

A person wearing a blue and white plaid shirt is holding a bright orange hard hat. The background is slightly blurred, showing other people in a construction or office setting. The text is overlaid on the right side of the image.

# 5 THINGS YOU **MUST** DO AFTER A CONSTRUCTION ACCIDENT



Silberstein, Awad & Miklos, P.C.  
Accident / Medical Malpractice Attorneys



When you've had an on-the-job accident, whether you're a carpenter, heavy equipment operator, laborer or anything else, things can become confusing very quickly.

You may not know where to turn or what to do next.

This book covers the five essential things you have to do following a construction accident, no matter where you were or whose fault it looks like, but if you have further questions, remember that we're here for you.

You can always call us at 877-ASK-4-SAM (877-275-4786). We'll come to see you at home or in the hospital, or we can answer all your questions by phone. It's our job to focus on the technical side of what happens after a construction accident so you can focus on what's really important: getting better.

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# Construction Accidents

## *What You Need to Know*

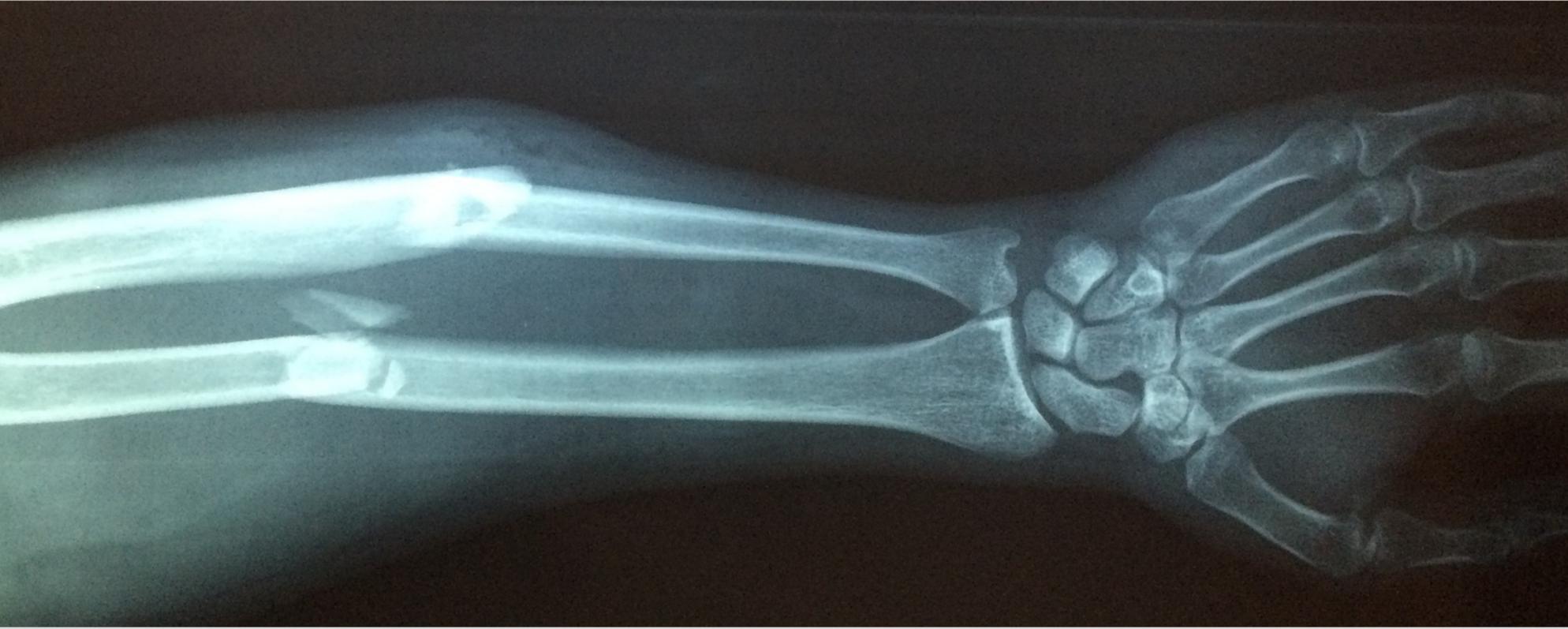
One in every ten construction workers are injured on the job every year, according to the Occupational Safety and Health Administration. That means between you and the nine other construction workers to your left and right, one of you is very likely to be hurt at work – and if you're reading this eBook, chances are, it was you or someone you care about.

