



Fall Back to School & Work for All ...

Accidents at Work



Ahh...September. The kids are finally out of the house and back at school. We can all focus on our jobs again! When an accident happens at work, **you should know your rights.**

In New York, we have workers' compensation for employees who are injured at work because of an accident. Workers' compensation pays for medical expenses and lost wages, but not for pain and suffering. Any employee can receive workers' compensation regardless of whose fault the accident is. But, as a result of this law, an employee cannot sue his employer or a co-worker for an accident.

Sometimes, in addition to workers' compensation, there can also be an accident case. This occurs when the accident is somebody else's fault (and not your employer). If somebody else is responsible for the accident, an accident case can be brought for money damages. There are many kinds of work accidents. I will talk about some of the most common ones.

Driving for Work



If you drive a car for a living, or as part of your regular work duties, you may also have an accident case. It all depends on whose fault the accident was. If the accident was somebody else's fault, then you can also bring an accident case. Some examples are when another car hits you in the rear, or, when another car goes through a red light and hits you.

If you are a pedestrian or bicyclist and traveling **as part of your job**, and you are hit by a car, then there could be a lawsuit against the car's driver and owner. Again, liability against the car would depend on the facts of the accident. Were you in the crosswalk? Did you have the traffic light in your favor?

Slip, Trip and Fall Accidents



Falling at work is never fun. Liability

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Accidents at Work and School

depends on many factors so it's best to call your lawyer. In general, however, if you fall on a defect inside or outside of a building, the owner of the building is responsible. So if the owner of the building is NOT your employer, you may be able to have an accident case.

Slip and fall accidents depend on whose job it was to clean up the spill or other substance you fell on. If that clean-up job was your employer's job, then you cannot bring a case.

Accidents at School



If your child has an accident at school, it is important to obtain the accident report as soon as possible. A Notice of Claim must be filed within 90 days for all Public schools.

The school teachers or aides can be held responsible for accidents that occur while your child is under their care. This would be especially true for younger children, however, an older child may be at least partially responsible for his own accident, especially if fighting is involved.

If your child falls outside in the school yard or playground on a crack, hole or other defect, the school can be held liable. Defective playground equipment can often be the cause of injuries. It is best to get a photograph of the defect after your child's accident before the school fixes it.

If your child is involved in a motor vehicle accident while on the school bus, you must get a copy of the police report as soon as possible. The police report will have all the necessary information that your attorney needs to arrange for payment of medical bills within 30 days. Also, the report will have all the information regarding the bus driver and company, and the other driver.

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