

Offshore injuries, and why a maritime lawyer starts from a different statute

<https://filemyaccident.com/commercial/offshore-injury/> · retrieved 2026-09-13

What happens if I am injured working offshore?

You are usually outside state workers' compensation. A seaman may sue the employer for negligence before a jury, the vessel owes an absolute duty to be seaworthy, and maintenance and cure is owed whether or not anyone was at fault. Which you are is a maritime lawyer's first question. The deadline is three years; a longshore claim is one.

The law that reaches the water

The right is the employer's negligence, which an ordinary comp system would have taken away.

46 U.S.C. § 30104

It does not turn on care taken, so a defective vessel is enough without proving fault.

Mitchell v. Trawler Racer, Inc., 362 U.S. 539, 550 (1960)

Food, lodging and medical care while recovering, paid because of the employment alone.

Aguilar v. Standard Oil Co. of N.J., 318 U.S. 724, 730-31 (1943)

Past that line a death at sea is a federal admiralty action, and the damages are narrower.

46 U.S.C. § 30302

Piers, dry docks, terminals and building ways count, which is what puts dock work inside it.

33 U.S.C. § 903(a)

A longshore claim is barred after that, measured from the injury or the death.

33 U.S.C. § 913(a)

The general deadline for a maritime injury or death suit, unless another law sets one.

46 U.S.C. § 30106

Maritime and offshore injury law, checked 2026-09-11 by second-pass check agent, independent of the author.

Who answers when the workplace floats

An ordinary employee hurt at work trades the right to sue for a compensation system. A seaman does not. The Jones Act gives a seaman the right to sue the employer for negligence, before a jury, which is precisely the right an ordinary compensation scheme takes away.

The vessel itself carries a second, separate duty. The obligation to furnish a seaworthy vessel does not turn on how much care anyone took, so a defective vessel, an unfit crew or unsafe gear can be enough without proving that somebody was careless.

Who the defendant is depends on the work as much as the water. Rig contractors, vessel owners, platform operators and service companies are frequently different businesses on the same job, and

which one is answerable turns on facts nobody at the scene is in a position to settle.

What is recorded offshore, and who controls it

Offshore work is documented to a degree onshore work is not. Job safety analyses of the job, tool-box talks, permits to work, crew manifests, vessel logs and daily drilling reports are produced as a matter of routine, and they record what the condition was before anyone was hurt.

Almost all of it is held by the employer or the operator. A report written in the hours after an injury is written by people who work for the party that will be asked to pay, which is why an independent account taken early is worth more than it looks.

Federal incident reporting adds a second copy. Offshore incidents are reported to the regulator, and the data block below is built from those reports, so the scale of what happens out there is a matter of public record rather than anyone's characterization.

Why this is not a workers' compensation question

The first question is which system you are in, and it is not obvious from the job title. A seaman is under the Jones Act and general maritime law. A dockworker, a ship repairer or someone on a pier or terminal is likely under the Longshore and Harbor Workers' Compensation Act instead, which reaches navigable waters and the adjoining waterfront.

The deadlines differ sharply, and this is the thing that costs people claims. The general maritime limit for an injury or death action is three years. A longshore claim is barred after one, measured from the injury or the death.

Past three nautical miles from shore, a death at sea becomes a federal admiralty action under the Death on the High Seas Act, and the damages recoverable there are narrower than the ones a family would have onshore. Where the incident happened is therefore a question about money, not geography.

Where the injury happened decides more than what happened

Offshore is not one workplace. A fixed platform standing on the seabed, a jack-up with its legs down, a semi-submersible held on station, a drillship under way and the supply vessel tied alongside are legally distinct places, and a worker can move between three of them in a shift. Whether a particular structure counts as a vessel, and whether a particular worker counts as a member of its crew, is what decides which body of law the claim runs under, and the answer turns on facts about the structure and the worker's assignment rather than on a job title.

The transfers between them are their own hazard and their own category of claim. A personnel basket lift, a swing rope transfer, a gangway or a walk-to-work system moving somebody from a boat to a platform in a swell is the moment when the crane operator, the vessel's master, the platform's deck crew and the worker's own employer are all simultaneously responsible and often employed by different companies.

Life on a hitch, and the records it leaves

Offshore work runs in hitches: a fixed rotation, commonly two or three weeks on and the same off, living aboard the whole time. That changes the evidence in ways onshore cases never see. A

daily count of everybody aboard is kept, because it has to be for evacuation. The helicopter or vessel manifest records precisely when a person arrived and left. The morning tailgate meeting, the permit issued for the job, the crane's own lift plan and the vessel's deck log are written contemporaneously and kept.

The medic aboard also matters more than any onshore first-aid record. An injured worker is usually seen by a medic on the installation before anybody decides whether to fly them ashore, and that first entry, made within minutes and before anyone has thought about a claim, is frequently the most useful document in the file. It also means a worker who was talked out of reporting something, or logged as first aid when they were not, has that decision recorded too.

Getting hurt somewhere a doctor has to fly to

Distance is a medical fact offshore, not a logistical one. A worker with a crush injury or a suspected bleed is treated by whoever is aboard, stabilized, and then moved by helicopter from a helideck that may be unusable in the weather that caused the accident, or lifted off a deck by winch to a vessel. Hours pass that would be minutes onshore, and the decision to launch a medevac at all is made by people weighing the flight against the injury.

That interval frequently becomes its own question in a claim: not only whether the injury was caused negligently, but whether the delay in evacuating made the outcome worse than it needed to be. The records exist to answer it, because the installation logs the call, the coastguard or operator logs the launch, and the receiving hospital times the arrival.

Reported offshore incidents in the Gulf

2018 2019 2020 2021 2022 2023 2024

The kinds of event BSEE flags, in 2024. An incident can carry more than one, and most carry none of them, so this column comes to 657 rather than the 1,006 above.

Where to go next, including finding a maritime lawyer

- Commercial
- The attorney directory, and what a listing here means
- Truck accidents
- Uber and Lyft accidents
- Refinery and plant accidents
- Aviation accidents
- Wrongful death
- Filing deadline calculator
- Esta página en español

Take this page with you

Download this page as a one-page kit (PDF)

Want to discuss your accident?

Answer a few questions to request an attorney review. You choose whether to hire anyone.

Free to request. No obligation to hire anyone.

Advertisement

FileMyAccident is an advertising service, not a law firm, and nothing here is legal advice. Using this site does not create an attorney-client relationship.

Sources

46 U.S.C. § 30104: <https://www.law.cornell.edu/uscode/text/46/30104>

Mitchell v. Trawler Racer, Inc., 362 U.S. 539, 550 (1960):

<https://caselaw.findlaw.com/us-supreme-court/362/539.html>

Aguilar v. Standard Oil Co. of N.J., 318 U.S. 724, 730-31 (1943):

<https://caselaw.findlaw.com/court/us-supreme-court/318/724.html>

33 U.S.C. § 903(a): <https://www.law.cornell.edu/uscode/text/33/903>

33 U.S.C. § 913(a): <https://www.law.cornell.edu/uscode/text/33/913>

46 U.S.C. § 30302: <https://www.law.cornell.edu/uscode/text/46/30302>

46 U.S.C. § 30106: <https://www.law.cornell.edu/uscode/text/46/30106>

FileMyAccident is not a law firm and nothing here is legal advice. Every legal statement in this kit carries the source it came from, and the law changes. Check the source, or ask a lawyer licensed in your state.