

New York Scaffolding Law

New York's Labor Law Section 240, often referred to as the New York Scaffolding Law, is a unique piece of legislation that places liability on property owners and construction contractors and employers in New York state's construction industry. It's vital that employers are familiar with this law and its purpose, understand the unique considerations that apply to them and know how to mitigate risks so they comply with the law.

Overview of the New York Scaffolding Law

The primary objective of the New York Scaffolding Law is to ensure the safety and well-being of workers engaged in construction, demolition, repair or alteration projects involving elevated work platforms, such as scaffolds, ladders and hoists. It holds property owners and construction contractors strictly liable for accidents and injuries resulting from falls or related hazards specifically in the construction industry. This means injured workers can seek compensation for damages without having to prove negligence on the part of the employer. An exception to the law is owners of one- or two-family dwellings who contract for but do not direct or control the work.

Employers and property owners are responsible for ensuring that scaffolds, staging, ladders and other elevated work platforms are properly erected, constructed and maintained to provide a safe working environment. In addition, employers are required to provide proper safety measures (e.g., harnesses, guardrails and other fall protection systems), equipment, and training to protect workers from falls, even in cases where the worker's own negligence may have

contributed to the accident when scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes and other devices are used. The law recognizes that construction workers often face significant risks when working at heights and aims to shift the burden of responsibility onto employers and property owners to maintain a safe work environment.

Purpose of the Law

The New York Scaffolding Law places several specific obligations on employers and property owners that aim to:

- **Promote a safety culture.** The New York Scaffolding Law encourages employers to prioritize worker safety by imposing clear responsibilities and obligations to scaffolding operations. This helps foster a culture of safety within the construction industry, emphasizing the importance of implementing proper safety measures and training programs and maintaining equipment. Employers are incentivized to invest in safety and take proactive measures to prevent accidents.
- **Reduce the financial burden on injured workers.** Due to the strict liability provision, injured workers do not bear the financial burden of pursuing legal action against their employers. They can seek compensation without the fear of retaliation or the need to cover legal expenses upfront. This ensures injured workers can focus on their recovery and receive the financial support they deserve.

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- **Encourage proper equipment and training.** The New York Scaffolding Law prompts employers to provide appropriate safety equipment, such as harnesses, guardrails and fall protection systems, to workers at elevated worksites. It also emphasizes the importance of training programs that educate workers on safe practices when working on scaffolds or at heights. This results in better-equipped and knowledgeable workers, reducing the likelihood of accidents and injuries.
- **Support injured workers' rights.** The law empowers injured workers to assert their rights and seek fair compensation for workplace injuries caused by falls. It helps level the playing field between workers and employers, ensuring that injured individuals have legal recourse and can protect their well-being and financial stability.

Considerations for Employers

The law also presents considerations employers should take note of, which include:

- **Increased construction costs**—Property owners and construction contractors may face higher expenses related to compliance with safety regulations. These additional costs may be passed on to clients, potentially impacting the overall cost of construction projects.
- **Legal complexity**—The law's strict liability provision can make legal proceedings complex and burdensome. Determining fault and the extent of liability can be challenging, leading to prolonged litigation. This may create a legal environment where parties are more inclined to settle claims rather than go through protracted court battles, resulting in potentially inflated settlements.
- **Impact on small businesses**—Compliance with the law's requirements may pose a greater financial burden for smaller construction contractors and

property owners with limited resources. This can limit their ability to take on certain projects or increase the cost of doing business, potentially leading to reduced job opportunities.

How Employers Can Manage Scaffolding Risks

Employers can reduce the risk of accidents and ensure compliance with the New York Scaffolding Law by implementing the following proactive measures:

- **Training and education**—Comprehensive safety training should be provided to all employees. This should include training on the proper use of scaffolding, fall protection systems and other equipment. Workers should be educated on best practices, potential hazards and safety protocols. Ongoing training programs can reinforce safety knowledge and ensure workers are up to date with the latest safety standards.
- **Regular inspections**—Conducting regular inspections of scaffolding and other equipment can identify any defects, damage or potential hazards. Inspections should be performed by qualified personnel who can assess the integrity and stability of the scaffolding and identify any necessary repairs or maintenance.
- **Adequate equipment**—It's essential to ensure that scaffolding, ladders, hoists and other equipment used on construction sites comply with safety standards and regulations. Provide workers with appropriate personal protective equipment such as harnesses, helmets, and safety harnesses to prevent falls and mitigate risks.
- **Risk assessment**—Conducting a thorough risk assessment of the construction site can help identify potential hazards and develop strategies to mitigate those risks. This may involve analyzing the layout of the site, evaluating the need for additional safety

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measures and implementing safeguards to protect workers.

- **Communication and reporting**—Establishing effective communication channels between management and workers may encourage reporting of safety concerns and potential hazards. Workers should be encouraged to speak up if they notice any unsafe conditions or have suggestions for improving safety. Reported issues must be promptly addressed to prevent accidents and maintain a safe work environment.
- **Documented safety policies**—Employers should develop and implement clear safety policies and procedures that outline safety practices, responsibilities, and expectations for all employees. They should also ensure that these policies are easily accessible and regularly communicated to workers. All safety-related activities—including training sessions, inspections and incident reports—should be documented as evidence of compliance.
- **Collaboration and consultation**—Engaging with industry experts, safety consultants and legal advisors who specialize in construction safety allows employers to gain valuable insights and guidance. It's important to stay informed about updates to safety regulations and industry best practices and adapt policies and practices accordingly.

By implementing these proactive measures, employers can reduce the risk of accidents, demonstrate a commitment to worker safety, and enhance their compliance with the New York Scaffolding Law.

Conclusion

Overall, the New York Scaffolding Law serves as a crucial mechanism for worker protection and promoting safety in the construction industry. It plays a vital role in reducing workplace accidents, improving worker welfare

and providing recourse for injured workers, ultimately creating a safer and more equitable work environment.

Contact ToughComp today to learn more about risk management.



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