Construction can be a dangerous business.

And that's why you are required by law to be provided with a safe workplace. Your work-related risks are required to be minimized. As many hazards as possible (that are associated with using construction equipment or being on an active site) must be eliminated.



# Common Construction Site Injuries



Injuries on construction sites – chances are you’ve seen more than a few – can range from mild to extremely serious. Some of the most common construction-related injuries include:

- Broken bones
- Burns
- Electrocution
- Eye injury, to include vision impairment or blindness
- Head injury or brain injury
- Illness due to chemical exposure
- Knee and ankle injuries
- Neck, shoulder and back injuries
- Repetitive motion injuries
- Spinal cord injuries

These injuries (this isn’t a complete list; there are many other injuries construction workers can sustain) can be severe enough to keep you from working. ***That can be catastrophic to your finances.***

If you’re not out earning money while medical bills are piling up, things can get pretty stressful.

# Deaths on Construction Sites

New York has a fairly high average, as compared to the rest of the country, for construction-related deaths. Our state averages about 40 construction-related deaths each year.



## *Falls*

Falls are by far the most common cause of death on construction sites. Usually, they're caused by:

- Holes in floors
- Misused fall protection
- Slippery, cluttered or unstable surfaces
- Unprotected edges
- Unsafely positioned ladders
- Wall openings

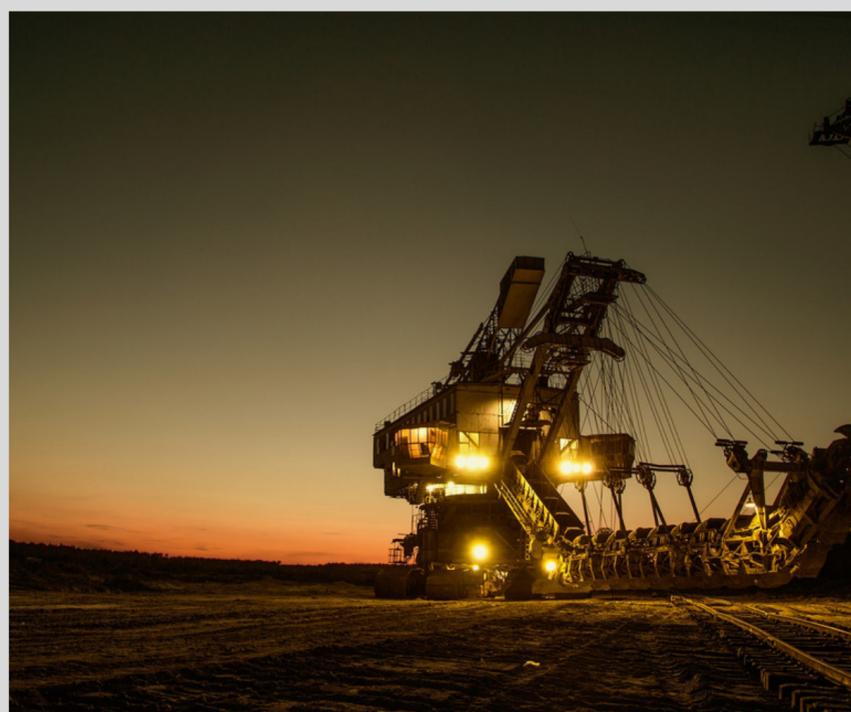
# *Electrocution*

Electrocution causes about 10 percent of all deaths in the construction industry, with the majority of those involving electricians.



# *Being Struck by Objects*

Around 8 percent of all construction worker deaths are caused by the worker being struck by an object, such as an automobile or a piece of construction equipment or machinery.



