

Struck-By Accidents on New York Construction Sites: Your Rights After a Hit by Falling or Moving Object

Our New York Construction Accident Attorneys Fight for Workers Injured by Struck-By Hazards

For thousands of construction workers in New York, struck-by accidents aren't an abstract safety statistic. They're a moment that splits life into before and after: a swinging load that a crane operator didn't see, a tool dropped from two floors up, a forklift reversing without a spotter, a piece of debris knocked loose during demolition work. These accidents happen in seconds and can cause [traumatic brain injuries](#), spinal fractures, crush injuries, and death.

The [construction accident lawyers](#) at [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#) represent New York construction workers who've been struck by objects, equipment, and materials on job sites across the state. We know how quickly these accidents happen and how aggressively insurance carriers and third-party defendants fight to minimize the recovery.

What Counts as a Struck-By Accident on a Construction Site?

[OSHA](#) classifies struck-by accidents as one of the "fatal four" leading causes of construction worker deaths. In New York, struck-by injuries account for a significant portion of both fatal and serious non-fatal construction accidents each year.

For legal purposes, a struck-by accident occurs when a worker is hit by a moving, falling, flying, or swinging object. The categories vary by what causes the contact:

- **Struck by falling objects:** Tools, materials, debris, or equipment that falls from a height above the worker. This includes dropped hand tools, improperly secured lumber, loose debris knocked from scaffolding, and rigging failures that send loads dropping.
- **Struck by flying objects:** Projectiles generated by cutting, grinding, nailing, or blasting operations, including wood chips, metal shards, concrete fragments, and nail gun discharges that travel at high velocity in unpredictable directions.
- **Struck by swinging or suspended loads:** Materials and equipment being hoisted or moved by cranes, forklifts, or rigging systems that swing, slip, or fall outside their intended path. Loads swinging in the wind or rigging that fails under weight are both common causes.
- **Struck by moving vehicles or equipment:** Workers hit by construction vehicles backing up, [forklifts](#) moving through the site, dump trucks, or heavy equipment being operated without adequate spotters, warnings, or exclusion zones.

New York's Labor Laws That Apply to Struck-By Accidents

When a New York construction worker is injured in a struck-by accident, the Workers' Compensation system typically provides the first layer of benefits, covering medical treatment and partial wage replacement. But the workers' comp system is not the only legal avenue available.

[New York Labor Law 240\(1\), the scaffold law](#), imposes absolute liability on property owners and general contractors when a worker is injured by a falling object from a height. When the accident involves an object that fell from an elevation, the owner and general contractor are strictly liable, meaning the worker doesn't have to prove they were negligent, only that the protection against falling objects was inadequate.

New York Labor Law 241(6) provides additional protections by requiring that construction sites comply with specific safety regulations in the Industrial Code. Violations of those regulations, such as failing to maintain proper overhead protection for workers below elevated work areas, can establish liability against owners and contractors even when they weren't directly supervising the work.

And for struck-by accidents involving dangerous conditions or negligent supervision of work methods, New York Labor Law 200 may apply as well, providing a third path to recovery beyond workers' comp.

These legal claims can be pursued in addition to workers' compensation benefits, meaning an injured construction worker may receive workers' comp from their employer's insurance and pursue a civil lawsuit against the property owner and general contractor at the same time.

The Most Common Causes of Struck-By Accidents in New York Construction

Site-specific conditions and supervisory decisions create the majority of struck-by injuries we handle. Common contributing causes include:

- **Inadequate Overhead Debris Protection:** Work being done on upper floors or scaffolding without adequate catch platforms, screens, or barricades below allows debris to fall into active work areas. Workers on lower levels have no warning when this protection isn't in place.
- **Unsecured Materials and Tools at Height:** Tools left near the edge of platforms, improperly stacked materials on scaffolding, and unsecured components during assembly or demolition can fall and strike workers below without any visible warning.
- **[Crane and Rigging Failures](#):** Improperly rigged loads, exceeded crane capacity, and operators who lose sight of the load's swing path during picks are leading causes of struck-by injuries involving heavy materials. The potential for catastrophic injury when a load drops is higher than with almost any other construction hazard.
- **Vehicle and Equipment Traffic Without Controls:** Sites where construction vehicles move through areas where workers are on foot without designated pedestrian zones, spotters, or audible warning systems create struck-by risk every time a vehicle moves.

