim. A third party claim allows you to bring a lawsuit for your medical bills, lost wages, and pain and suffering, in addition to your state claim.

While most states require employers subscribe to their state's worker's compensation system, in Texas an employer can opt out and not pay into it. If the employer chooses to do this in Texas, then the injured worker can sue their employer. In most other states, however, an employee cannot sue their employer for injuries they received on the job, even if the accident was entirely their employer's fault.

How The Jackman Law Firm Can Help

If you have been injured at a jobsite or construction site, you may have a claim against them to recoup compensation for your injuries. The Jackman Law Firm has the expertise to effectively represent you with the insurance company for the construction company, in arbitration and if necessary, in court to secure your rights for compensation and relief.

After your injury, you are understandably upset and likely unsure of your options and which way to with your case. You are likely receiving a lot of phone calls from insurance companies, you're going to the doctor or the chiropractor, and you may be missing work. The Jackman Law Firm can help you get money for your medical bills, lost wages, and pain and suffering

Chapter Two: Electrical Shock Accidents

After being injured from an electrical shock at a construction or job site, you are likely dealing with a great deal of trauma, both physically and emotionally. This event may have completely altered your life. Aside from dealing with the physical pain and the stress of recuperating, you may be wondering how your bills are going to get paid and where to turn. The Jackman Law Firm can help you make sense of this with our expert help.

First of all, your own health insurance through company should pay your medical bills if the injury occurred while you were not working. If you were on the job at the time, then Workmans' Compensation should pay your bills. If there is a problem with this, let us know. At the end of your case, when it has settled, be aware that a portion of the medical bills that Workmans' Comp paid will have to be repaid to Workmans' Comp. In terms of the damages you are allowed to receive, legally-speaking, these are the categories: medical bills, pain and suffering, lost wages, out of pocket expenses, and loss of consortium.

Pain and suffering is money for just what it sounds like: money to compensate you for the pain and the suffering you endured because of your accident. Loss of consortium is an amount of money that is intended to help compensate your spouse or legal partner for their injuries sustained as part of your accident.

It may seem unfair, but at times the insurance company for the company, most likely the general contractor, may allege that you did something wrong, either in part or in total to contribute to your accident. If this is your situation, you need to have an attorney who can fight to make sure that this argument does not hinder your case. The Jackman Law Firm has the resources, in the form of expert witnesses, who can do everything possible to minimize this argument's impact on the overall outcome of your case.

Since we work on a contingency fee agreement basis, this means we do not get paid unless you do first. We will never send you a bill for our time or ask for a large retainer. Rather, we take a third of whatever recovery we obtain. The consultation is also free.

Chapter Three: Falling from Roof Injuries

Falls from a roof, especially when it's from a height greater than 10 feet, can be very serious, and sometimes they can even take someone's life. Per the US Department of Labor, about 350 workers are killed each year because of falls from roofs. This is a little less than half of all deaths in the US on jobsites.

Workers who fall from roofs often suffer catastrophic injuries, including becoming paralyzed. In some cases, workers are killed or left in comas. Falls can occur from heights as low as four feet and greater than 20 feet. The law states that any time there is a fall hazard that is greater than 10 feet the employer must identify this and put together a written plan on how to deal with it. There must be a method of fall protection. The law is also clear that if a worker is working higher than four feet off the ground, the worker needs to be furnished by some kind of fall protection.

There are three different kinds of ways that a worker can keep from falling:

- A fall arrest
- A fall restraint
- A fall positioning.

All three can be preventive measures to keep a worker from falling. Oftentimes, falls can be prevented completely if a worker is given a harness to wear and the harness is connected to a pole or a stake of some kind. However, on some jobsites the owner of the property or the general contractor fails to provide enough harnesses and safety equipment to the workers.

It is very important a written planning document in which the employer identifies all areas on the job site where a fall hazard of 10 feet or more exists. The plan describes the method or methods of fall protection to be used to protect employees, and includes the procedures governing the installation, use, inspection, and removal of the fall protection method or methods which are selected by the employer.

The applicable law governing fall hazards for falls greater than 10 feet states that the fall protection work plan must point out the fall hazards, describe the kind of fall arrest or prevention that will be provided, describe the fall protection system, describe the storage of tools and materials, and describe the method of providing overhead protection for workers who pass through a worksite, as well as how to safely remove workers from a site.

The job positions that most often result in falls from roofs are framers and roofers.

Chapter Four: Falls from a Scaffold or Ladder

The law makes it clear how safety is supposed to be implemented for when people are standing four feet or higher off the ground while working. It also spells out how guards should be placed on every working surface or platform that is four feet or more above the adjacent floor or ground level. The law is clear that there needs to be some kind of fall restraint system to make sure the worker is safe. Experts recommend that scaffolds should be examined every seven days to make sure they are safe.