# *Caught in or Between Objects*

About 4 percent of deaths from construction injuries involve the worker being caught in or between two objects. These most commonly occur because of:

- Equipment rollovers
- Rigging accidents
- Rotating equipment
- Trench collapse
- Unguarded equipment parts
- Defective or missing safety equipment

If someone you love was killed on a construction site, you may have legal recourse. Your personal injury attorney can help you determine whether you have a case.

# 5 Things You MUST Do After an Accident



When you're injured in a construction accident, it's tough to think too far ahead. You have to plan your recovery, and you're worried about getting back to work so you can start earning money again.

For most people, it's a good idea to talk to a lawyer – even if you think the accident may have been your fault. Many people, including the owner, general contractor and subcontractors, are responsible for your safety on the construction site, and if you were injured, there's a good chance that someone else will be, too.

After an accident at work, you must:

- Report the injury to your employer
- Get medical attention
- Gather documentation about what happened
- Complete and file a workers' compensation claim
- Talk to a lawyer you can trust

The following sections discuss each of these in depth.



# 1. Report the injury to your employer.

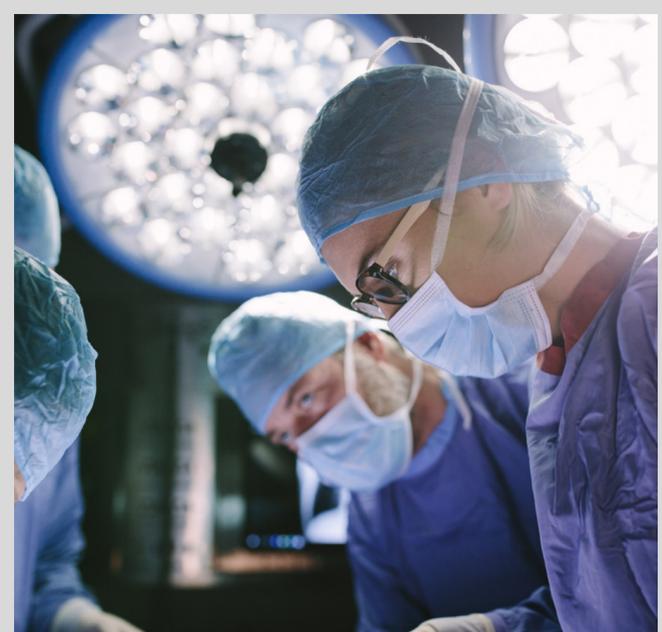
If you're injured at work, you must report the incident to your employer. If you're on your way to the emergency room for treatment (if you have a potentially serious injury, you should be), this can wait.

Even if you think you're not seriously hurt, you should still report the injury to your employer.

Failing to report your injury can cause you serious problems down the road. Your employer may deny that it ever happened (or claim that it happened outside of work), which can be a big issue if your injury worsens with time – and your employer may be able to deny you the medical treatment you deserve, as well as benefits for the time you had to take off work as a result.

Reporting an accident – even if you don't need immediate medical care – can prevent a lot of problems, even if your employer is fair and treats you well.

**Example:** If you twist your knee lifting heavy equipment and decide that you don't need medical attention, you may choose not to report the incident to your employer. But what if you wake up the next day with a swollen knee that you can't move? You failed to report the incident when it occurred, so your employer may deny you medical treatment or benefits. Even worse, your employer could write you up for not reporting an accident.



## 2. Seek medical treatment.

Seek medical attention for any injury you sustain or accident you're involved in at work.

Period.

