



WASHINGTON CONSTRUCTION ACCIDENT GUIDE

*Protection You Need After
a Work Injury*

PELLEGRINO CERTA



Construction work allows men and women in Washington State to make a good living. Yet, it's also the most dangerous work environment in the state. If you or someone you love is hurt, you need an experienced construction accident lawyer to help you navigate the complex legal system and make sure that you're fairly compensated for your injuries and are taken care of.

WHO IS AT FAULT IN A CONSTRUCTION ACCIDENT?

Construction accidents are complicated. There are several factors that must be considered to determine who could be at fault for your injuries. Some of those factors include:

- » Whether the accident occurred at a private residence or a commercial site
- » Whether you are an employee or a subcontractor
- » Whether there were any OSHA violations
- » Whether there were any WISHA violations

Of course, that's not a full list of considerations. If you're hurt on a site, you should have your claim evaluated by an Edmonds construction accident lawyer to determine if you have a legal claim and what your next steps should be.

MOST COMMON CAUSES OF CONSTRUCTION SITE ACCIDENTS

As we mentioned in the last section, these accidents can be complicated. The reasons they happen can also be complicated. Your injuries could have more than one cause. The most common causes include:

- » **Unenforced safety policies.** As a visitor or as a worker, you have the right to be in an environment that's as safe as it can be. This includes a safety policy that is enforced. Yet, safety policies often go unenforced. This can lead to devastating accidents that cause lifelong injuries.
- » **Improper or no safety training.** One reason why safety policies go unenforced is because workers simply don't know that there's a policy to be followed. Improper or no safety training can create extremely dangerous conditions for workers and visitors.
- » **Vehicle accidents.** From company vehicles (including trucks) to cranes, vehicle accidents are one of the most common sorts of accidents on a construction site. Pedestrian accidents also fall into this category.
- » **Falling.** Falls don't have to occur from the top of a building for a serious injury to occur. Broken bones, traumatic brain injuries, and even crushed limbs can all happen if you fall on a construction site. Internal injuries can be caused from a fall. Many internal injuries have few signs until they become deadly.
- » **Injuries from construction equipment.** Amputations, crushed limbs, and death can occur from construction equipment accidents. These accidents can happen because of faulty equipment or because someone is careless.
- » **Electrocutions.** Electrical hazards pose a very real risk of being on a construction site. Electrocution can be deadly. In fact, according to OSHA, around 400 people die every year because they are electrocuted while they were on a construction site. The most common causes are live wires that aren't properly grounded, defective equipment, not having the right tools to work on a job, no signs to tell people on the site that there is a hazard, and poor lighting.

- » **Exposure to chemicals and other hazards.** Respiratory diseases can be caused by exposure to chemicals, including toxins that cause problems years later. You may still be entitled to financial compensation for your injuries.

WORKERS' COMPENSATION

If you're a construction worker and you're hurt on the job site, you could be entitled to workers' compensation if you are an employee. If your employer uses L&I, you could be entitled to receive medical coverage, lost income, the cost of your medicine, travel expenses, property damage, and either permanent or temporary disability.

However, filing a workers' compensation claim doesn't mean that you'll be treated fairly. A lawyer can help ensure that you get the compensation that you deserve for your injuries. We can help you gather your paperwork and prepare to present your claim so that you are compensated.

FREQUENTLY ASKED QUESTIONS | WASHINGTON CONSTRUCTION ACCIDENT GUIDE

What Should I Do After a Construction Accident?

First thing you need to do is get medical attention right away. Second thing you need to do is report the accident to your employer or whoever is responsible for running the construction site. Third thing you need to do is open up a Workers' Compensation claim; your employer will help you do that.

Workers' Compensation will cover you for your medical bills and lost wages, but they will not cover you for pain and suffering, so the fourth thing you need to do is contact an attorney to find out if you can recover for pain and suffering from the party responsible for the accident. The important thing to know is that Workers' Compensation, although it will cover your medical bills and lost

wages, does not allow you to sue your employer. It's important for you to contact an attorney to find out if there is a responsible third-party that you can recover from.



Should I Tell My Manager About My Injury?

Some of the things that you need to do that are important is contact management right away and report the accident. Management will then conduct an investigation as well as notify Labor and Industries depending on the severity of the accident. Labor and Industries will get involved and conduct an investigation right away. It's important

for you to also contact an attorney so they can conduct their own investigation and preserve any evidence.

