

Guide to On-the-Job Injuries

in the United States

I got hurt on the job. What can I do?

- If you are hurt on the job you have a right to workers' compensation benefits.
- You have a right to workers' compensation whether the accident was your fault, the fault of one of your coworkers, or your employer's fault.

Know your rights

- You are entitled to workers' compensation benefits if you are hurt on the job.
- Your employer may not retaliate against you if you file a claim for workers' compensation.
- You have a right to an appeal if your claim for workers' compensation is denied.

Even if you are a foreign worker without a valid work permit, you are entitled to workers' compensation coverage. This is true in every state.

- Do not drink or take drugs on the job. You may lose your right to workers' compensation if you do this. Even if your drinking or use of drugs did not cause the accident, you may still be denied workers' compensation.

What is workers' compensation?

- Workers' compensation is a state-based insurance system that provides benefits to you if you are hurt on the job or as a result of your job.
- Each state has its own workers' compensation law, but the general principles are the same. You should call the workers' compensation agency in the state where you are working to find out more.



- In most states, employers are required to obtain workers' compensation insurance for their workers. In a few states, a government agency insures employers for workers' compensation. These states are North Dakota, Ohio, Washington, West Virginia, and Wyoming.
- You are guaranteed medical and wage benefits if you are hurt on the job or because of your job.

How do I know if I can get workers' compensation?

- Almost all workers in the United States can get workers' compensation if they are hurt on the job. If you are a farm worker or a domestic worker, your employer may not be required to have workers' compensation insurance for you (see boxes).
- Coverage applies equally to both men and women.

I am a farm worker. Am I covered?

- If you are a farm worker, most states require your employer to have workers' compensation insurance for you.
- Some states limit coverage for farm workers. Under federal law, your employer must tell you whether workers' compensation is provided and must give you information about your rights and benefits under the law. This law is called the Migrant and Seasonal Agricultural Workers' Protection Act (MSAWPA). For more information about MSAWPA, see [Guide to the Law Protecting Migrant and Seasonal Farm Workers in the United States](#). You should contact the workers' compensation agency in the state where you are working to learn more.
- A few states do not require employers to provide workers' compensation insurance for farm workers. These states are Alabama, Arkansas, Indiana, Kansas, Kentucky, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Rhode Island, South Carolina, and Tennessee.
- Optional coverage. Even if you work in one of these states, you may be covered. Employers may obtain workers' compensation coverage in these states because it protects them from potential lawsuits. You should ask your employer whether you are covered.
- H-2A workers. If you are a temporary foreign farm worker under the H-2A program, your employer must have workers' compensation or other insurance coverage for you.
- Bus and auto accidents. Farm labor contractors are required by law to have insurance for buses and other vehicles that transport farm workers. This is required under the MSAWPA.

I am a household worker. Am I covered?

- You are a household worker if you work at your employer's residence (cleaning, cooking, child care, and other housework).
- Many states require workers' compensation coverage for domestic workers, with some limits. For example, you may not be covered if you work for a single employer or if you work only for a short time each week, month or year.
- Some states do not require workers' compensation insurance for domestic workers, but allow employers the option to provide coverage. These states are Alabama, Arkansas, Arizona, Florida, Georgia, Idaho, Indiana, Maine, Mississippi, Montana, Nebraska, North Dakota, New Mexico, Nevada, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, and West Virginia. If you work in one of these states, you may be covered. Employers may obtain workers' compensation coverage in these states because it protects them from potential lawsuits. You should ask your employer whether you are covered.
- Four states exclude domestic workers from workers' compensation coverage. These states are Louisiana, Missouri, Virginia, and Wyoming.

If I am hurt on the job how do I get workers' compensation benefits?

There are two steps that you must take before receiving your benefits.

First, report your on-the-job injury to your employer immediately.

- If you have pain because of your work but no accident has taken place, notify your employer and go to see a doctor immediately.
- You have a very short time to tell your employer. Depending on the state, you may have only a few days. Contact your state workers' compensation agency to find out exactly how much time you have.



Second, go to a doctor immediately.

Can I choose my own health care provider (doctor) to treat my on-the-job injury?

- Not always. In workers' compensation circles, doctors and other professionals (like physical therapists) are called "health care providers."
- Every state has different rules for how to choose a health care provider.
 - Sometimes the rules for choosing a health care provider are complex.
 - In some states, like New Mexico, if you choose your health care provider first, your employer can change the health care provider after 60 days – but if your employer chooses first, you get to change after 60 days.
 - Contact the workers' compensation agency in the state where you were injured to find out more about the rules in that state.
- Your employer chooses the health care provider in Alabama, Florida, Idaho, Indiana, Iowa, Kansas, Missouri, New Jersey, North Carolina, South Carolina, Utah, and Vermont.
- You can choose your own health care provider in Alaska, Arizona, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, and South Dakota.
- In the District of Columbia and New York you can choose a health care provider from a list the workers' compensation agency gives you.
- In Georgia, Tennessee and Virginia you can choose a health care provider from a list your employer gives you.

Important: Make sure that the health care provider is independent and has your best interests in mind.