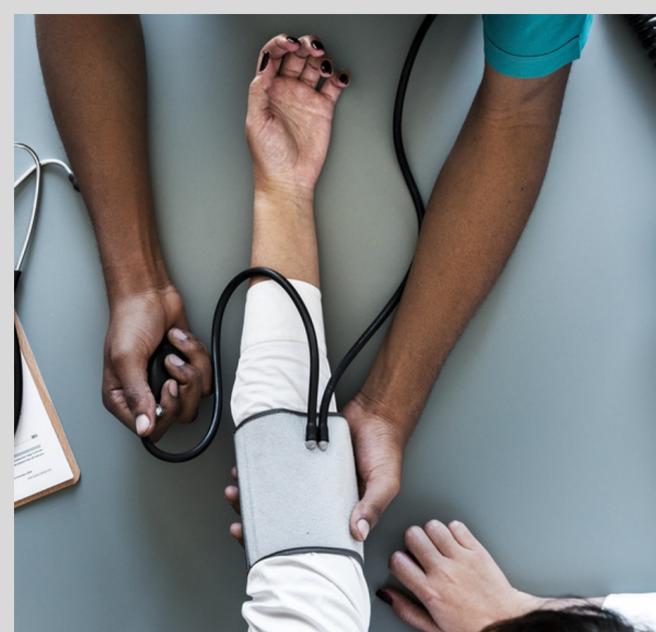
### *How soon should you seek medical treatment?*

Get medical treatment immediately after any injury, even if it seems minor. Many injuries become worse over time; in some cases, you don't really feel the extent of your injuries right away thanks to the adrenaline rush you might experience after an accident.

Treating an injury as soon as possible after it occurs can help you recover faster, too.

(As a side benefit, seeking immediate medical treatment also helps prevent anyone from claiming that you weren't injured at work.)

Do not try to "tough it out" or pretend that your injuries aren't that serious. Doing so can minimize the treatment workers' compensation will authorize or the benefits you receive – and your employer could use it against you if you decide to sue.



## ***Where to go for treatment***

If you need emergency treatment, don't hesitate – go straight to the nearest ER or call an ambulance. If it's not an emergency, talk to your employer about where you're supposed to go for treatment.

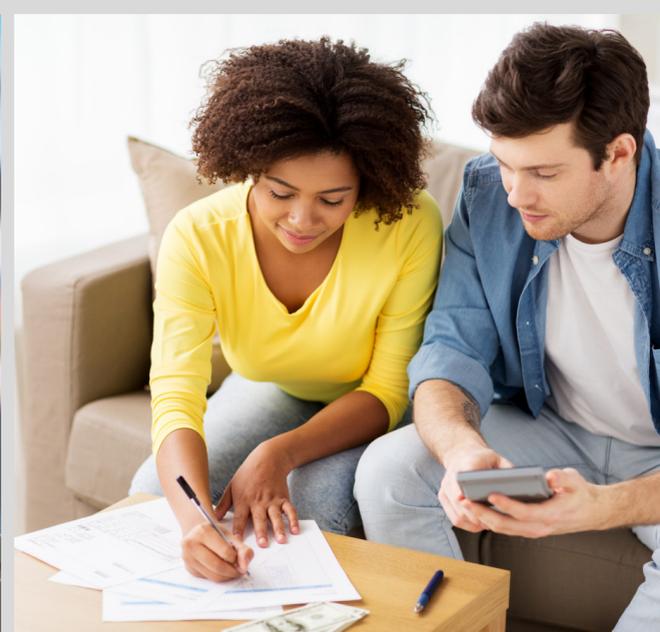
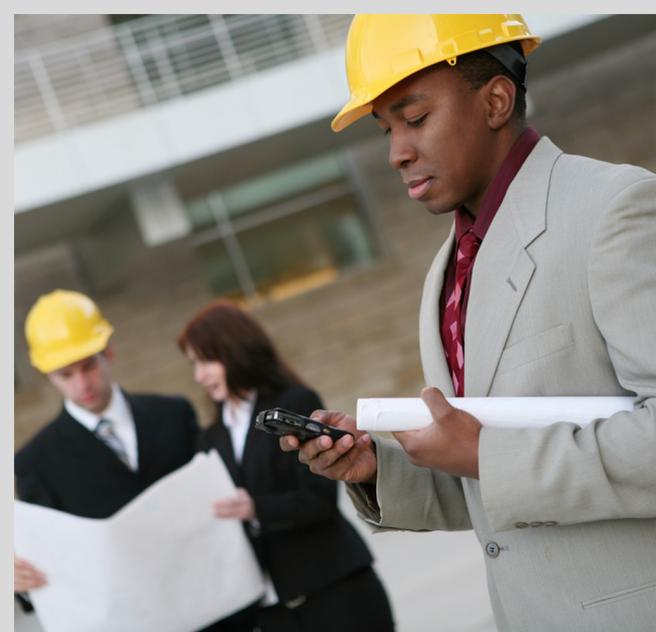
Generally, it's best to go to your own doctor, who is unlikely to have a relationship with your employer.

