

# Workers' Compensation Insurance

## What is workers' compensation insurance?

If you have work-related injury or illness, your employer is required by law to pay you workers' compensation benefits. You could get hurt by:

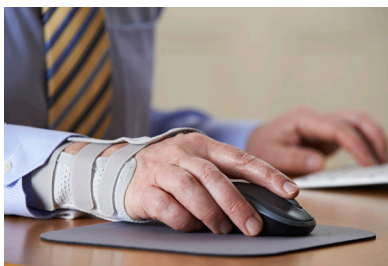
**a) One event at work** — hurting your back in fall, getting burned by a chemical that splashes on your skin, or in car accident while making deliveries. **b) Repeated exposures at work** — hurt your wrist from doing same motion over and over, or lose your hearing because of loud noises. Also, you are covered if you are injured while traveling on business, doing work-related errand, or attending required business event.



Injuries that may not be covered include: **a) Self-inflicted injuries** — such as those caused by person who starts a fight. **b) Injuries that happen when worker is committing a crime.** **c) Injuries that happen when worker violates company rules.** One state that does not require workers' compensation insurance is Texas, but many employers in Texas do cover their workers with workers' compensation insurance.

## Five benefits of Workers' compensation insurance:

**1) Medical care:** Doctor visits and treatment is paid to help you recover from injury — or illness caused by your work. **2) Temporary disability benefits:** Weekly money payments to you if your injury or illness prevents you from working while getting medical care. Payments are usually 2/3 of your normal pay. **3) Permanent disability benefits:** Money payments to you for years if you do not recover from your injury — or illness caused by work. **4) Job displacement benefits:** Helps pay for school to learn new skills if you cannot return to same job because of the injury or illness. **5) Death benefits:** Gives funeral money — and lump sum money or monthly money to your spouse, children or other dependents if you die from a job injury or illness.



## How do I know if I am covered by workers' compensation insurance?

**Employees** are covered by workers' compensation insurance, but **independent contractors** are not covered. Employees are paid hourly or monthly wages by check with deductions (money taken out) for income tax, Social Security, and Medicare. Independent contractors are paid for one job by check or cash with no deductions for income tax, Social Security, and Medicare. Independent contractors may be graphic designer

hired for one project, photographer on assignment — and plumber, electrician, or carpenter hired for one job. In the past, some companies tried to call all workers "independent contractors" to avoid paying workers' compensation insurance. To make companies pay for workers' compensation insurance, the Supreme Court and IRS (Internal Revenue Service) set up laws that companies must follow to tell if a worker hired is an employee or independent contractor.

## Can I be treated by my own doctor?

Some states require that you sign a paper when you are hired (before you are injured or ill) to request right to see your own doctor for work injury or illness. In other states you have a right to see your own doctor.

Find out what you need to do in your state to get the right to see your own doctor. Your employer may try to send you to a company's doctor who may have "conflict of interest" because the doctor is paid by the company's insurance. **Company doctor conflict of interest** means — company's doctor may downplay seriousness of your injury or illness so that the company's insurance will pay less money to you. Your own doctor will give a fair evaluation of your injury or illness because your own doctor is not connected to your employer's company.



### How do I report an injury or illness caused by my work?

You cannot receive workers' compensation until you report your injury or illness. States have strict deadline dates that you must meet to report an injury or illness. If you miss the deadline to report, your claim is denied. Deadline is 30 days in California, 90 days in Iowa, 4 days in Colorado, and 10 days in Maryland. For illnesses or condition caused by your work that happens gradually (such as carpal tunnel syndrome of wrists from typing or checking groceries), **deadline clock** begins to run when you discover your condition — and that it is caused by your work.



Most states require you to give written notice -- or use Accident Report form. Be sure to keep a copy of your written notice or Accident Report for your records. Written notice includes: 1) Your name and contact information. 2) Time and date of your injury — or time and date you discovered your illness or condition is related to your work. 3) Where injury or illness happened. 4) How you injured yourself — or what makes you ill. 5) Symptoms you are experiencing.

To find out about laws in your state, Google "**Your State Workers Compensation.**" Call phone number on your state's workers' compensation website. One question to ask is: What do I need to do to get the right to see my own doctor after a work-related injury?

### QUICK CHECK:

1. For what is your employer required to pay if you have work-related injury or illness?
2. Give example of: a) One event at work. b) Repeated exposures at work.
3. List 3 injuries that may not be covered.
4. Which state does not require workers' compensation insurance?
5. Describe what following benefits do for you: a) Medical care. b) Temporary disability benefits. c) Permanent disability benefits. d) Job displacement benefits. e) Death benefits.
6. a) Who is covered by workers' compensation and who is not? b) How are employees paid? c) How are independent contractors paid?
7. In the past, why did some companies try to call all workers independent contractors?
8. To stop that, what did the Supreme Court and IRS do?
9. To see your doctor for injury or illness caused by work, what do some states require you sign?
10. a) Describe what "company doctor conflict of interest" means. b) Why will your own doctor give you a fair evaluation of your injury?
11. What happens if you miss deadline to report?
12. When does deadline clock begin to run for work related illness or conditions?
13. Why do you think you need to **keep a copy** of the written notice or Accident Report?
14. List 5 types of information your written injury report needs to include.
15. a) To find out about laws in your state, what do you Google? b) What phone number do you call? c) What is one question to ask?