Falling Objects and Labor Law 240(1)

One of the most powerful legal protections for New York construction workers is Labor Law 240(1)'s coverage of [falling objects](#). The statute requires that owners and contractors provide adequate protection against falling material, which includes using hoists, stays, ladders, slings,

hangers, blocks, pulleys, braces, irons, and ropes to prevent objects from falling onto workers below.

When that protection is absent or inadequate and a worker is struck by a falling object, the owner and general contractor are liable regardless of whether they personally knew the protection was insufficient. This absolute liability standard is one of the strongest worker protections in the country, and it's why property owners and their attorneys fight so hard to characterize falling object accidents as something other than a 240(1) case.

Common defense arguments in falling object cases include claiming the object wasn't being hoisted or secured when it fell, arguing the object fell due to the worker's own negligence, or trying to characterize the hazard as something routine rather than elevation-related. Our attorneys are experienced in pushing back on each of these arguments with the record of what actually happened at the site.

Crane and Equipment Struck-By Accidents

Struck-by accidents involving cranes are among the most catastrophic on New York construction sites. When a crane load swings outside its path, a rigging component fails, or a crane operator loses visibility during a pick, the force involved can cause injuries that are immediately life-altering.

[Crane accident claims](#) in New York often involve multiple potentially liable parties, including the crane operating company, the rigging subcontractor, the general contractor responsible for overall site safety, the [equipment manufacturer](#) if a mechanical failure contributed, and the property owner. Identifying all liable parties is critical because it affects both the legal claims available and the total recovery possible.

Evidence in crane and rigging cases includes the crane's inspection and maintenance records, the rigging plan and load calculations, the qualifications and certifications of the operator and rigging crew, and any prior incident reports or safety citations at the site.

What to Do After a Struck-By Accident on a New York Construction Site

The steps you take in the days immediately following a struck-by accident have a direct impact on your ability to protect a legal claim. Key actions include:

1. **[Get Medical Attention Immediately](#)**: Even if you feel like you can push through, struck-by accidents cause internal injuries, spinal damage, and traumatic brain injuries that may not produce full symptoms for hours. A prompt medical evaluation creates a record connecting your injuries to the accident.
2. **[Report the Accident to Your Employer in Writing](#)**: Verbal notification alone isn't enough. Put it in writing, and keep a copy. New York workers' compensation requires that the employer be notified of a work-related injury promptly, and written notice protects you if the employer later disputes when or how the injury was reported.
3. **[Preserve Evidence](#)**: If possible, take photographs of the area where the accident happened, the object or equipment that struck you, and the absence of any overhead

protection or safety barriers. Don't move or alter anything at the scene before documentation occurs.

4. **Identify Witnesses:** Get the names and contact information of any coworkers or supervisors who saw the accident or were in the area. Witness testimony is often critical in struck-by cases where the mechanics of how the accident happened are disputed.
5. **[Consult an Attorney Before Giving a Recorded Statement](#):** Insurance carriers and defense attorneys may contact you quickly after a serious accident and ask for a recorded statement. These statements are often used to lock injured workers into a version of events before they fully understand what happened or what their legal options are. Speak with an attorney first.

One Phone Call Can Change What the Rest of Your Recovery Looks Like

Struck-by accidents on construction sites aren't random misfortune. They happen because safety systems that were supposed to prevent them weren't in place. At Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, our New York attorneys represent injured construction workers on a contingency fee basis with no upfront costs, so there's no payment of any kind unless we win your case.

If you or someone in your family was struck by a falling object, moving equipment, or swinging load on a New York construction site, [contact us](#) for a free consultation at one of our 11 offices across New York State. We'll review the accident, identify every legal claim available, and fight to make sure every responsible party is held accountable.