

# **Understanding New York’s “Scaffold Law”**

## **An experienced attorney can fight for your rights**

Construction workers do their jobs in dangerous conditions. In New York City, where high-rise buildings are a common sight, this often involves working high off the ground. Falling from heights and objects falling from heights cause many accidents each year, resulting in injuries that are sometimes fatal.

In New York, Labor Law 240 was written to protect these workers. It was first enacted in 1885, and has been amended over time. Also known as “the Scaffold Law,” it states that property owners and general contractors can be held liable for injuries to workers in gravity-related accidents.

## **Protecting construction workers in New York**

The law applies to any workers involved in construction, demolition, or repair work in the state. This includes general laborers, carpenters, bricklayers, glaziers, welders, electricians, technicians, painters, and steeplejacks, among other trades.

Per Labor Law 240, any construction worker who faces an injury risk due to the force of gravity (typically involving working high off the ground on the upper stories of a building) must be provided with the proper fall protection equipment. This equipment may include scaffolding, ladders, slings, hoists, hangers, pulley, ropes, stays, and other equipment.

The law also has specific requirements for these situations. For example:

- Scaffolds must be able to bear at least four times the maximum weight required for workers and materials.
- Scaffolds that are 20 feet or more above ground must be equipped with a safety railing that rises a minimum of 34 inches.
- The safety railing must be securely fastened.
- The safety railing must be fitted along the full length of the scaffold.

If these safety standards are not followed and a worker suffers a gravity-related injury, the law states that the property owner and general contractor are subject to “absolute, non-delegable liability.” (The only exception is owners of one- and two-family homes – for example, a family that hires a roofing company.)

## **What does “absolute liability” mean?**

Essentially, this means that New York’s laws on comparative negligence do not apply to these cases. In other accident cases, if the injured party is found to be partially at fault for the accident, any compensation can be reduced by their percentage of fault. For example, suppose

an injured party is awarded \$100,000 by a jury but found to be 30% at fault. That party's compensation would be reduced by 30%, leaving them with a recovery of \$70,000.

In Labor Law 240 claims, an owner or general contractor found to be negligent is liable for the full amount of compensation. It doesn't matter if the injured worker was partially responsible for causing the accident.

What does "non-delegable" mean? It means the property owner and general contractor are responsible for ensuring worker safety. This responsibility can't be delegated to another party, such as a sub-contractor.

Labor Law 240 applies to many different types of construction accidents. These include falls from any type of scaffold, falls from ladders, falls from roofs, and accidents in which workers are struck by falling objects.

### **Holding negligent parties accountable**

There are many types of negligence that can lead to a gravity-related accident. These include failure to train workers, failure to follow safety regulations, use of weak planks or other defective materials, and failure to provide adequate fall protection.

However, recovering financial compensation under a Labor Law 240 claim can be a very complicated process. Property owners and general contractors typically deny responsibility and may contend that all safety precautions required by the law were taken. This leaves the injured worker in the position of having to prove a violation occurred.

That's why it's important to be represented by an experienced New York City construction accident attorney who is familiar with Labor Law 240 claims. If you were injured, an experienced lawyer will have the resources to investigate the accident to get the facts.

An investigation will include gathering evidence at the accident scene, reviewing any existing video or photos, carefully reading through accident reports and other relevant documentation, and identifying and interviewing witnesses. Industry experts may also be consulted to determine if all required safety precautions were taken to protect workers.

### **Get legal advice as soon as possible**

A gravity-related accident can result in serious injury. Workers may need surgery, hospitalization, medication, and physical therapy. They may not be able to work from some time, resulting in a loss of income. In some cases, workers are left with a permanent disability and can't return to construction work.

Workers' compensation benefits will cover medical expenses for treating injured workers, and also provide partial replacement of lost wages. But in a Labor Law 240 claim, an injured worker can seek compensation for damages not covered by workers' compensation. These damages

may include lost future income, replacement services, home or vehicle modifications, and pain and suffering.

It can take time to build a strong case that proves there was a violation of Labor Law 240 that resulted in injury. It is best to get legal advice from an experienced construction attorney as soon as possible following an accident. Construction sites can change quickly, and evidence can be lost. Witnesses may also forget important details as time goes by.

If you were injured in a construction accident involving a fall from a height or an object falling from above in New York City, learn what your options are. [Contact us](#) to schedule a free consultation.