If you have been injured from a fall from a scaffold or ladder, you have a limited time to contact a lawyer to make sure your rights are protected. In some states you only have two years to file a claim, such as in Texas, whereas in Washington State you have three years.

Common Scaffold and Ladder Fall Injuries

If you have been injured on the job or at a construction site, you may have suffered a number of serious injuries. Among them are:

- Death
- Broken bones
- Fractures
- Soft tissue injuries
- Traumatic brain injuries
- Head trauma
- Spinal cord injuries
- Paralysis
- Back injuries
- Shoulder injuries
- Knee injuries

Chemical Spill and Exposure Accidents

Chemical spills and the exposure to spills and waste can be very harmful to workers, leading to burns and serious injuries, sometimes to the respiratory tract. If a spill occurs, identify the chemical and then review the manufacturer's instructions. The kind of chemical that is spilled will largely determine how you should respond to the chemical spill in terms of cleanup.

The employer may or may not be qualified and trained properly on cleaning up the spill. If not, local law enforcement may have to be contacted so they can find the correct response team. If the spill is large enough, the area may have to be evacuated.

It is best to attempt to cover the spill, if at all possible, and attempt to neutralize it. If the spill can be contained and cleaned up, the waste from the spilled chemical has to be disposed of according to local and federal laws for safety reasons.

There are ways, however, to protect yourself from a chemical spill, and they are to wear chemical-resistant gloves, clothes that cover the skin, and eye protection.

Chemical Spill and Exposure Laws

If you have been injured on the job, you have one of two options in order to secure a recovery for your injuries. First, you may be able to turn to your state's worker's compensation law program or Labor and Industry program.

The second option you have is what is called a third party settlement. A third party settlement is only available when a party other than your employer caused your accident. So if there was another company, such as a general contractor, that was partly or entirely responsible for how the accident was created, then you can sue the general contractor just like you could sue someone who struck you with their car.

Part of the challenge in a case involving a chemical spill or exposure injury is to identify the right party to sue. There could be any number of possibilities, including, but not limited to:

- The general contractor
- The subcontractor
- The company for the chemical company
- The company who was responsible for safety for the chemical company

There may be even other companies or responsible parties as well who are responsible too. The challenge is identifying them. Having the right kind of expert is essential in a case like this who can help not only identify the right party but who can also explain how the accident happened, how it could have been prevented, and why different safety protocols would have made a difference.

Common Chemical Spill and Exposure Injuries

If you have been injured on the job or at a construction site, you may have suffered a number of serious injuries. Among them are:

- First, second, and third degree burns
- Skin injuries
- Blindness
- Eye injuries
- Traumatic brain injuries
- Head trauma
- Spinal cord injuries
- Paralysis
- Back injuries
- Shoulder injuries
- Knee injuries

Chapter Five Construction Accident FAQ

While every case is unique, we tend to get the same questions time and again from our clients. If your question is not answered below, feel free to call for a free consultation.

Question: How long will it take to settle my construction accident case so I can get paid?

Answer: This is hard to know without knowing the specifics of your case. Some cases may only take a few months to wrap up whereas other cases take several years. It really depends on the severity of your injuries and how the insurance companies react to the amount of money you want to settle your case.

Question: How much money can I get for my construction accident case?

Answer: That also depends on the severity of your injuries. It also depends on how much insurance there is available to compensate you. Feel free to call us for a consultation we can give you an expected range of possible outcomes.

Question: L&I paid my medical bills. I read I will have to pay them back if I get a settlement. Is that true?

Answer: Yes, it could be true. It just depends if you have what is called a “third party case,” which occurs when a company or individual other than your employer caused your injuries while you were on the job. You will not have to repay 100% of your medical bills. You will, however, have to repay a percentage of them.

Question: There were no witnesses around when I got hurt. Is that going to be a problem for my case?

Answer: It could be. It is always helpful to have witnesses if liability is disputed in your case, meaning that the defendant claims they did not cause your injuries.

Question: How long do I have to bring a construction case?

Answer: In most states you have two or three years from the date of your accident to file the documents in court, and by documents we mean the lawsuit. You do not have to be finished with your case; you simply have to have filed the lawsuit, which is called a Complaint, in court within three years of the date of your accident.

Chapter Six: Crane Accidents

Cranes are a common example of heavy machinery that is found at a jobsite. They are often forgotten or disregarded since they tower over a jobsite, but they can pose a real hazard to workers. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries most recent survey, there were 79 deaths because of hoists, cranes, derricks, and related accessories.

