

Shop Steward Rights & Obligations:  
before signing and filing accident statements, make sure to consult with your local if you are unsure of its rules regarding the completion and filing of reports. Just as communication and coordination with all essential personnel are key to finishing a job on time and at the highest quality, they are also vital to maximizing an accident victim's legal rights.

# SHOP STEWARDS & WORKPLACE ACCIDENTS

**THE KLEIN LAW GROUP, PC**

Klein, Klein, Tilles & Henriquez

11 Broadway, Suite 960  
New York, NY 10004

[www.thekleinlawgroup.com](http://www.thekleinlawgroup.com)

At The Klein Law Group we are committed to fighting for the rights of victims of workplace accidents, wage-and-hour violations, and other abuses.

Please visit us at [www.thekleinlawgroup.com](http://www.thekleinlawgroup.com). If you have questions about workers' compensation, personal injury, wage-and-hour, or social security disability law, please don't hesitate to call us at 1-800-579-8881.

ATTORNEY ADVERTISING

**Tel: 800-579-8881**

# SHOP STEWARDS & WORKPLACE ACCIDENTS

---

**Tel: 800-579-8881**

ATTORNEY ADVERTISING

As shop steward, you are essential to the swift and safe completion of construction jobs in New York. A shop steward is the worker's first line of defense when it comes to making sure that contractors live up to their legal and moral obligations to maintain a safe workplace.

When tragedy strikes and a worker has an accident, as shop steward you are vital to protecting his right to the best possible medical care and compensation. Ideally, no one would ever suffer an accident at work. In reality, even on a fully OSHA compliant site, accidents happen. The first minutes following an accident are the most important to locking down all legal benefits for the injured worker. This is equally true for seemingly minor injuries as it is for the profoundly disabling ones.

**The following are key points a shop steward should be aware of after an accident:**

**MEDICAL ATTENTION:** the worker should see a doctor as soon as possible. Many people are reluctant to seek treatment for smaller injuries because they believe that seeing a doctor means they must stop working. In fact, **even if you never lose time from work you may still have a perfectly valid Workers' Compensation and Personal Injury lawsuit.** At the emergency room or doctor's office, the injured worker should

make sure to say he had an accident at work, and describe all his injuries - even the minor ones. **It is very important that the doctor make a record of the work-related accident and all body parts injured.**

**STATEMENTS:** Injured, hurting, in shock, fearful of losing a good job – workers are easily intimidated. Too often, employers try to bully the accident victim into making false statements that will hurt his workers' compensation and personal injury case, and they threaten the worker not to consult a lawyer. **As shop steward, you can provide a level head, a calming influence, and advice** that in the long run will protect your brother's or sisters legal rights, leaving them with the greatest number of options for the future.

**Oral Statements:** ideally, an injured worker should give no interviews until he has consulted an attorney. However, when the employer wants a statement, the reality is that workers want to be cooperative and helpful, and many are afraid of being fired if they refuse. In that case, make **only very simple and general statements.** For example: "I fell from the scaffold" is a good simple and general statement. If the employer wants more detail, the worker should point out that he is still in shock and pain and needs a few days before he talks in greater detail. He should then immediately consult a lawyer.

**Written Statements:** are very important legal documents, because they may be used

later by insurance companies in fighting claims. The description of the accident should be as general as possible when a lawyer is not yet involved, while the description of the injuries should be as detailed as possible.

**Witness Statements:** contractors who care more about their bottom line than they do about the men and women who risk their bodies for a living wage, often take one of two tactics when they hear of an accident: either they deny the accident happened at all, or they insist that the accident was not as serious as it really was. Good, clear witness statements, taken **before the boss or foreman has a chance to intimidate or bribe the witness,** can be a great help in corroborating the true circumstances of an accident.

**THE KLEIN LAW GROUP, PC**

11 Broadway

Suite 960

New York, NY 10004

**Phone: 800-579-8881**

**Fax: 212-344-0301**

[www.thekleinlawgroup.com](http://www.thekleinlawgroup.com)