

YOUR GUIDE TO
**CONSTRUCTION
ACCIDENTS**

COHEN & MALAD, LLP
ATTORNEYS



**HAS A
CONSTRUCTION
ACCIDENT
CHANGED
YOUR LIFE?**

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Disclaimer : The purpose of this Document is to provide public information about Construction Accidents. It is not intended to provide legal advice and does not form an attorney- client relationship. Please contact our law firm for information regarding your individual case.

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DEDICATED TO
REBUILDING YOUR LIFE

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Introduction

Construction Accidents kill or injure thousands of workers each year. The results are catastrophic: medical bills; lost wages and a host of expenses that Worker's Compensation Insurance does not begin to cover, particularly in Indiana. Under Indiana law, you have a right to a safe construction site workplace. You have the right to seek compensation from those who caused or contributed to your injuries, whether by a general contractor failing to provide a safe workplace, or a more direct injury from another subcontractor's negligence.

Under Indiana's Workers Compensation Act, both your employer and your co-employees cannot be sued. However, you may be able to bring a "third party" claim against the general contractor or other subcontractors if certain conditions are met. Generally the compensation received in a "third party" claim includes damages for pain and suffering, future wage loss and other items not covered by Indiana's Worker's Compensation Act.



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Why File a Construction Accident Lawsuit?

Construction Accident litigation is generally not something that you can handle on your own. Unlike a car accident, you will probably not get a telephone call from an insurance adjuster for the General Contractor making a settlement offer. Your job is to get well and protect your family. It takes lawyers skilled in construction contract analysis, OSHA and IOSHA regulations and jury trials to properly represent you and your family.

What if I Can't Afford a Construction Accident Lawyer?

You do not need any money to hire a construction site accident lawyer. Our construction site accident lawyers work on a contingency fee basis. If we do not win your construction site accident case, there is no fee. That means we are careful about what cases we choose, and give our best efforts to get your best possible result.

What Types of Construction Accidents Are Most Common?

According to IOSHA, there were 27 Indiana construction accident fatalities and 2,900 Indiana non-fatal construction injuries in 2007. While these represent a large variety of construction accidents, certain trades seem to be consistently in danger. Ironworkers tend to be injured during decking operations, handling materials and as a result of inadequate fall protection.



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Masons tend to be injured by improperly constructed scaffolds. Laborers are often put in dangerous situations and have been killed in trench collapses, scaffold building and hod carrying. Electricians are at risk when working in scissor lifts and when power lines are not properly de-energized or lockout-tagout procedures are not followed. Failure to provide or require proper Personal Protective Equipment (PPE) is another leading cause of Construction injuries in Indiana.

Can I Sue my Employer for a Construction Site Accident?

Generally no, unless you were intentionally injured, which is very unusual in an Indiana construction accident. In other states, the law is more lenient, and repeated violations and citations may enable you to bring a construction accident lawsuit directly against your employer. However, in Indiana the Worker's compensation Act bars such claims. It does allow construction site accident lawsuits against general contractors and subcontractors who may have caused or contributed to your injury. Ind.Code. 22-3-2-6.

Can I be Fired for Filing a Worker's Compensation Claim for a Construction Accident?

No, in Indiana a worker filing a worker's compensation claim cannot be fired by his or her employer for filing a worker's compensation claim for injuries received in a construction accident. In fact, this can be the basis for a separate



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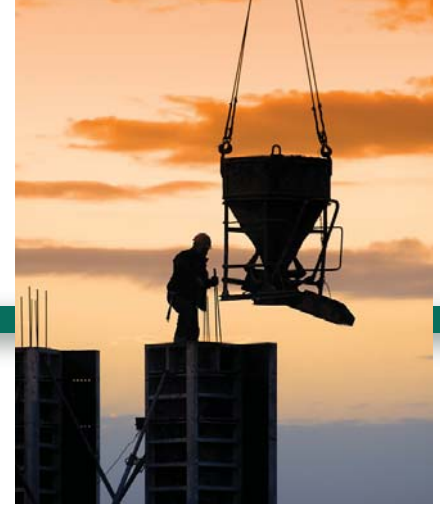
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I will provide a free initial consultation to see if I can help you. Just contact me by phone 317 636 6481 or email, jdaly@cohenandmalad.com.



lawsuit against the employer based on the Indiana Supreme Court decision of *Frampton v. Central Indiana Gas Company*, 297NE2d 425 (Ind.1973). Again, it is hard to know all your rights in a construction accident without consulting an attorney who has experience in the area.

How Do I know if I Have a Construction Accident Third-Party Case?

The truth of the matter is that you have virtually no way of knowing if you have a case against a third party for the injuries you sustained in a construction site accident. In fact, many of my most valuable cases were turned down by lawyers inexperienced in construction accidents on the mistaken belief that workers compensation benefits were all that the injured worker was entitled to. Evaluating the case takes experience and knowledge of OSHA, IOSHA construction contracts and Indiana Construction Law. As an OSHA authorized construction safety trainer, I know a violation, and a third party case, when I see one. I will provide you with a free consultation so you will not have to wonder if you have a case, you will know.

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