

Construction Accidents: Information and Next Steps

Within the broad spectrum of vocations that would be considered “dangerous”, namely jobs that have above average accident and injury rates in comparison to all types of jobs out there, construction jobs are at or near the top of many of those lists. Construction workers must deal with some of the most dangerous working conditions faced by employees in any industry. Construction workers face a variety of hazards, including falls from scaffolds and other elevations, electrocution, health hazards resulting from exposure to asbestos and chemicals, being struck by moving or falling machinery, injuries caused by defective or unsafe equipment, and lifting and repetitive motion injuries. In sum, work-related **construction accidents** occur rather frequently, and even more so in comparison to accident and injury rates for nearly any other type of job.

Who is Liable in a Construction Accident?

There can be a wide variety of individuals involved at a construction site, including the site's landowner(s), construction managers, design and engineering professionals, contractors, equipment and material suppliers. In assessing liability for injuries at a construction site, the main determinations are the extent of a potential party's control over the site on which the work is being done, and the degree of their control over the work itself.

The following people may have varying degrees of control over the construction site and work being done, and thus may be liable in a construction accident.

- **The owner of the construction site:** Issues of landowner liability turn on the degree of his or her control over the premises, as compared to control over the work itself. Depending on the amount of control of the premises that he or she gives over to an independent contractor, the landowner may not be considered the legal possessor of the land for the duration of the construction project. The owner or possessor of the land on which a construction project is being performed is liable for any injury to individuals involved in the project, caused by a potentially harmful condition on the land that the owner knew or should reasonably have known of. This duty does not extend to potentially dangerous conditions that should be obvious.
- **Contractors:** Both the general contractor and the sub-contractor must provide a construction site that is reasonably safe, and they have a legal duty to warn of any defects or hazards at the site, as well as any hazards inherent in the work being performed. A general or sub-contractor has an obligation to make sure that, to the extent they have been delegated control over a portion of the work being performed at a construction site, that work is being performed safely. This obligation extends to the hiring of reasonably competent employees, and ensuring compliance with safety regulations.
- **Manufacturers of Construction Machinery or Equipment:** Manufacturers of defective construction machinery or equipment can be held responsible for the design and manufacture of that equipment.
- **Insurers:** In the case of some large construction projects, the parties involved will be required to carry significant insurance coverage. The insurance coverage of each

respective party involved in a construction project, and the extent of that coverage, are important issues when assessing legal responsibility for a construction injury.

Getting Help for a Construction Accident Injury

If you have been injured as a result of an accident at a construction site, there are a number of things you can do to protect yourself and your legal rights:

- Get medical attention for your injuries.
- Report the injury to your employer or construction site manager, and write down the name and position of the person notified.
- Get the names and contact information of anyone who may have witnessed the accident.
- Try to preserve any evidence related to your injury, by taking photographs of the area where you were injured (and the injuries themselves), or keeping the equipment or tool that was involved in your injury.

In light of complex liability issues, the legal deadlines for filing causes of action for injury, and the need to conduct a thorough site investigation as soon after the injury as possible, meeting with a Colorado attorney experienced in personal injury and construction sooner rather than later is recommended. Don't take on your employer and their insurance company alone! Contact a Colorado personal injury attorney today to protect your rights and get you the fair compensation that you deserve!