

CONSTRUCTION SITE FALL

Experts Reconstruct Construction Injury

A construction worker sustained multiple injuries resulting from a work site fall. The worker was found lying on his back, near the stairwell, on the second story floor of a three story building. One of the issues in dispute regarded the location from where the worker fell. Robson Forensic's construction and biomechanics experts were retained to determine if the construction worker's injuries were consistent with him falling through the uncovered framed skylight on the roof and to address issues regarding construction site management standard of care.

The opposing expert opined that the construction worker fell from a hydraulic lift, raised to roof level, outside of the building. Our biomechanics expert disproved his theory by demonstrating that a fall from the lift would have resulted in the construction worker landing on the ground outside of the building; there would have been no horizontal force present to propel his body between the framework of the outside wall. Furthermore, his injuries were not consistent with a fall of this type; had he fallen from roof level and landed directly on the second floor leading with this head, sufficient force would have been generated to cause skull fractures.

Our biomechanical engineer demonstrated that the lack of skull fractures was consistent with the victim landing first on his feet, with his torso bent or leaning to the left, falling onto his right outstretched arm and finally striking his head. By striking his head after sustaining the injuries to his leg, spine and arm, sufficient energy was dissipated, preventing him from suffering fractures to his skull. The construction worker's injuries were consistent with falling through the skylight opening in the roof.

Our construction safety expert established that the unguarded skylight opening presented a dangerous condition, in clear violation of applicable standards. He showed that the project framing subcontractor's failure to guard or cover the opening to protect workers as the framing work progressed violated the standard of care for reasonable framing contractors and was the cause of the worker's fall. In addition, he showed that the general contractor had a global duty to monitor safety on the project, knew, or should have known that the dangerous condition existed, and failed to ensure that the skylight opening was guarded or covered.