

# INSIGHTS

NEWSLETTER

SPRING 1993

## ON THE JOB INJURIES: THE TRUTH ABOUT WORKERS' COMPENSATION

"I got hurt on my job! What are my rights?" That is a simple question that we are often asked. The answer is not as simple as you might think.

The Workers' Compensation Law provides certain benefits to workers who are injured while they are working "within the scope of their employment." Workers' Compensation Benefits may include medical expenses, lost wage compensation (up to a fixed amount), and a lump sum award for a permanent injury. The lump sum award is a set schedule and is generally less than recovery could be in an ordinary accident case.

In many cases the Workers' Compensation Law takes away your right to bring a law suit in regard to your injury. You may not sue your employer or your fellow workers even if they were negligent and caused your injury at the work place.

However, even if your accident occurred at work, there are situations where you may be able to sue the negligent person responsible for your injuries. If you are injured on a construction site, the New York



Labor Law gives you the right to sue the owner of the premises or the general contractor. If you are injured by a defective machine you may be able to sue the manufacturer of the machine. You may be able to sue the negligent party even if you are receiving Worker' Compensation Benefits.

We recently settled two work place injury cases for \$400,000 and \$450,000. In the first case our client while working for one company was on the premises of another company. Due to negligent conditions at

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## UPDATE: LEAD BASED PAINT

Lead based paint, like asbestos and radon in the 1980's is fast becoming a leading environmental issue affecting lives and residential real estate in the 1990's.

Homeowners, landlords and tenants particularly those with children under seven, are raising a multitude of questions? Does my home have lead paint? What are dangerously high levels of lead? What are the laws regarding lead testing?

Illnesses linked to lead poisonings are learning disorders, stomach and kidney ailments and anemia. Lead poisoning can be contracted by eating lead chips or inhaling lead dust. Exposure to lead comes from various sources including paint, fuel, factory emissions, drinking water, contaminated soil and plumbing fixtures soldered with lead.

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# A MESSAGE FROM SANDERS, SANDERS & BLOCK ON TOY SAFETY

Everyone loves to buy new toys for the children on their holiday shopping lists. Choosing the right toy, however, is not child's play. For example, if you buy a toy not designed for the child's age, it could result in serious injury to the child. Injury could also result from unsafe toys. In 1989, the Johns Hopkins Injury Prevention Center reported over 148,000 toy-related injuries.

According to the 1989 Toy Report, published by the Consumer Affairs Committee (CAC) in Washington, DC, toys are not always made with safety in mind. Although safety standards exist, they are not mandatory and often are not followed.

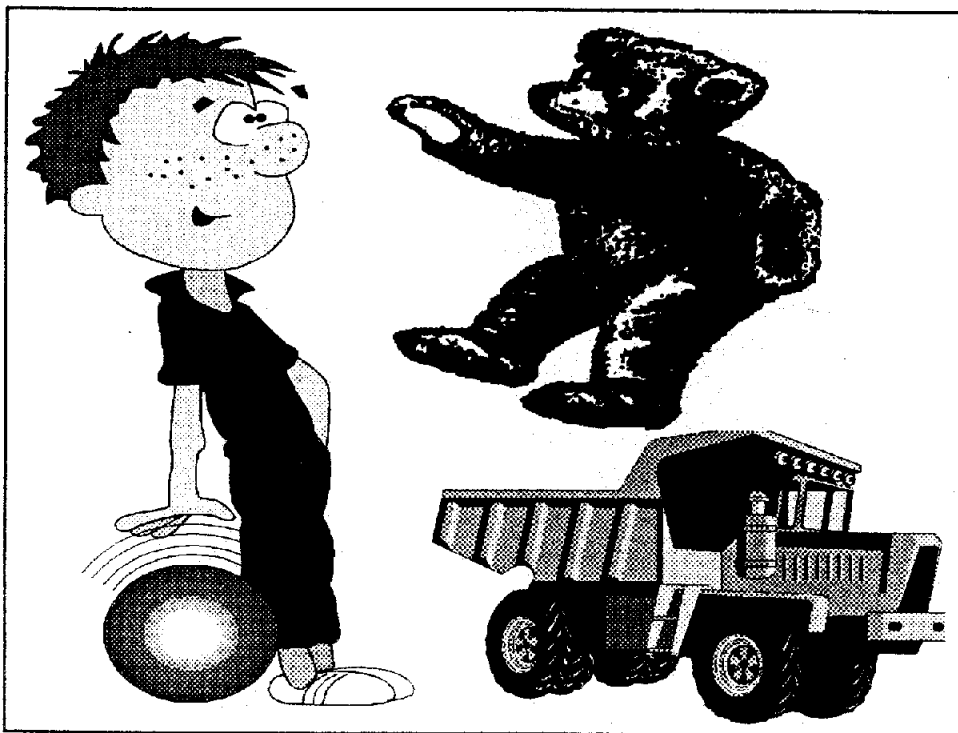
If you have question, call the Consumer Product Safety Commission at (800) 638-2772 to find out which toys have recently been recalled. Also, remember to take the following CAC safety list along to the store.