## ***Talking to your doctor***

When you see a doctor, be honest and accurate. Tell him or her exactly what happened. Tell your physician about all the symptoms you're experiencing – even if you think they're minor or unrelated to your injury. Don't say that you're feeling better if you're not, and don't speculate on the cause of your injuries if you don't know the answer to a question your doctor asks.

## ***Who's responsible for your medical bills?***

Your employer may be required to pay for your medical bills and lost wages. If your workers' compensation claim is denied, you may still be able to sue for damages that include some or all of your medical costs and wages.



## 3. Gather information.

After you've gone to the hospital or visited your doctor, you need to gather information about what happened to you.

It's very important that you get this information, even if you think your injury was minor. (Many injuries worsen with time – and some don't cause you trouble right away. In some cases, you won't start feeling pain or experiencing other symptoms for a while after your injury.)

### *Contact information of witnesses*

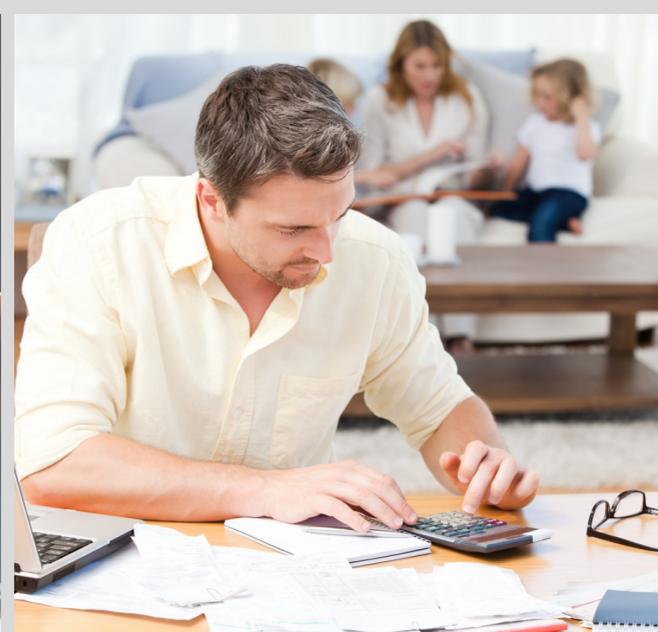
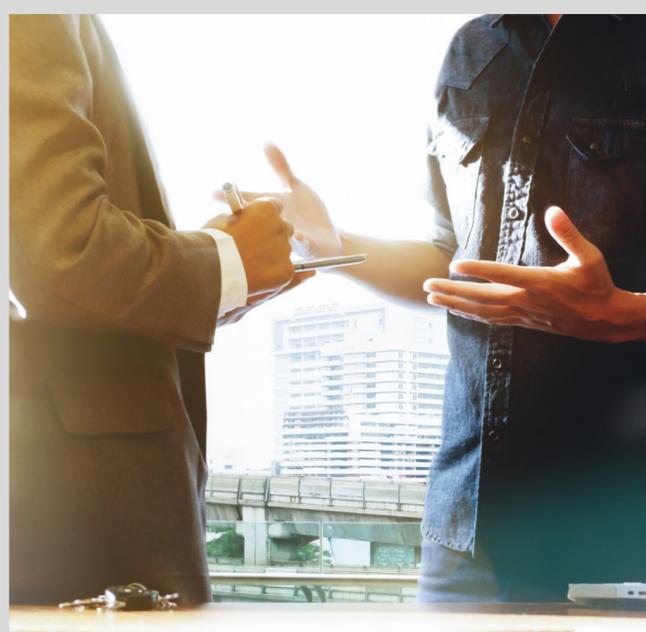
If anyone witnessed your accident or saw you being injured, get their names and contact information. You may need it for your workers' compensation claim or if you decide to pursue a case in court.

