

# **If You Get Hurt on the Job: How To Obtain Workers' Compensation Benefits**

## **If you get hurt on the job:**

**Tell your supervisor about the injury right away.**

**Get emergency treatment right away, if needed.** Go to an emergency room or call an ambulance. Your employer may tell you where to go. You will not have to pay.

**Fill out a claim form for workers' compensation benefits.** Your employer must give or mail you a claim form within one working day after learning about your injury.

**Get good medical care to help you recover.** Your employer's insurer must authorize medical care within one working day after you turn in the claim form. The insurer usually can choose your doctor during the first 30 days of treatment, and sometimes longer.

**IMPORTANT:** All employers are required to have workers' compensation insurance. If your employer does not have workers' compensation insurance, get help right away.

## **What are the benefits in workers' compensation?**

**Medical care for your job injury.** Your employer must pay for all necessary medical care. If you report your injury to your employer and tell the doctor your injury is work-related, you should not receive any medical bills.

**Temporary disability (TD) payments.** If you lose wages because you cannot do your usual job for more than 3 days or because you are hospitalized overnight, you can receive TD while you are recovering.

**Permanent disability (PD) payments.** PD is paid if your injury results in a disability that permanently limits the type of work you can do. The amount is partly based on how disabled you are.

**Supplemental job displacement benefit (SJDB).** Workers with a permanent disability may be eligible for a voucher to pay for educational retraining or skill enhancement at a state-approved or state-accredited school.

**Death benefits.** These are paid to dependents, usually the spouse and children younger than 18. A burial allowance of up to \$5,000 is also paid.

## What kinds of injuries are covered?

**Injuries caused by one event at work.** Examples: hurting your back after falling off a ladder, cutting your hand on a sharp tool.

**Injuries caused by repeated exposures at work.** Examples: hurting your back from bending repeatedly, getting sick from exposure to small amounts of pesticides over several years.

## Other important facts about workers' compensation:

Medical care must be paid for by your employer -- whether or not you miss time from work.

You may be eligible to receive benefits even if you are a temporary or part-time worker.

You may be covered by workers' compensation as an employee even if you are called an "independent contractor."

You don't have to be a legal resident of the United States to receive most workers' compensation benefits.

You receive workers' compensation benefits no matter who was at fault for your job injury.

You can't sue your employer in court for a job injury in most cases, but you can request an administrative hearing if you disagree with a decision about your workers' compensation claim.

It's illegal for your employer to punish or fire you for having a job injury or for requesting workers' compensation benefits when you believe your injury was caused by your job.

## Keep your claim on track:

Keep good records. This includes saving copies of all letters and medical reports and notes of all discussions with the people involved in your claim.

Learn more about workers' compensation. Information is available in Spanish. Go to: [www.lohp.org](http://www.lohp.org) -- link to "Workers' compensation."

If you have a concern, speak up. Contact your employer or the insurer to resolve problems. If this doesn't work, contact the California Division of Workers' Compensation, consult an applicants' attorney, contact your union (if you have one), or visit a legal services provider (legal aid).

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