

Why You Must File a Workers' Compensation Claim If You're Injured at Work

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The premise behind enacting workers' compensation law was to ensure medical and disability payments to those injured on the job due to circumstances beyond their control. Prior to the enactment of workers' compensation legislation, there was concern over a "growing army of maimed and (disabled) work(ers) ... widows and orphans." Thus, states across the country initiated laws to protect those injured on the job to ensure proper medical and disability coverage for such workers, so that today virtually every employer is required to provide coverage, either through public or private insurance, or self-insurance, for those employees injured on the job.

Unfortunately, despite this mandatory coverage, ever increasingly, workers are refusing to file otherwise legitimate workers' compensation claims. Some workers feel pressure from their employer, who may allege that claims may cause them to go bankrupt. Workers may feel, or may have been, threatened with termination for filing a claim. Some employers create a stigma on those employees that have filed claims by creating humiliating light duty jobs (such as cleaning toilets or requiring employees sit in a room for an entire shift without providing any real work for them to do). Many employers tell their workers that if they are injured, they must treat with a company doctor and not a doctor of their own choosing. These actions create a hostile working environment toward injured employees, thereby creating fear and a "chilling effect" against pursuing claims.

Then there is the experience of having filed a claim. In my own practice, many clients have told me that staff members of the Bureau of Workers' Compensation and/or their employer's manage care organization have treated them in such a way to make them feel "criminalized" for pursuing their claim. There are also hassles with putting up with a highly bureaucratic system, full of delays in the processing of medical and disability payments. Some workers may feel a stigma attached to them because they filed, so they are treated differently by the employer and coworkers once they file their claim.

Unfortunately, not pursuing a legitimate workers' compensation claim only serves to help your employer and the Bureau of Workers' Compensation save money at your, and your family's, expense. The medical costs of such claims get shifted to private insurance, many of which have large copays and deductibles. Disability payments are not made for time off. Lifetime impairment for injury is not paid.

Under workers' compensation law you are entitled to 100% coverage for all medical costs associated with your claim. You are entitled to payment for lost pay for your time off work and to supplemental pay if you are not medically able to return to your regular job. You are entitled to rehabilitation services to return to the workforce once you have been off and can't return to your former job. You are also entitled to disability payments for permanent impairment from injury. Without these protections, your company and the Bureau wins, and you and your family lose.

Thus, the next time you sustain an injury at work, you must ask yourself: am I going to protect the company and the Bureau, or am I going to ensure that my family is fully and fairly covered under the law?