

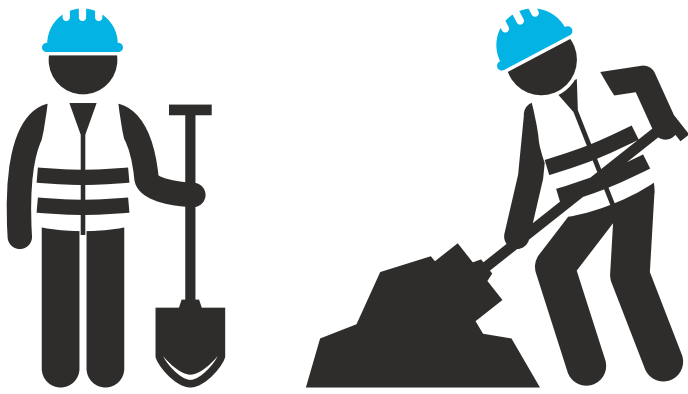


Accident on a construction site: Your legal rights

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What are your legal rights if you have an accident on a construction site?

Construction sites can be very dangerous places, and accidents are unfortunately all too common. If you've been involved in an accident on a construction site, it's important to understand your legal rights and options.

At Slater and Gordon, we conducted market research looking into the most common accidents that occur on construction sites and the percentage of people that have experienced them:

Slips, trips, falls	45.13%
Cuts/lacerations	42.82%
Muscle strain	41.54%
Hit by falling objects	25.13%
Repetitive strain injury	21.03%
Machinery accident	12.31%
Scaffolding accident	11.03%
Crashes/collisions	7.69%
Caught between objects or machinery	7.18%
Chemical exposure	7.18%
Electrocution	6.15%
Gas leak, fire, explosion	5.64%
Heat stroke/hyperthermia/exposure	5.64%
Acts of violence	5.38%
Hit by a vehicle	4.10%

So, if you have been injured whilst at work, it is important to know that you are not alone.

What legislation protects you?

In the UK, there are several laws and regulations in place to protect construction workers and ensure their safety on the job. **The Health and Safety at Work Act 1974** is the primary legislation regarding workplace health and safety in the UK. It sets out the responsibilities of

employers, employees, and self-employed individuals to ensure all remain safe whilst at work. This is particularly important for those that work in construction, who are at an increased risk of accidents and injuries in the workplace due to the nature of their work.

The Personal Protective Equipment at Work Regulations 1992 (PPE) requires employers to provide personal protective equipment (PPE) to all workers. Items like hard hats, safety goggles, and high visibility clothing are covered under this regulation, all of which are crucial to ensuring your safety.

The Construction (Design and Management) Regulations 2015 (CDM) is another important piece of legislation that applies specifically to the construction industry. CDM places responsibility on everyone involved in a construction project – it doesn't matter if you are a client, designer, or contractor. Everyone involved must plan and manage the job in a way that ensures all involved in the project will remain safe whilst at work.

Under CDM, construction workers must receive adequate training and instruction to carry out their work safely. Employers must provide a safe working environment, including appropriate equipment and protective clothing, and must carry out regular risk assessments to identify and mitigate potential hazards. The CDM regulations apply to all construction projects, regardless of their size or duration, and failure to comply with them can result in legal penalties.

The Control of Substances Hazardous to Health Regulations 2002 (COSHH) also applies to the construction industry. COSHH requires employers to assess the risks from hazardous substances, such as chemicals and dust, and take steps to prevent or control exposure. These steps might include providing you with appropriate PPE and ensuring adequate ventilation and other safety measures.

In addition to these regulations, there are several other

laws and regulations that apply specifically to certain aspects of construction work, such as working at height and working with machinery. Employers and workers in the construction industry must be aware of these laws and regulations and follow them to ensure the safety of everyone on the job site.

If you've had an accident, what's next?

If you have been injured in an accident on a construction site, you may be able to make a personal injury claim. This could include compensation for any pain, suffering, and loss of earnings you have experienced as a result of the accident. It is important for you to be aware of your legal rights and options if you are injured on the job, and when the right time is to seek legal advice. If you do intend to make a claim, you should note it shouldn't affect your employment as it is illegal for your employer to let you go simply because you are making a claim.

To make a claim, you will need to prove that your employer was negligent, and that this negligence caused or contributed to your injuries. This can be a complex process, and it is important to seek legal advice from a specialist personal injury solicitor who has experience in dealing with construction site accidents.

If you are a self-employed contractor or subcontractor working on a construction site, you may also be able to make a claim against the main contractor or site owner if they have been negligent and this has led to your injuries.

It is within your legal right to claim compensation for any injuries obtained in the workplace that are a result of the negligence of your employer. Every employer is required by law to have employers' liability insurance to cover any potential compensation claim against it. This policy ensures that money is available to compensate you if you suffer any illness or injury due to your employer's negligence without damaging the company.

Here are the steps you should take should you be injured in the workplace:

- 1. Seek medical attention:** If you are seriously injured, seek medical attention right away.
- 2. Report the accident:** You should report the accident to your supervisor or employer immediately and fill out any accident book. Ensure a 'RIDDOR' (Reporting of Injuries,

Diseases and Dangerous Occurrences Regulations) report is completed and filed with the Health and Safety Executive (HSE) by your employer.

- 3. Document the accident:** If possible, take photos of the accident scene, gather the names and contact information of any witnesses, and write down what happened. Most workplaces should have an accident book. This information can be helpful if you decide to pursue legal action.
- 4. Know your rights:** Consult with a lawyer who specialises in construction accidents to learn more about your legal options and rights.
- 5. Consider legal action:** If you believe that someone else's negligence caused your accident, you should be able to commence legal action against those responsible to seek compensation for your injuries, loss of earnings and any rehabilitation.

The time limit for court proceedings to be commenced is three years from the date of accident, although there are some exceptions to this rule.

Reminders of your legal rights

- Regulations exist to ensure you're kept safe whilst at work.
- Your employer, together with other contractors on site, must comply with the framework of legislation regarding health and safety.
- It is illegal for your employer to dismiss you if you pursue a claim against them.
- Every employer should have employers' liability insurance.
- You can make an injury claim within three years of the injury taking place.
- Always contact a specialised solicitor when thinking about making a personal injury claim.