

New York Labor Law 200 and Construction Site Negligence: What Injured Workers Need to Know

Our New York Construction Accident Attorneys Explain Your Rights Under Labor Law 200

If you were hurt on a construction site because of an unsafe condition or a supervisor's decision to ignore a hazard, New York law may give you the right to sue the property owner or general contractor directly, not just file a workers' compensation claim. New York [Labor Law 200](#) is one of the most significant but least understood protections available to injured construction workers, and it applies in situations that don't require a ladder or scaffolding collapse.

The attorneys at [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#) have represented construction workers across New York for more than 90 years, including workers whose injuries were caused by hazardous site conditions that owners and contractors knew about and failed to fix. Knowing the statute, what it covers, and how it differs from Labor Law 240 and 241 tells injured construction workers whether they have a civil lawsuit in addition to a workers' comp claim.

What New York Labor Law 200 Actually Says

[Labor Law 200](#) is New York's codification of the common-law duty of care owed to workers on a construction site. It requires owners and contractors to maintain a safe work environment and safe tools, equipment, and methods of work. The statute applies to any "workman or other person" employed to perform construction, excavation, or demolition work.

In practical terms, Labor Law 200 creates legal liability for two categories of negligence:

- First, liability based on a dangerous condition at the site, where the owner or general contractor had actual or constructive notice of the hazard and failed to fix it or warn workers about it.
- Second, liability based on the means and methods of the work, where the owner or general contractor exercised supervisory control over the activity that caused the injury, not just general oversight of the project.

These two categories require different proof, and understanding the distinction matters enormously in determining whether a property owner or general contractor can be held liable for a specific accident.

How Labor Law 200 Differs From Labor Law 240 and 241

New York's construction accident laws include multiple provisions designed to protect workers, and they cover different types of hazards.

- [Labor Law 240\(1\) \(the scaffold law\)](#): Applies specifically to gravity-related accidents involving falls from heights or injuries from falling objects. It creates absolute liability for

owners and contractors, meaning they're responsible even if they didn't know about the specific hazard.

- **Labor Law 241(6):** Applies to construction, demolition, and excavation sites and requires owners and contractors to comply with specific safety regulations issued by the Industrial Code. Like 240(1), it imposes liability on owners and contractors even without direct supervision or notice.
- **Labor Law 200:** Applies to site conditions and work methods more broadly. Unlike 240 and 241, it requires the injured worker to show that the owner or contractor either knew about the hazardous condition or exercised supervisory control over the work method that caused the injury.

Because Labor Law 200 is a negligence standard rather than an absolute liability standard, it covers a wider variety of accidents but requires more specific evidence to prove. That's why it often applies in cases where the scaffold law provisions don't.

When Labor Law 200 Claims Arise on Construction Sites

Labor Law 200 claims come up in many types of construction accidents where a dangerous condition existed at the site and someone with authority over the property knew about it or should have known about it.

Common scenarios include:

- **Slip and fall accidents caused by standing water, mud, grease, or debris** at a location the owner or general contractor was responsible for maintaining. If the hazardous condition existed long enough that a reasonable inspection would have revealed it, that's sufficient to establish constructive notice.
- **Falls into unguarded openings, holes, or [trenches](#)** that had been created by demolition or excavation work and hadn't been properly barricaded. The absence of protective covers or barriers after adequate time for installation can establish that the owner or GC failed to maintain a safe site.
- **Equipment and machinery hazards** where the condition of the equipment was under the direct control or supervision of the owner or general contractor, and that condition caused the worker's injury.
- **Inadequate lighting or blocked egress** that created danger for workers moving through the site during their regular duties, where the person responsible for maintaining the premises failed to address the known problem.

The key issue in every Labor Law 200 case is whether the defendant had enough knowledge of and control over the hazardous condition to be held responsible for it.