Given the size of cranes, there have been fatalities involving pedestrians as well because the general public is often around these cranes since cranes are often in large and dense urban areas. Cities across the country have seen record numbers of cranes in their downtown urban cores and even beyond, into outer suburbs as well. This record growth has also spurred, unfortunately, an increase in the number of people who are hurt from crane accidents.

Crane Accident Laws

Crane accidents are common for a number of reasons and they can happen for a number of reasons and in a number of situations. The main reason for crane accidents results from:

- Boom collapses
- Dropped loads
- Cranes that have been overturned,
- Falls
- Rigging failures

This is largely because many cranes are not maintained properly or inspected on a consistent basis. Those are the most common reasons, but there are many others as well, and a lot of these reasons fall on the crane operator. Many crane operators simply do not have the proper qualifications and training to be operating a crane in the first place.

Alarmingly, OSHA's crane standards have not been updated since 1971. The owners and operators of cranes have a duty not to harm the public with their cranes and they must abide by that duty. If they breach this duty and someone is harmed, then by law they are responsible for the injured party's damages, which can include, but are not limited to, medical bills, wages that are lost from work, and money for what is called pain and suffering.

Chapter Seven: Electrical Shock Accident

Electrical shocks on the jobsite do happen from time to time, especially to electricians. These injuries are almost avoidable if proper precautions are taken and safety protocols are put in places. Electricity travels in closed circuits through a conductor. A person gets shocked when the human body comes in contact with one wire of an energized circuit or with both wires of an electric circuit, among other ways. Electricity streams through parts of the body to the ground or earth.

Electrical Shock Laws

When skin is moist or wet, the skin will be like a conductor, which is why electric shocks so often happen when there is rain or water present. When someone is shocked, the damages can be horrific or minor in nature. The electricity may only feel like a tingling running through one's limbs or it could lead to the person having a heart attack and being killed instantly. The results depend in large part on how much electricity runs through the body.

When people are harmed from an electric shock, there are three likely reasons.

- First, there are unsafe work practices.
- Second, the environment is not safe.
- Third, the equipment being used at the jobsite or the installation job was not done properly. Many times there are problems with insulation or guarding or electrical protective devices.

Fortunately, most electrical shock accidents can be prevented entirely, including but not limited to using the proper protective equipment, be very careful around energized liens, properly maintaining tools, and making sure to properly inspect and repair electrical equipment.

Chapter Eight: Construction Site Explosion

Explosions are always very sudden and do not give the worker notice or time to react to them. Oftentimes, explosions occur at a refinery and involve gas, fire and flames, chemicals spilling on to a job site. The worker can often have terrible injuries to their eyes and nose from inhaling dangerous chemicals. If fire is involved, the worker may have first, second, or third degree burns to parts of their body that are exposed to the flames. Like many construction accidents, a primary reason people are harmed from explosions stems from a company's failure to properly train and maintain the jobsite.

Construction Site Explosion Laws

Any time you have an explosion, in order to prevail in court, you must prove there was a duty, that duty was breached, and injuries stemmed from the breach of this duty. Oftentimes, the mere existence of an explosion suggests there was a breach of a safety duty. When there is an explosion, it is often because of liquids, vapors, fibers, gases or combustible dusts. These products can be found anywhere that gasoline is found and is often found in storage units, gas stations and hangers.

A common explosion at work sites often comes in the form of combustible dust explosions. These are often found in agriculture, chemicals, food, and plastics, to name just a few. In order to prevent dust explosions from happening, OSHA recommends carefully reviewing the operations that are performed at the jobsite, reviewing the potential ignition sources, and carefully examining all spaces that may have flammable potentialities.

If you have been injured on the job, you have one of two options in order to secure a recovery for your injuries. First, you may be able to turn to L&I.

L&I stands for Labor and Industries and they are a division of Washington State. They will pay you a portion of your time loss and, if you are eligible, you can receive a financial settlement for your injuries, which is called a permanent partial disability award (PPD award). This amount is based on the percentage of your disability.

The particular thing about a L&I case is that you don't have to prove that anyone was at fault. L&I does not care who was at fault. You can receive benefits from L&I regardless of who was at fault. Even you could be at fault. All that matters is that you were on the job when you got hurt. While the settlement you will receive L&I may not be much money, it can at least be something for you.

The second option you have is what is called a third party settlement. A third party settlement is only available when a party other than your employer caused your accident. So if there was another company, such as a general contractor, that was partly or entirely responsible for how the accident was created, then you can sue the general contractor just like you could sue someone who struck you with their car.

