

Four Steps to Take When a Worker Is Injured on Your Construction Site

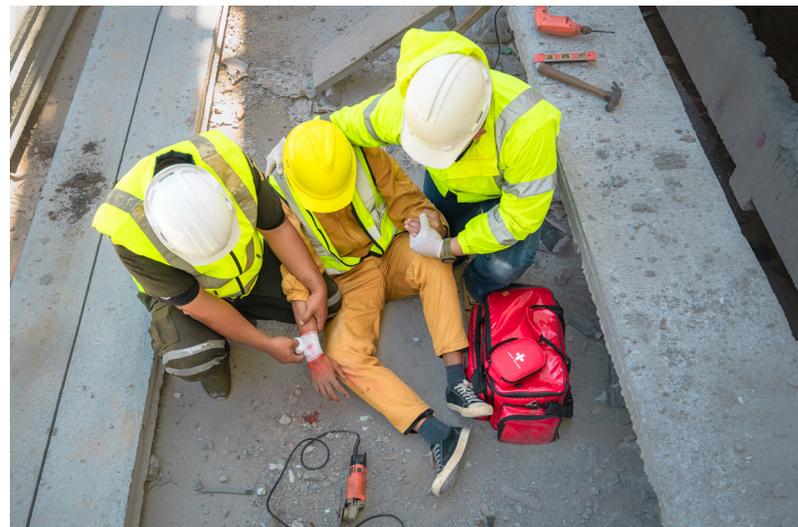
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The construction industry continues to be one of the fastest-growing labor trades. According to the Center for Construction Research and Training, since 2019, 11.4 million U.S. workers have been employed in construction, a 25% increase from 2011. Amid this growth, the industry has remained one of the most dangerous, and workers are often at higher risk of injuries and deaths due to occupational incidents. According to the U.S. Bureau of Labor Statistics, there are 150,000 injuries on construction work sites annually.

Under Occupational Health and Safety Administration (OSHA) law, employers have a responsibility to provide a safe work environment. That includes providing a workplace that is free of serious recognized hazards. Despite best efforts in implementing risk-mitigation and safety protocols, employers must be prepared with an incident procedure should an incident occur on a jobsite. Taking immediate, clear actions can impact the severity and outcome of injuries from a workplace incident. With this in mind, employers should take the lead in implementing safety procedures for injuries on construction sites and should inform all safety site managers and workers of the steps that should be taken.

Below are steps employers should consider following a workplace incident on a construction site:

STEP 1: Keep the injured worker calm and seek immediate medical attention.



First and foremost, it's important to keep the injured worker and all bystanders calm and take steps to control the area. When an incident initially occurs, an injured person may experience feelings of high stress, panic, or a wave of emotions such as distress, anger, or frustration. It is important that the injured individual and those around them try to remain calm in order to take stock of the surroundings, monitor those injured, and help everyone make the best decisions they can in that situation.

If the injury hazard is still present in the area where the incident occurred, remove workers from the area and block it off to prevent other staff or bystanders from entering. Unless they are at immediate risk for further injury, do not move the injured individual until medical personnel arrive on the scene.

Incidents on construction sites may vary in severity, and serious injuries should always be evaluated and treated by a medical professional. While a worker may initially say that they are fine, they may be experiencing a state of shock from the incident, and their injuries may be more severe than they first appear.

[STEP 2: File a workplace incident report and secure reports with the police.](#)

While employees may be hesitant to report an incident to their employer, it is in both workers' and employers' best interests to do so. Regardless if the injury occurs as a result of the workers' conduct, job duties, or even was caused by outside factors or entities, a workplace incident report should be filed. This report can provide documentation of the incident and can also help expose any lapses in safety practices to prevent similar incidents from occurring in the future.

A workplace incident report is just one consideration. If 911 is called following the incident, the employer and injured worker should obtain a copy of the police report. The police officer will write down testimony, observations from the injured worker, and the names of those who witnessed the incident, as well as factors that led up to the injury. It is important for police to obtain this information as soon as possible following the incident while it is still fresh in everyone's minds, rather than at a later date. To ensure accuracy, have the police officer read the statements back to the people providing accounts of the event.

The police report may be useful when claims are made to an insurance company for an incident, whether it's the employer's insurance company or the insurance company of another party involved in the incident. It is common for the police to provide copies of an incident report if they are called to the scene.

Under OSHA law, employers have a responsibility to report all work-related fatalities that occur to the nearest OSHA office within eight hours. If an inpatient hospitalization, any amputation or loss of an eye occurs, employers have 24 hours to report to OSHA.

[STEP 3: Document and assess the incident scene and keep a record of injuries and losses.](#)

Following an incident, it is important to take time to document and assess the incident scene. Write down where, how, and

what time the incident occurred. Write down the name(s) of the worker(s) involved in the incident and the injuries that were suffered as a result. It can also be helpful to record the names and contact information of anyone who witnessed the incident. It's also helpful to record the scene of where the incident happened by taking photos using a cellphone or camera. Employers should also record other financial losses, such as loss of property due to the incident.

Assessing the scene of the incident can be helpful in revealing hazards and dangerous factors that may have led to the injury. Once determined, employers should take steps to mitigate these risks by removing serious hazards, implementing safety initiatives, and providing worker training to avoid similar incidents from occurring in the future.

Under OSHA law, many employers with more than 10 employees must adhere to OSHA injury and illness recordkeeping requirements. Employers in certain low-risk industries may be exempt, and injuries that only require first aid do not have to record the incident. Outside of these factors, employers may need to complete OSHA Forms 300, 300A, and 301 and keep these forms on file.

According to OSHA, employers have a responsibility not only to keep records of work-related injuries and illnesses but also to provide employees, former employees, and their representatives access to the Log of Work-Related Injuries and Illnesses (Form 300). In addition, they must be able to provide employee medical records and exposure records to employees or their authorized representatives.

[STEP 4: Understand the difference between workers' compensation and personal injury.](#)

Following an injury, a worker can file a workers' compensation claim. In some states, such as New York, workers typically cannot sue their employers to recover losses; in New York, most employers with one or more employees are required to have workers' compensation insurance. This insurance protects the employer from liability for on-the-job illnesses or injuries. Regardless if the workplace injury was the fault of the worker or the employer, the injured employee may be able to recover costs of medical bills, lost wages, total and partial disability, and wrongful death benefits through a workers' compensation claim.

If the injury occurs as the result of a third party's negligence outside of an employer, a worker may wish to pursue a personal injury lawsuit to recover damages associated with the condition sustained. Damages awarded in personal injury claims are provided to make victims "whole" and can include compensation for medical expenses, lost income, future wages or diminished earning potential, pain and suffering, as well as mental anguish, quality of life loss, and other emotional injuries. 



About the Author

Zachary Perecman, a trial attorney for [The Perecman Firm](#), P.L.L.C., concentrates his legal practice in all aspects of the plaintiff's personal injury law, including construction accidents, premises liability, and motor vehicle accidents, as well as civil rights violations, including false arrest, wrongful conviction, and police abuse cases. Zachary worked at The Perecman Firm throughout both college and law school, joining the firm as an attorney upon admission to the New York State Bar in 2015. He is a member of the New York State Trial Lawyers Association and New York County Lawyers Association.

About the Article

Originally published in [Software Advice](#) online. With a goal of bringing more insights and better quality to customers, in 2014 the company joined forces with Gartner, the world's leader in IT research and advisory services, and Software Advice has helped more than 600,000 people find the top software options for their companies.

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