

# UNDERSTANDING LADDER INJURY CASES

In 2017, the U.S. Consumer Products Safety Commission estimated that nearly 269,000 Americans were treated for ladder-related injuries. Spinal cord injuries, traumatic brain injuries, and electrocutions are among the known risks of ladder use. These injuries frequently cause death and permanent disability.

Home improvement projects, building construction, and basic household tasks such as washing windows, often require climbing, which may increase the potential for falls. Ladder falls are also among the leading cause of work-related deaths and injuries on building sites – an estimated 81 percent of construction workers’ injuries treated in the ER involved ladders.

## Common Causes of Ladder Injuries

According to the National Institute for Occupational Safety and Health (NIOSH), factors in ladder injuries include:

**Incorrect set-up**— A ladder sliding out at the base because it wasn’t placed at the right angle. Ladder users tend to set extension ladders at lower than the optimal angle (75 degrees).

**Using the wrong ladder**— Choose a ladder with the proper duty-rating for your purposes.

**Not inspecting ladders**— Inexperienced ladder users are unlikely to check a ladder for bends, cracks, and other damage that may weaken it dramatically. Inspect and maintain ladders regularly for loose steps, worn feet, slippery rungs, and other hazards.

**Improper ladder use**— Overreaching, carrying objects, using too much force, slips, and missteps are also common causes of ladder-related falls. People who don’t know how to use ladders also might not be aware of the dangers of putting a ladder on a wet surface, near power lines, or using it in soft soil.

**Lack of safety knowledge**— Workers at small construction companies and homeowners may not have received ladder safety training. Such ladder users are hard to reach, often don’t have access to safety information, or don’t follow an effective ladder safety program.

## Ladder Safety Standards in Proving Negligence

In ladder injury cases, it’s essential to determine who is legally responsible or negligent, and that includes making sure you used the right ladder for the job. Five types of ladders are made according to industry standards with the following weight limits:

**Type IAA** or “extra heavy-duty”: up to 375 pounds.

**Type IA** or “heavy-duty”: up to 300 pounds. *Consumer Report* tests many ladders and suggests people use these for home repair projects.

**Type I** or “industrial” ladders: up to 250 pounds; they include stepladders, multipurpose ladders, and attic ladders.

**Type II** “commercial” or “handyman”: up to 225 pounds.

**Type III** “homeowner” or “consumer” ladders: limited to 200 pounds; these stepladders and small multipurpose ladders are often the cheapest.

The “Scaffold Law,” New York Labor Law Section 240, helps protect Empire State construction crews. Under the law, employers must provide workers with strong and secure scaffolding, ladders, braces, and other safety equipment necessary to prevent falls.

Also, the Occupational Safety and Health Administration (OSHA) requires ladder safety training and sets guidelines for using ladders properly on the job. Their safety standards include the following:

- Ladders must be able to support loads without failure
- Ladder rungs, cleats, and steps must be parallel, level, and uniformly spaced
- Most non-fixed ladders must be able to support four times their maximum intended load

The ladder industry itself has created safety rules that the American National Standards Institute (ANSI) publishes and government and other authorities have adopted, however, they often apply to new ladders.

For example, a ladder can pass an ANSI foot slip test after manufacture, but that doesn’t account for wear and tear from future use, which may later make the feet unstable. The standards don’t require the anti-slip performance of the ladder to last over time.

If you’ve suffered a ladder injury at home or on the job and a violation of the law might have been involved, you can hold whoever is responsible accountable.

## Types of Ladder Injury Claims

Depending on the location and nature of your injury, these types of claims are treated differently under the law:

**Personal injury** – In these cases, you must prove negligence, or that someone is at fault for causing an injury, such as a ladder manufacturer, a construction company, a property owner, or a store that sold a ladder. These claims can cover a victim’s losses and expenses (income, medical bills, etc.), and pain and suffering.

**Product liability**– When a defective ladder causes an injury, the victim may file a lawsuit against the maker, the distributor, and the retailer based on manufacturing or design defects or inadequate safety warnings. The case must prove:

- The company manufactured, distributed, or sold the ladder
- The ladder contained a manufacturing, design, or warning defect when it left the company’s possession
- The victim suffered harm
- The ladder defect was a major cause of harm

**Workers’ compensation**– Accidents that happen on the job, such as during building construction or renovation, may qualify as labor law cases. An employee can still file a personal injury lawsuit if a third-party caused the accident or if the harm to the employee was intentional. A workers’ comp claim is different than a personal injury lawsuit; generally, it doesn’t require proof of negligence, but damages are sometimes limited to payment for medical expenses and lost wages.

Consult an experienced attorney to explain your rights in each situation.

## Making a Claim

Ladder injuries can affect your life for months or even years, and involve ongoing medical costs and loss of income. If you’ve been injured, you may be eligible for compensation for your wounds, damages, pain, and suffering.