### *Photograph the scene of the accident*

Having pictures of the scene of the accident can be helpful in proving your claim. Take photos of unsafe equipment, the area in which you were injured, and anything else that shows what happened to you.

### *Document your injuries*

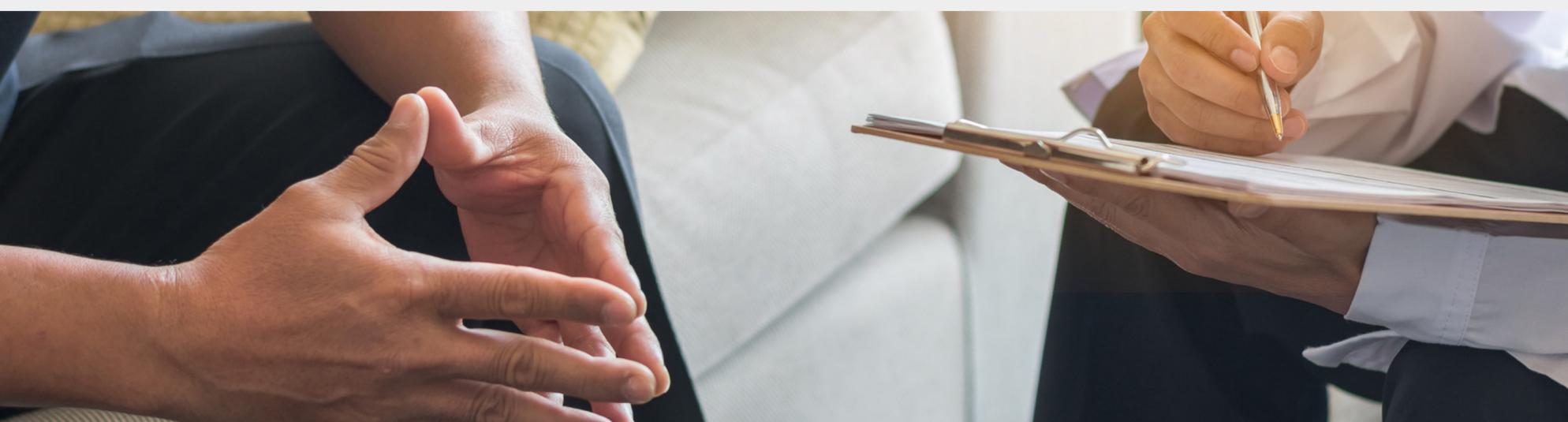
Keep copies of all your medical records and take photographs of your injuries. The more documentation you have, the better – this information can help support your workers' compensation claim or a legal claim.



## 4. Complete and file a worker's compensation claim.

In the state of New York, you should complete a Workers' Compensation Board Employee Claim (Form C-3) as soon as possible to ensure you're eligible for benefits. You also have to notify your employer in writing about the incident, including when, where and how you were injured or became ill. You must notify your employer within 30 days of your injury.

You will need help to properly fill out the Employee Claim (C-3) form. The C-3 can affect any lawsuit you may bring. We can help you file it the right way.





