

# **Tragic Workplace Accident Involving Roofer**

Construction is one of the most dangerous occupations in America, with more fatal injuries occurring in this industry than any other in the private sector. This unfortunate fact was recently highlighted in an accident in Pottstown, Pennsylvania, when two workers fell through a roof at The Hill School, killing one and hospitalizing the other. The workers were contracted to work at the school through their employer, Richard L. Sensenig Roofing and Industrial Metals of Ephrata, Pennsylvania.

Workplace injuries and fatalities are normally handled through the employer's workers' compensation insurer, which usually precludes any direct action against the employer unless it was guilty of gross negligence or wrongfully denied worker's compensation benefits to its employees.

## **What Benefits For the Injured Worker and the Deceased Worker's Family?**

Workers' compensation benefits include the cost of medical expenses and most of the injured worker's lost earnings. If he sustained a permanent injury or disability, he would be entitled to a certain statutorily determined payment based upon a percentage of his wages. He would also be entitled to physical therapy and other treatments, but vocational rehabilitation is not available in Pennsylvania for injured workers who need retraining for another vocation.

The family of the deceased worker would be entitled to burial expenses and death benefits according to Pennsylvania law.

Another option for the injured worker and family of the deceased is to file a suit for negligence and wrongful death

against The Hill School and any other contractors involved in the construction or renovation of the roof. The school had a duty to warn the workers of a potentially hazardous condition and its failure to warn could be construed as negligence. Other contractors may have also created hazards on the roof or defects in the construction that led to the collapse. In a third-party lawsuit against another contractor or the school, the decedent's spouse and children might also be awarded a sum equal to the deceased worker's past and future earnings, funeral expenses and compensation for loss of consortium, or the loss of love and affection.

If the injured worker filed a civil lawsuit against another liable party, he might be entitled to compensatory damages including loss of past and future earnings, past and future medical expenses, and damages for pain and suffering.

If the injured worker or the deceased worker's family did receive a settlement or jury award from a third-party, the workers' compensation insurer would be entitled to reimbursement for any compensation it paid to or on behalf of either party. If you or a family member was injured on the job, contact an experienced worker's compensation attorney to discuss your rights.

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UPDATE: 1 rescued, 1 dead after accident at The Hill School