The Supervisory Control Requirement in Work Methods Cases

When a Labor Law 200 claim is based not on a physical condition of the site but on the methods of work used by the contractor, the burden of proof is different. The injured worker must show

that the owner or general contractor exercised supervisory control over the actual work being performed, not just general project oversight.

Courts in New York have drawn a careful line here. A property owner who occasionally walks the site and gives high-level direction to contractors hasn't necessarily exercised supervisory control over specific work methods. But an owner or GC that directs how scaffolding is erected, tells workers which equipment to use, specifies work sequences, or monitors and corrects how specific tasks are carried out may have crossed into actual supervisory control.

This distinction matters because general contractors often argue that they only supervised the project broadly and left the specific methods to the subcontractors. When the evidence shows they gave more granular direction, Labor Law 200 can reach them.

How Labor Law 200 Works With Workers' Compensation

Under New York law, workers' compensation is typically the exclusive remedy against your direct employer. You can't sue your own employer in a personal injury lawsuit based on negligence. But Labor Law 200 applies to owners, general contractors, and other parties who aren't your direct employer, and claims against those parties are not barred by the workers' comp exclusivity rule.

This means that in a Labor Law 200 case, you can receive workers' compensation benefits from your direct employer's insurance carrier and pursue a [third-party civil lawsuit](#) against the property owner or general contractor at the same time. The two claims run parallel to each other, and the recovery from the civil lawsuit can include damages that workers' comp doesn't cover, including [pain and suffering](#), loss of quality of life, and the full value of future lost earnings.

Our construction accident attorneys regularly handle both the workers' comp claim and the [third-party civil case simultaneously](#), ensuring that nothing falls through the cracks and that our clients have the best chance of full recovery.

Proving Notice in a Labor Law 200 Case

Because Labor Law 200 is a negligence standard, proving notice is often the central issue in these cases. The two types of notice that satisfy the requirement are actual notice and constructive notice:

- **Actual notice** means the owner or contractor was specifically told about the hazardous condition or documented it in an inspection report, safety log, or correspondence. Finding actual notice often requires obtaining all safety inspection records, incident logs, and communications from the site.
- **Constructive notice** means the condition was visible and apparent and existed for long enough that a reasonable inspection would have revealed it. Courts look at how long the condition existed, whether it was in a high-traffic area that inspectors regularly passed through, and whether similar conditions had been noted before.

Key evidence in Labor Law 200 cases includes safety meeting minutes, [OSHA inspection records](#), site supervisor communications, incident reports from prior accidents or near-misses, and testimony from coworkers who can speak to how long the condition existed before the accident.

What Damages Are Available in a Labor Law 200 Claim?

Because a Labor Law 200 claim is a civil negligence lawsuit, the damages available go beyond what workers' compensation provides. Available damages typically include:

- **Past and Future Medical Expenses:** Including all costs related to the work injury from the date of the accident through the rest of your life if the injury causes permanent disability.
- **Past and Future Lost Earnings:** The full value of wages and benefits lost due to the injury, not limited to the workers' comp weekly benefit formula.
- **Pain and Suffering:** Compensation for the physical pain, emotional distress, and loss of enjoyment of life caused by the injury.
- **Loss of Consortium:** In some cases, a spouse may have a separate claim for the impact of the injury on the marital relationship.

These additional categories of recovery can add up to substantially more than what a workers' comp claim alone would provide, which is why identifying and pursuing a Labor Law 200 claim is critical whenever the facts support it.

Property Owners Don't Get to Walk Away When Their Site Hurts Someone

New York's Labor Law 200 exists precisely because workers shouldn't have to absorb the consequences of another party's negligence just because they were on a job site when it happened. We take construction accident cases on a contingency fee basis, and you won't owe us anything unless we recover compensation on your behalf.

If you were hurt on a New York construction site and you believe the property owner or general contractor knew about the hazard that injured you, [contact us](#) for a free consultation at any of our 11 New York offices. We'll review the details of the accident, analyze the site conditions, and advise you on every potential legal option available to you.