

READ CAREFULLY: ATTEMPT TO PREVENT LAWSUITS

The state of NY has special statutes known as New York Labor Law and often referred to as the “Scaffolding Law” that protect workers injured while involved in demolition, alteration, repair, or preparation of buildings.

One section protects the rights of workers injured in a fall or due to a falling object striking them. A second section of the law goes further to protect, “workers injured in other types of activities such as demolition and excavation.”

This is “absolute liability” against the property owner and any of their agents. This right of recovery goes beyond workers’ compensation or the right of recovery under common law.

One and two-family homeowners are not normally subject to the statutes unless the homeowner provides direct supervision of the work. However, owners of apartment buildings, three or more family homes and commercial buildings are subject to the statutes.

Whatever type of building is involved, in an attempt to minimize this exposure when hiring a contractor:

- **Do not provide direction or control**
- **Do not provide any tools or equipment, such as ladders**
- **Require a written contract with Defense and Indemnification and a Hold Harmless for work in an owned apartment building or commercial building**
- **Talk to your agent regarding being named as an Additional Insured on a primary and non-contributory basis on the policy of the contractor doing the work**