1. Do not rely on manufacturer's age recommendations. Examine each toy closely to decide whether it's safe and appropriate for the child. Look for flame retardant/resistant fabrics; non-toxic painted toys; and machine washable stuffed and cloth toys.

2. Do not assume that toys featuring popular characters are safe.

3. Avoid excessively noisy toys. Loud noises can cause hearing loss.

4. If you buy a bicycle or other riding toy, make sure someone will always be there to supervise the



child. Left alone, young children may ride into a busy street, down stairs or even into a swimming pool.

5. Beware of impulse items in checkout lines. Often cheap and quick to fall apart, they can end up costing parents a bundle in hospital bills.

6. Beware of toys that look like candy or other food.

7. Always read and follow directions to assure the toy is assembled (and used) properly.

8. Be tough on a toy before a child is:

- Make sure rattles are strong and won't come apart.
- Test all buttons, bells and stuffed animal eyes to make sure they won't pull off.
- Make sure squeakers or whistles on squeeze toys cannot be pulled off.

9. Do not buy darts, lawn darts, projectiles, air rifles or guns. These toys are among the most dangerous for children.

If your child is seriously injured because a toy was not made properly, the manufacturer may be held liable. Call us to learn about your legal rights.

Kids will be kids. They love to put everything in their mouths, noses, eyes and ears. They do not know that sharp edges or pointed objects can hurt. They do not know that marbles, rubber bands, balloons, batteries or a doll's button can choke them. That is why it is up to us to make sure the toys children play with are safe.

# WORKERS' COMPENSATION OF JOB INJURIES

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this other company, our client was caused to trip and fall thus injuring himself severely. We sued the company with the negligent condition and obtained a settlement of \$400,000 for our client.

In the second case our client was working on a construction site. Due to debris at the site, he fell down an open elevator shaft injuring himself. We sued the owner and general contractor and have partially settled this claim for \$450,000.

If you have been in a workplace accident call Martin Block or Marc Weinblatt to discuss the details. Learn what your rights are.



## UPDATE: LEAD PAINT

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If you suspect your child has been exposed to high lead levels, you should immediately visit your doctor or go to the clinic. Your child should have a blood test. If you have any questions in regard to lead poisoning, call us. We will help you protect your child's rights.

# ON THE JOB: PLAY IT SAFE IN THE PLANT

OK, so you know how to do your job safely. After all, you've been over it dozens of times. Or maybe you've been doing it for years.

Experts though, say the people most likely to get hurt on the job are new workers and, surprisingly, people with a lot of experience.

It never hurts to be extra cautious at work. Here are some tips to keep you safe.

1. Work clothes should fit well. Beware of loose sleeves, shirttails and ties that can get caught in machines. Shoes should have hard toes, and jewelry should be saved

for someplace else.

2. Make sure you are well rested and attentive. Leave home early enough so you are not frazzled from rushing when you flip the switch on a machine. Leave "home" problems at home.

3. Wear the appropriate safety gear. This includes safety glasses, hearing protection and/or gloves.

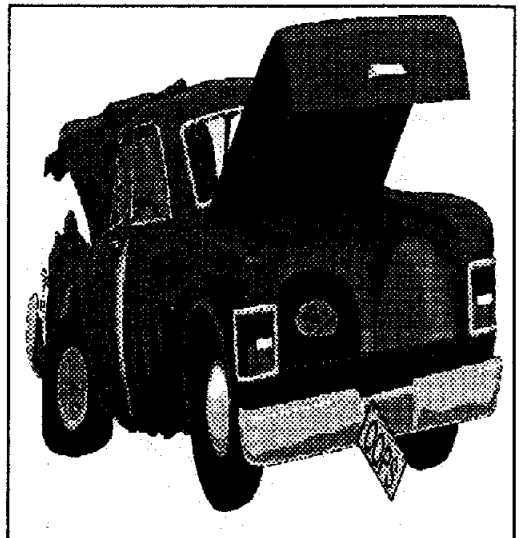
4. Check out the equipment to see that everything is in order. Avoid falls by making sure the floor isn't slippery and boxes are not in the way.

## WHEN TO REPORT AN AUTO ACCIDENT

It's only a minor fender bender. To save time, paperwork or an insurance increase, you pay for the damage yourself. Right?

Wrong. Reporting an accident protects your legal rights. Here's why:

- What seems like a minor injury now could become serious later on. Often neck or back injuries don't show up for several days.
- If an unreported accident results in a lawsuit, the insurance company may refuse to pay.
- Paying for your own repair work can be seen as an admission of guilt. So can an offer to pay for the other person's repairs.
- The cost for repairs may be more than you think. If you haven't reported your acci-



dent, your insurer may refuse to pay.

Many drivers save money by carrying high deductibles for property damage. When damage is minor, it's tempting to fix it and forget about filing an accident report. But by doing so, you may lose your legal rights... and your insurance coverage.