What Mistakes Should I Avoid After a Construction Accident?

There are mistakes that people make that we want you to avoid. First of all, you need to seek medical attention right away, if you have not done so already. Second of all, you need to report the accident to management who then can conduct an investigation. Third, you need to seek advice from a personal injury attorney who does construction accident cases. If you have any questions, you can call our office and we'd be more than happy to help you and answer any of your questions.

How Do I Choose The Best Construction Accident Lawyer?

The best way to go about hiring an attorney is by making sure that they do personal injury work only. You want to avoid going to a lawyer who practices in many areas.

Second thing you want to do is make sure that the attorney has construction accident litigation experience. Experience is very important. If the attorney has

an insurance defense background, that's very helpful in that it helps prepare the case for trial because you know what the other side is going to do and how they're preparing the case.

The fourth thing you want to do is make sure that the attorney that you hire has trial experience and will prepare your case for trial. Although settlement is what most people want to accomplish, not every case settles. You have to make sure the case is prepared to go to trial if you need to.

Should I Speak to the Insurance Company?

We recommend that if you're contacted by the insurance company that you do not speak with them. The reason is that they will be asking you questions and trying to obtain information that will paint a picture that will make it appear that you are at fault, and it will help with their defense if a lawsuit is filed.



How Do I Determine the Value of My Construction Accident Claim?

It's impossible to determine at the outset. The value of a claim is determined by the amount of medical bills, the amount of lost wages, the pain and suffering involved, and the type of injury. Some injuries are not clear right away. You may have what appears to be a soft tissue injury, or a sprain or a strain, that ultimately may require surgery down the road, so it's impossible to know. The important thing is that you get medical treatment and see a lawyer.

What is Workers' Compensation?

Workers' Compensation is similar to an insurance company in that they protect their workers and pay the medical bills and lost wages if you're injured on the job. The downfall is that you cannot recover pain and suffering from Workers' Compensation, so what you recover in terms of damages is limited more so than if you were able to file a lawsuit against a third-party.



What Type of Compensation is Available After a Construction Accident?

Workers' Compensation is available to anybody who's been injured on a construction site. Workers' Compensation will cover your medical bills and lost wages. If you have any other questions about what benefits may be available, feel free to call us.

Can I Sue My Employer?

In Washington state, you cannot sue your employer because they are protected under the Workers' Compensation Act. You can, however, sue third-parties who may be responsible for the accident. Whether or not there are third-parties responsible for the accident does not appear right away and it's not cut and dry. What you should do is hire an attorney to investigate whether there is a third-party responsible for the accident that you can sue for your pain and suffering. If you have any other questions about that, you should call us right away.

How Long Will it Take for My Construction Accident Claim to Settle?

The length of time that it takes to resolve a construction site accident varies. It depends a lot on your recovery. You really cannot start settlement discussions until your injuries are resolved. You need to either get to pre-accident condition or reach maximum medical improvement. Typically, it's 12 months to 18 months from the time you start the lawsuit that you can expect to wrap up the case.

CALL TO SEE IF YOU HAVE A LAWSUIT

Your injuries may be caused by a third party or maybe you were a visitor or subcontractor. If that's the case, you should contact a Washington construction accident lawyer to learn more about your rights. You could be eligible to

receive compensation for your injuries, lost wages, medical expenses, pain and suffering and more. To learn more about construction site injuries, call us. We'll be glad to talk to you about your options.



ABOUT THE AUTHOR

Pellegrino "Pino" Certa has vast experience working for and against insurance companies and handling insurance disputes. Before beginning his career representing personal injury victims, Pino was an attorney for insurance companies for 12 years. By working for insurance companies, he developed an understanding of the insurance business. He uses this understanding to turn the tables and obtain the best possible recovery for his clients.

Pino was born in Brooklyn, New York and attended college at St. John's University, where he received his B.A. in 1990. He graduated from Albany Law School of Union University with his J.D. in 1993.

He was admitted to practice in New York in 1993, and was certified to practice in U.S. District Court, Eastern and Southern Districts of New York in 1994. In 1996, he was admitted to practice in Washington and in 1998 was admitted to practice in U.S. District Court, Western District of Washington.

He is a member of the New York State and Washington State Bar Associations. He is also an active member of the New York State Trial Lawyers Association, the Washington State Association for Justice, and the American Association for Justice.