## How Long Do You Have to File Your Claim?

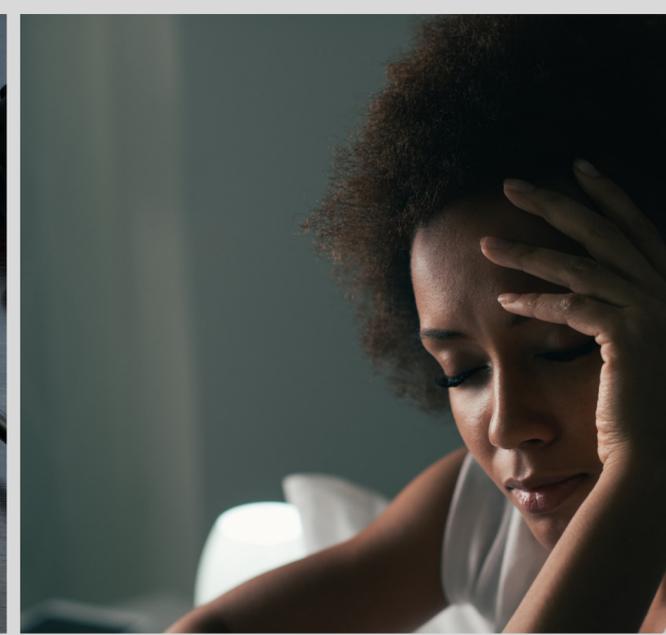
You must file a claim with the New York State Worker's Compensation Board as soon as possible and within 2 years of your accident or injury.

Claims for occupational disease are much more complicated, and you should consult an attorney regarding the time limitations that apply.

Lawsuits for pain and suffering, lost wages and medical bills must be started within 3 years of the date of injury.

Lawsuits for wrongful death must be started within 2 years of the date of death.

Because all these time limitations can be complicated, and because exceptions may apply, you should contact an attorney as soon as possible after your accident.



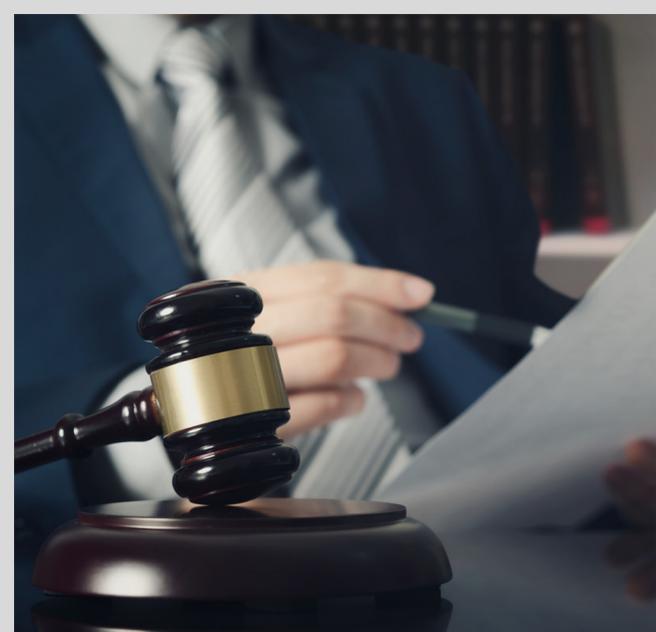
## What about death claims?

If you are the next-of-kin to someone who passed away at work or who passed away due to an existing work injury or illness, you must file a Claim for Compensation in Death Case (Form C-62). You must include documentation that supports your claim.

Your loved one's last treating physician must also file a Proof of Death by Physician Last in Attendance on Deceased (Form C-64), and it needs to state how your loved one's death was related to work or a previous work injury.

The funeral home or crematorium that handled your loved one's remains must file a Proof of Burial and Funeral Expenses by Undertaker (Form C-65).

It is best to have an attorney guide you in these confusing times.



