

Making a Personal Injury Case for an At-Work Accident

Most people believe that if they've been injured in an accident at work, their only viable recourse of recovering damages is through workers' compensation. While this is true in many cases, it's also true that a number of exceptions to this rule exist that would allow the worker to sue for damages by making a personal injury claim for an at-work accident.

Like most things to do with the law, the question of how a worker can be compensated for injuries sustained on the job is a gray area, but it's also true to say that [there are a number of situations in which an injured worker could pursue a personal injury lawsuit](#). Just some examples of where this might apply include:

- Taking a product liability case against the manufacturer of a defective product which led you to being injured on the job, for example the manufacturer of a machine that uses a foot pedal to prevent crush injuries, only to have the foot pedal stick and crush three of the worker's fingers
- Filing a toxic tort lawsuit against the manufacturer of a toxic substance, if that substance led to you being sick or injured at work
- Was your employer's conduct, either intentional or through his negligence, responsible for your injuries? If so, you could bring a personal injury claim against your employer.
- In some cases, employers don't carry workers' compensation insurance, in which case you could sue your employer in a civil action or collect money from a state fund.
- Even if it happened while you were doing your job, if a third party caused your injury, there's a strong possibility of filing a personal injury lawsuit against that person. A good personal injury attorney can advise you of your rights.

Sometimes, workers' compensation just isn't enough

While it's true that workers' compensation is a less complicated method of receiving money to cover medical costs, as well as some minor benefits, it's also true to say that payments for things like temporary disability and permanent disability are very low under that scheme. In addition, there's absolutely no provision for things like pain and suffering.

If poor safety conditions or the unreasonable behavior of an employer leads to a painful injury, workers' compensation regulations make no provision for punishing the employer by awarding punitive damages to the injured worker. This is why anyone who has been injured at work, even if they're told by the employer that their only recourse is workers' compensation, should consult with a good personal injury lawyer before settling or signing anything.

Examples of toxic substance claims

Workers are often asked to work with dangerous, flammable or toxic chemicals in the everyday course of their work. Any substance that harms you, either in the short term or the long term, could be the subject of a toxic tort. Some of the most common substances that end up being the subject of such cases include:

- Asbestos

- Benzene
- Chromium compounds
- Silica
- Radium

The two types of injuries normally associated with toxic tort lawsuits include:

- Acute injuries such as chemical burns and poisoning. Acute injuries are immediately obvious and relatively easy to prove.
- Latent injuries, including lung cancer and other diseases. While more difficult to prove, these injuries are potentially more damaging than the acute variety, and it's important to contact an experienced personal injury attorney to discuss your options if you think toxic substances have led to you contracting a serious, potentially fatal disease or condition. Lawsuits involving asbestos leading to conditions known as asbestosis and mesothelioma have been extremely successful.

When does an employer's conduct justify a personal injury lawsuit?

Let's say you and your employer get into a heated argument; it doesn't really matter what the argument is about. Your boss gets so riled up he pushes you. You fall backwards and smack your head against a wall, and the doctor says you've suffered a concussion along with a fractured wrist.

In cases like this, you would be well within your rights, in the state of Oregon, to sue your employer in a personal injury lawsuit for the injuries you've sustained, totally apart from any workers' compensation claim. While 10 states do not allow this type of lawsuit and a dozen states don't allow employees of the federal government to sue their employer in a personal injury lawsuit, Oregon residents have every right to take this course of action.

It wouldn't have to be an argument that causes the injury. Let's say the employer insisted on an employee working in unsafe conditions like unstable trenches or walls, and in addition, the employer doesn't provide enough protective equipment to reasonably protect the worker. In cases like these, the employee is perfectly within his rights to file a personal injury claim against his or her boss.

Third party injuries

Many employees find themselves on the roads in the course of their duties. If you were injured in a road traffic accident and the other driver was at fault, that driver's insurance company might try to convince you that you can only make a workers' compensation claim, because you were injured while on the job.

Speak to a personal injury lawyer. The odds are very good that you will be able file a personal injury claim against the at-fault driver. The same is also true if you were assaulted and injured by a third party while at work or in a variety of situations where someone else's negligent or deliberate acts led to you being hurt.

Clearly, making a personal injury case for an at-work accident is a complex process. In some states, it's not allowed at all. However, in many cases you would be well within your rights not to settle for the relatively low workers' compensation payments, and to file a personal injury lawsuit that will compensate you for pain and suffering, as well as covering your medical and out-of-pocket expenses.

If you think you might be within your rights to file a claim for injuries received while on the job, [contact an experienced Portland personal injury attorney for some free advice](#). They know all the rules and can provide expert guidance regarding the best way to proceed with your claim.