If you have to sue the general contractor, or a subcontractor, then you have to prove that they were somehow negligent and caused your injuries. This is very different from L&I obviously, where, again, you don't have to prove fault. With a third party case, the burden of proof is on you. This means you may have to hire a certain kind of expert to prove your version of events are in fact correct. These cases may not be easy to win, but the financial reward may be much greater than with a L&I case.

If this second option is available to you, there is no reason why you can't have both a L&I case and a third party case. The reason this is the case is that you are not suing your employer, which is not allowed when L&I is involved. Instead, you're suing a company other than your employer, which is allowed. However, L&I will likely ask that you repay a portion of your legal settlement that is reserved for medical bills back to L&I.

While the party that injured you, whether it be a general or subcontractor, may have violated any number of laws, it is important to identify at least one. In addition, you may be able to just point to the fact that the defendant either knew or should have known there was a problem with their worksite in terms of it not being safe.

If you have suffered an electric shock on the job and suffered serious injuries, feel free to speak to the Jackman Law Firm for a free consultation.

Chapter Nine: Falling Objects, Walls, Materials

Oftentimes at buildings and jobsites and worksites there are objects that fall and strike workers. Unless you're wearing a helmet, it is very easy to be hit with a falling object. If an object falls and hits a worker, the injuries can be severe, even deadly. Per OSHA, there were more than 52,600 incidents of workers being struck by objects falling at the jobsite. Part of the problem occurs when a worker's tools are not properly secured or tied up and they fall from a worker's tool-belt if the worker is working at a great height.

Falling Objects, Walls, and Materials State Laws

When workers are injured, a lot of the time it's because the employer has not thought up a fall protection program for tools and equipment that can fall onto a worker below. OSHA recommends that workers can use tools without interference, tools that weigh more than five pounds should be fastened to a structure or a tether to keep the tool secure, and monitor the load rating.

Following these simple steps can save a worker's life because the third largest reason for death on the jobsite is because of objects and equipment. OSHA also requires workers to make sure tools and materials are prevented from falling, using toe boards and screens on guard rails and use debris nets or catch platforms to secure falling objects. There is no duty or law on the books that says that tools must be tied up or tethered to a worker or station.

OSHA is the governing body that can cite employers from tools or materials that fall and harm a worker. OSHA will point to the General Duty clause when citing an employer. In order to be cited, there must be a hazard present, the hazard has to be recognized that can cause injury or death to a worker, and the hazard has to be able to be corrected.

OSHA also recommends the following measures to keep workers safe. If a worker wants to hand a tool to another worker, the worker should make sure the tool is tethered and secured. Employees should be trained on how to handle tools that tethered and how to connect tools, as well as how to hoist tools. A worker's height should only bring up the tools necessary to do the job.

There are many bags and pouches available for sale that can decrease the risk that an item will fall. Toe boards can also help stop falling tools, especially if the toe-board can withstand 50 pounds of pressure.

Finally, there are also debris nets that can catch falling tools. Erecting walls at a jobsite can also pose a real hazard to a worker. OSHA has a recommended fall protection regimen where an anchorage is tied up to the worker, the worker wears a harness, and a lanyard acts as a connector that bridges the harness to the anchorage. If a worker is hooked up like this, it is very unlikely the worker will fall.

Chapter Ten: Forklift Accidents

OSHA statistics show that every year close to 35,000 people are seriously injured by forklifts. Another 62,000 are injured in a non-serious way. This occurs every year in America. 96 people were killed last year. Studies have also shown that poor and improper training is the primary reason for workers being harmed by forklifts. If you have been injured by a forklift and you are forced to file a lawsuit, then you have the burden to show what safety standard or code was violated by the defendant, who owned or operated the forklift.

Forklift Accident State Laws

OSHA's Powered Industrial Trucks Standard – 29 CFR 1910.178 – is a good starting point for proving liability and it states: "The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation" outlined in the standard.

There are definitive, affirmative steps an owner or employer can take in order to make sure that a forklift accident does not happen on their property. Before starting the job for the day, the operator of the forklift should check the forklift, checking seat belts, brakes, and all parts of the forklift. Many worksites or construction site accidents happen simply because the forklift has been left in bad working condition and left to fall in disrepair.

The operator of the forklift must be well trained and understand very specific rules regarding the forklift. The operator needs to be aware of their surroundings, wear a seatbelt, and lift items very carefully with the forklift.

The operator should also keep a clear view and use rearview mirrors to make sure their visibility is always clear. Many forklift injuries occur because there is not the proper stability present. It is important that operators understand lift trucks are constructed on a three-point suspension system, resembling a triangle from a physics standpoint, which creates a stability triangle. This kind of stability ensures a safe space for the forklift to be properly operated.