## 5. Talk to an attorney as soon as you can.

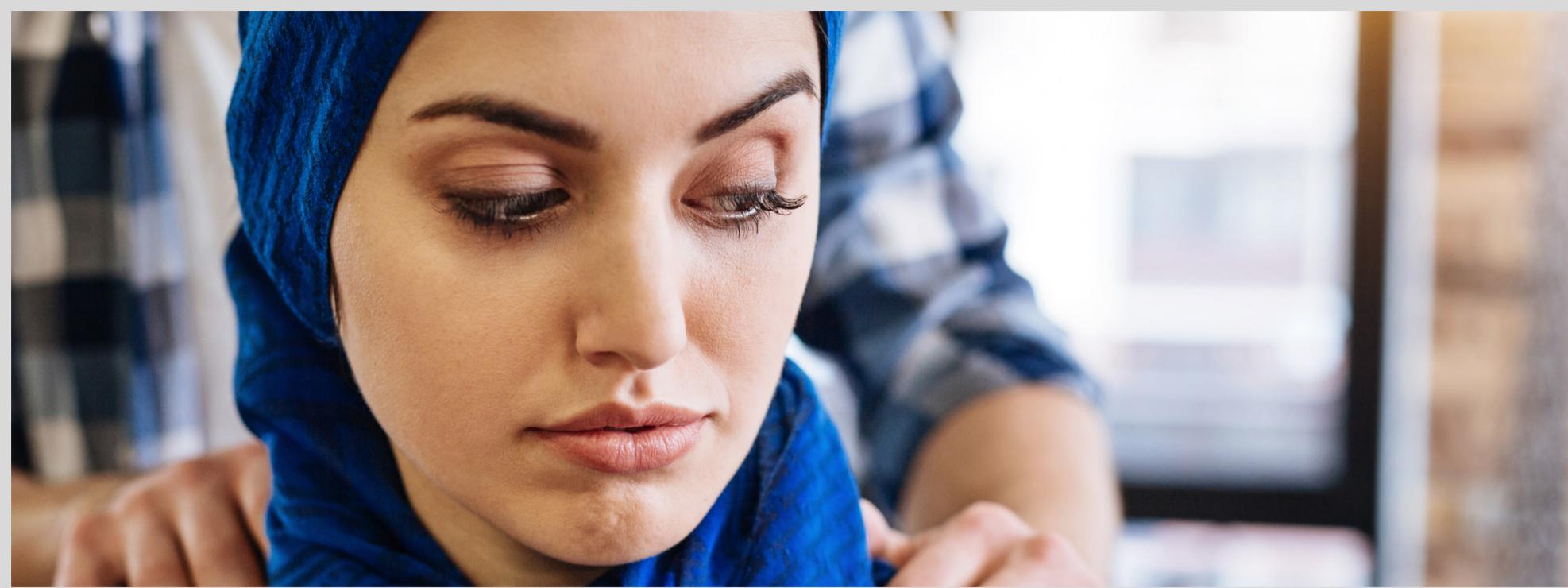
In many cases, workers' compensation covers your medical bills and lost wages. However, it's also appropriate to talk to a lawyer about what happened to you.

### *When you should call a lawyer*

An attorney may be able to help you recover losses that result from your accident, as well as work with your insurance company and handle other legal claims. Your lawyer may be able to help you recover money for:

- Medical expenses
- Lost wages
- Future medical needs
- Pain and suffering

You may still have a claim if you've gone back to work, whether you're earning the same amount of money you did before your accident or your injuries are preventing you from earning as much money as you did before.



## Wrongful death

If your loved one has died as a result of a construction accident, an attorney can help you file a wrongful death case. In some wrongful death cases, courts award money for past medical expenses, lost financial support (past and future) and funeral expenses, as well as money toward pain and suffering.

In order to bring a wrongful death lawsuit, you must show that:

- Your loved one passed away
- Your loved one's death was caused by another's negligence or inadequate safety equipment
- Safety rules were not followed and contributed to the passing of your loved one
- Surviving family members are suffering monetary injury as a result of your loved one's death

# What Your Lawyer Will Do

Your lawyer can thoroughly investigate the facts and circumstances of your accident. Your attorney can collect statements from people who saw or heard about the accident that injured you. They can take depositions of parties to a lawsuit.

He'll also be able to call in expert witnesses (people who have specific knowledge and can testify in your case) and negotiate in your case.



# You are not alone.

You may be entitled to damages that help pay your medical bills, make up for lost wages, help with future medical care, as well as money for pain and suffering... and you don't have to fight for it alone.

We'll be in your corner every step of the way.  
We'll protect your rights and fight hard for what you deserve.

Call us at 877-ASK-4-SAM (877-275-4786).

We'll visit you in the hospital, at home or in one of our offices.

You deserve an award-winning legal team in your corner, so don't wait. Call us now so we can begin working on your case.

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