- Selecting a health care provider is an important step in being compensated and treated for your workplace injury.
- Be honest and open with your health care provider in order to get a report that is a true statement of your medical condition.

What medical expenses are covered?

Every state law is different, but most state workers' compensation laws require payment for:

- emergency treatment;
- hospital care;
- physical therapy
- treatment by a health care provider (doctor);
- physical rehabilitation; and
- cost of travel to health care providers far away from your home.



Can I sue my employer if I am hurt on the job?

- No. Workers' compensation laws are a compromise between the interests of workers and employers. The idea is that workers receive prompt benefits in exchange for employers being free from lawsuits.
- You can file a workers' compensation claim, however.

Prevent injury by working safely

- You and your employer share responsibility for a safe workplace.
- Follow the safety instructions on all equipment and materials you use at work.
- If you do not follow safety procedures, you put yourself, your coworkers and your job in jeopardy.
- For more information about on-the-job safety, see [Guide to On-the-Job Safety and Health in the United States](#).

What if my employer or the workers' compensation insurance company denies my claim?

- If your employer or the workers' compensation insurance carrier ignores your notice of accident or denies your claim for benefits for an on-the-job injury, you can file a claim with the workers' compensation agency.
- You have the right to file an appeal of a workers' compensation agency decision.
- You may hire a lawyer to represent you. All state workers' compensation laws provide for some kind of limited attorneys' fees to pay your lawyer.

What if I get injured outside the state where I live or where my employer is located?

If you are injured outside the state where you live or where your employer is located, don't panic.

- You are probably still entitled to receive workers' compensation benefits.
- Report the injury to your employer immediately.
- Seek medical treatment.
- Contact the nearest workers' compensation agency to ask questions about what to do.

Do I pay for workers' compensation insurance premiums? Can my employer deduct the premiums from my paycheck?

No. Your employer is responsible for paying the premiums for workers' compensation insurance.

Are all of my work-related injuries covered?

- Yes. All injuries that occur during work are covered.
- Most work-related injuries fall into two groups: on-the-job accidents, and occupational diseases.
 - An on-the-job accident is a sudden event like falling from a ladder, getting burnt, being sprayed with pesticides, etc.
 - You have an occupational disease when you are unable to work because of performing a task over and over for a long time, like typing too much or being exposed to materials like asbestos in the workplace over time.
- Both of these types of injury are covered by workers' compensation insurance.

Is workers' compensation like welfare?

No. Workers' compensation is an insurance program designed to protect people who are unable to work because of an on-the-job injury. You are entitled to workers' compensation payments.

What kinds of benefits will I receive if I am hurt on the job?

- *Medical benefits.* In most states, you are entitled to full payment of all the medical bills related to your on-the-job injury, including physical therapy and rehabilitation. Most state laws do not require you to pay any part of the treatment for an on-the-job injury.
- *Wage benefits.* If you suffer an on-the-job injury, you may be entitled to part of the income you have lost as a result of your injury. How much you receive depends on whether you must miss work because of your on-the-job injury and the extent of your disability (see box).
- *Vocational rehabilitation benefits.* If you cannot return to the kind of work you were doing when you were hurt on the job, workers' compensation may pay for you to go to school or get training so you can get back to work in a different kind of job. The states that do NOT have this benefit are Arizona, New Mexico, South Dakota, and Tennessee.

What if I don't receive benefits on time?

- Employers must report your on-the-job injury to the workers' compensation insurance carrier and/or to the workers' compensation agency within a short time.
- The workers' compensation carrier must either deny your claim or issue benefits to you in a short time.
- If the employer or the workers' compensation carrier does not meet the deadlines, both can be fined or required to pay extra benefits.

Death benefits

- If you die on the job, your spouse and children are entitled to death benefits in every state.
- In some states, foreign workers with wives, husbands and children living in another country may receive less than those of other workers.
- If you are the wife, husband or child of a worker who died on the job in the United States, you should contact your country's consulate in the United States to help you receive the benefits you are entitled to because of the death of your spouse or parent.

Types of disability covered in most states

- **TTD – Temporary Total Disability.** You receive TTD benefits when your health care provider says you are unable to work because of your on-the-job injury. Depending on the state you are in, you may receive 60 to 70 percent of your weekly salary while you are not working. These payments will stop when your health care provider says you are well enough to return to work.
- **TPD – Temporary Partial Disability.** You may receive TPD benefits if:
 - you can work, BUT
 - the work is “lighter” than your normal job (light duty), AND
 - the job you are performing pays less than what you normally earn.You may receive some portion of the difference between your normal salary and the lower salary.
- **PPD – Permanent Partial Disability.** You may receive PPD benefits if your health care provider says you will have a lifelong partial disability as the result of your on-the-job injury.
- **PTD – Permanent Total Disability.** If you are so disabled by your on-the-job injury that you will never be able to work again, you may receive PTD benefits. Usually there is a limit on how long you can receive these benefits.

Every state may define these terms slightly differently. Call the workers' compensation agency in the state where you were injured to learn more.



Commission for Labor Cooperation