



Accidents at work in Construction sites involving migrant population

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Introduction

About me



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English Spanish Bulgarian

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*Accidents at work in Construction sites
involving migrant population*



Migrant workforce in the UK

England and Wales



Migrant workforce in the UK

UK Labour Market

- 18% of employed population (5.9 million) foreign born (2021 census figures)
- Increase of migration since 2004 from 9.1% to 18% (2021 census figures)

Construction

- 18% EU2 nationals
- 15% non EU-countries
- 10% EU8 nationals
- 6% EU14 nationals (2021 census figures)



Current scenario Migration workforce

UK / London

- 8.3% decrease UK in numbers since 2020
- 15% decrease London in numbers since 2020
- In London half of the construction workforce are migrants.

Problems?

- Brexit
- Pandemic
- Immigration Law



Most common causes of accidents in construction sites

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- Defective scaffolding.
 - Falls from scaffolding and ladders
 - Falling into holes.
 - Objects such as tools and materials falling from height or toppling over.
 - Materials being dropped from cranes.

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- Crushing injuries due to collapsing buildings during demolition.
 - Cable strikes resulting in electrocution and burns.
 - Being struck by heavy machinery such as excavators.
 - Using the wrong equipment for the job in hand.
 - Using defective tools and equipment.
 - The carelessness of other workers on the site.



The Law in Construction sites claims

England and Wales



Accidents at Work – English Law

Checklist

- Limitation Period : 3 years (but don't wait until the end)
- Civil law
- Employer's insurance
- Prove someone else is negligent

Regulations

- Construction (Design and Management) Regulations.
- The Work at Height Regulations.
- The Provision and Use of Work Equipment Regulations.
- The Management of Health Safety at Work Regulations.
- The Workplace Health Safety and Welfare Regulations.
- The Personal Protective Equipment Regulations.



Section 69 Enterprise and Regulatory Reform Act 2013

Game changer

- Compensation culture UK
- Six pack European Regulations
- End of Strict liability in Health and Safety regulations
- Negligence
- Burden of proof on Claimants

Cases

From

Stark v Post Office

to

Cockerill v CXK Limited and Artwise Community Partnership



Construction Design and Management Regulations 2015

Health and Safety

- New regulations
- Principles: Prevention, information, cooperation between all parties in construction site
- Risk assessments (key part)

HSE role

- The Health and Safety Executive investigation.
- RIDDOR: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 – Employer obligation to report accidents



Litigation in Construction site claims

England and Wales



Practical issues in litigation

Issues

- Multiple Defendants, some from abroad
- Extensive disclosure from multiple parties
- Multiple Defendants=Multiple rejections of liability
- Employee, Self-employed, worker. Can I bring a claim?
- To issue or not to issue

Tips

- Get as much records as you can, it's Free!
- Obtain : Ambulance records
- Hospital and GP notes
- HMRC, DWP records
- Inquest attendance if fatal claim



No win, no fee but What if the Claimant loses?

Qualified One Way Costs Shifting

Good QOCS v Bad QOCS

- The Claimant does not have to pay the Defendant's costs, but only if you issue before 6th April 2023.
- If you have issued after then be ready for Bad QOCS. The Defendants can enforce Costs Orders against Claimants now.
- He is liable to pay his own lawyers disbursements
- Counsel fees are disbursements but Counsel normally act on CFA
- Hopefully covered by insurance.
- ATE insurance premium self-insured

Exceptions

- Fundamental Dishonesty



Case of Mr X

Accident at Work – Construction site London



Liability

Claims

- Claim against: Main contractor, Recruitment agency, Spanish building company

Problems

- Language barrier
- No ambulance called

Quantum Injuries

How much?



Mr X case

Pain Suffering and Loss of
Amenity

JC Guidelines and Caselaw

Quantum Loss of Earnings and other losses

How much?

- Tax-returns
- Cash in hands
- Income protection Insurance
- Future surgery





THANK YOU!

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