



The Hidden Dangers of Working on Construction Sites

AUTHOR / KEY CONTACT



Fiona Brooke
Associate

✉ fiona.brooke@la-law.com
☎ 01202 786296

It would have been assumed that the emergence of the global pandemic in early 2020 would put the future of the construction industry at risk. However, it was reported that UK builders had achieved their strongest monthly rise in building activity in five years during July 2020. All these achieved during the coronavirus pandemic.

However, working within the construction industry comes with its risks. There is no denying that building sites are one of the more dangerous working environments. This does not mean that you simply need to accept that your health and safety are at risk when stepping onto a construction site.

What is a construction site accident claim?

A construction accident claim allows you to claim compensation for accidents that occur on a building site that aren't your fault. Construction accidents can happen when employers are negligent in their duty of care.

The most common types of construction site claims arise from:

- Defective scaffolds/equipment
- Falling down holes and shafts
- Crush Injuries
- Unsafe plant and machinery
- Falling objects or falls from scaffolding/heights
- Electric shocks
- Heavy lifting
- Safety harness failure

- Unsafe roofs
- Forklift/dumper truck hits
- Poor layout of the site
- Inadequate safety briefings
- Electrocution

Further, there are industrial disease cases to be considered. The two main examples are:

- Asbestos– [asbestos disease claims](#) are usually made as a result of historic exposure to asbestos which was finally banned from use in the UK in 1995. However, asbestos is still present on building sites where demolition or renovation of older properties is taking place. Work where asbestos is present is now heavily regulated.
- Hand Arm Vibration Syndrome (HAVS)– an occupational disease caused by the use of handheld power tools on a regular basis.

There are currently a number of different rules and regulations that are in place to prevent accidents and injuries from happening. This does not only relate to the legislation that is in place for workplaces as a whole (the Six-Pack Regulations) but there are specific laws for the construction sector in particular.

If it is established an employer has broken these rules, you could be able to make a claim for building site accident compensation. All employers, regardless of which specific industry they work in, have a non-delegable duty of care to their workers to provide a place that is safe and healthy for all of their workers. Failure to do this should rightly result in compensation.

If a claim is to be pursued, the starting point, and the most important point, is establishing exactly who is responsible. This could be a number of personnel due to the fact that many different people that are responsible for the health and safety of a building site. This includes anyone from the site manager, the construction regulations coordinator, or the construction company itself.

In order to determine who is to blame, it depends on where you go injured and how it happened. For example:

- The site manager could be deemed negligent if they did not fully act upon the guidelines they were given by the client.

- The construction regulations coordinator could be deemed negligent if they have not told the client about all of the vital health and safety standards.
- Further, if the construction regulations coordinator provided the client (the construction firm) with advice, and this was ignored or overlooked, the client could be deemed to blame.

How can you establish your employer is to blame for your accident?

As stated above, all employers have a legal duty to provide a safe and healthy workplace. Not only this, but there are further regulations in place that are specific to the construction sector since it is deemed one of the more dangerous working environments.

There are a number of different ways this could be the case. Here are some examples:

- Failing to provide you with sufficient training.
- Failing to maintain equipment and machinery properly.
- Allowing you to use faulty equipment.
- Refusing to give you regular breaks.
- Unsafe working practices.
- Allowing someone into the workplace that poses a threat to your safety.
- Failing to conduct risk assessments.
- Failing to act on the findings of risk assessments.

Who is responsible if you are self-employed?

If you are self-employed and have an accident, do not assume that you cannot make a claim. If you are self-employed, an employer is still responsible for your safety.

In most cases, it is impossible to distinguish between employed and self-employed workers on a construction site. Legally they should treat you exactly the same. Any company that has control over your workplace owes you the same duty of care that they owe to their employees. So, if you were self-employed, and they failed to follow health and safety rules, then you may be able to make a construction accident claim.

What are the Six Pack health and safety regulations?

The Six Pack is the term generally used for the six most commonly quoted health and safety regulations. These came into effect following six EU directives in 1993 and were updated in 1999. They comprise the:

- [Management of Health and Safety at Work Regulations 1999](#): the main set of regulations
- [Manual Handling Operations Regulations](#): covering the handling of heavy or awkward loads
- Display Screen Equipment (DSE) Regulations: covering the safe use of computer screens and keyboards
- Workplace (Health, Safety and Welfare) Regulations: covering the environments people are asked to work in
- Provision and Use of Work Equipment Regulations: covering the suitability of equipment in the workplace
- Personal Protective Equipment (PPE) Regulations: covering the use of protective equipment

These regulations are all essential to us as specialist personal injury lawyers because they clearly set out every employer's legal obligations when it comes to keeping people safe. In doing so they help make it possible for us to prove negligence on an injured person's behalf where these obligations haven't been met.

Management of Health and Safety at Work Regulations 1999

This is the overarching set of Six Pack regulations, which you may also hear being referred to as 'Management Regs.' While these regulations cover many areas of health and safety, the central part of them lays out the legal duty of every employer to carry out a full risk assessment to ensure that your workplace is safe.

Manual Handling Operations Regulations

Heavy lifting is a major cause of injury in the workplace. So these regulations are intended to help avoid the need for any manual handling or lifting that involves a risk of injury. It helps employers to reduce risk to the lowest possible level, but also requires employees to follow the safe working practices that are put in place as a

result.

Display Screen Equipment (DSE) Regulations

These regulations help to ensure that health and safety training is provided for DSE users and that every worker's daily routine is planned to include regular rest breaks away from monitors and keyboards, including breaks to do other types of work. They also require employers to pay for affected workers to have sight tests and any special spectacles or contact lenses that are needed as a result.

Workplace (Health, Safety and Welfare) Regulations

These regulations cover a broad area of factors affecting the environment you have to work in. This includes things like lighting, heating, ventilation, seating, windows, rest areas, escape routes, washing facilities, changing rooms, and access to clean drinking water. You have a right to work in decent conditions, and these regulations make sure that you do.

Provision and Use of Work Equipment Regulations

Put simply, these regulations are designed to ensure that any equipment provided for you to use in the workplace is fit for purpose. That includes the need to maintain equipment as well as logging all routine maintenance and making sure that users and supervisors are fully trained in how to use the equipment, as well as how to handle any foreseeable problems that might arise while they are doing so.

Personal Protective Equipment (PPE) Regulations

These regulations cover Personal Protective Equipment (PPE), which must be provided wherever there are risks that can't be controlled by any other means. It ensures that where it is necessary, PPE is suitable, compatible with other PPE if more than one piece is required, properly maintained and used appropriately. In turn, employees have a duty to use PPE in the way they have been trained and to report any loss or defect to the employer immediately.

How long do I have to make a claim?

The law states the time limit in which to bring a claim for construction site injury compensation is generally three years from the date the accident occurred. However, there are exceptions to this rule, such as if the person injured suffers a brain injury as a result suffers diminished mental capacity, or they develop a respiratory illness such as mesothelioma or in the event of someone's death.

Also, if working abroad, the time limits differ in different countries, so it's always important that you speak to a

specialist lawyer with expertise in accidents at work as soon as possible.

Our specialist [Personal Injury and Medical Negligence](#) team at Lester Aldridge has experience in dealing with Construction Industry Claims and Industrial Disease claim Injuries.

If one of your friends or family has suffered an injury, and you are concerned about the events that caused the injury or the treatment they received, our [Personal Injury team](#) can assist on 0344 967 0793 or online.enquiries@la-law.com