

What Shouldn't I Do?

- Do not sign any incomplete papers.
- Do not sign any papers or statements unless you completely understand them.
- Do not sign any written statements about your injury or exposure to disease unless you have a witness, union representative or your attorney present and you fully agree with the written statements. Always get a copy of any statements you sign.
- Do not sign any Supplemental Agreements unless they correctly represent the current status of your disability. It may also help to have the Supplemental Agreement reviewed by a lawyer.
- Do not sign a Final Receipt of compensation unless you are fully recovered from your injury.

What If I Need Assistance?

If you have questions about workers' compensation, your union representative or the Bureau of Workers' Compensation may be able to help. The Bureau can be reached at (717) 783-5421, or toll free at 800-482-2383.

How Can I Locate an Attorney?

Call the Pennsylvania Bar Association Lawyer Referral Service toll free at 800-692-7375. Most counties have this same service at the local level. Check your Yellow Pages under "attorneys" for more details.

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Pamphlets

by the

PENNSYLVANIA BAR ASSOCIATION

Workers' Compensation

The Workers' Compensation Act provides for the payment of benefits to workers injured on the job. Injuries include occupational diseases and any aggravation or acceleration of a non-work-related condition that reduces your ability to work or results in death. Benefits to the employee may occur in the following forms:

1. Weekly compensation to the disabled worker.
2. Related hospital, surgical and medical expenses.
3. Death benefits to a deceased worker's dependents.

Who Is Covered by Workers' Compensation?

Workers' compensation applies to all employees with the exception of casual workers performing services not related to an employer's business or persons employed in a limited function. Domestic service workers are also excluded unless the employer has purchased workers' compensation insurance coverage. Corporate officers may elect to not be covered.

What Injuries Are Covered?

All injuries that arise in the course of employment and are related to that work are covered regardless of the worker's previous physical condition. Categorized occupational diseases are also covered as well as aggravations of prior pulmonary difficulties resulting from an employee's continued exposure at the workplace.

The law applies to all injuries occurring in Pennsylvania as well as occupational diseases resulting from exposure while working within the state. For claims arising from coal workers' pneumoconiosis,

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silicosis and asbestosis, the Act requires an aggregate employment of at least two years in Pennsylvania during the 10 years prior to disability under certain circumstances.

An employee's negligence will not preclude him/her from receiving compensation for the injury. However, compensation will not be paid for injury or death that was intentionally self-inflicted or the result of an employee's violation of the law. In general, injuries caused by a third person are covered as long as they occur in the course of employment.

Is an Employer Required to Pay Workers' Compensation?

Yes. It is required by law that all employers provide payment of workers' compensation except in cases where employees are not specifically covered. An employee cannot contract away his/her rights to compensation.

When Will I Receive Compensation?

Generally, compensation is paid beginning with the eighth day of the disability. Compensation will not be paid for the first seven days unless your disability lasts 14 days or more. The first payment of compensation must begin no later than the 21st day after your employer knew of your disability. If you have not received compensation within that time, you should call the Bureau of Workers' Compensation.

If you do receive a Notice of Compensation Payable, a Temporary Notice of Compensation Payable, or are asked to enter into an Agreement for Compensation, make sure that the description of the injury or disease and all of the statements in the Notice or Agreement are correct. Any corrections should be made through the Bureau of Workers' Compensation.

How Long Will the Benefits Continue?

Full disability payments will continue as long as the employee is totally disabled. Partial disability may be paid if an injury does not result in complete loss of earnings, but it is generally paid for a period not exceeding 500 weeks.

The length of time an injured worker can receive lost wage benefits depends on a number of factors including the severity of the injury and the availability of alternate employment. Generally, an injured worker will receive total disability benefits while unable to perform his/her job until one of the following occurs:

1. The employer offers suitable light duty employment;
2. The employer shows that suitable work with other employers is available;
3. The worker retires;
4. The worker has received benefits for two years and is found less than 50% disabled under AMA guidelines. In this case, the injured worker may only receive benefits for an additional 500 weeks (9.6 years); or
5. The injury involves an amputation, loss of use of a limb, or loss of eyesight. In this case, the injured worker is entitled to a specific number of weeks of benefits regardless of ability to work. The exact number of weeks depends on the body part affected.

If alternate work is available to the injured worker that pays less than the time-of-injury job, the worker is entitled to be paid the difference in workers' compensation benefits (partial disability benefits) for up to 500 weeks.

An injured worker is entitled to medical benefits for the work injury for as long the injury persists, regardless of whether or not the worker is receiving lost wage benefits. There is no time limit on these benefits.

If I Receive Compensation, Can I Still Sue My Employer?

No. Because the law makes the employer responsible for a worker's injuries regardless of the employee's carelessness, the law also provides that employees do not have the right to recover from the employer in any legal action other than workers' compensation. However, if the employer fails to provide for workers' compensation payments as required by law, the employee can sue for damages. If your work injury is caused by a third party, that party is subject to a civil suit.

How Should I Proceed If I Am Injured on the Job?

If you are injured on the job or suspect that you have an occupational disease, you should:

- Report the injury or suspicion of disease immediately to your employer, his/her representative or the person in charge of your job. If you are unable to do so because of the injury, your union representative or another person may notify the employer for you.
- Report the injury to your union representative or call the Bureau of Workers' Compensation at 800-482-2383.
- Get medical treatment. If you need medical attention, ask for it immediately. Make sure that you report to your physician the time that the injury occurred at work and that you take note of related dates and keep copies of all medical bills. You may go to the physician of your choice unless a list of at least six health care providers has been posted by the employer for workers' compensation purposes. In this case, you must seek treatment from one of these six providers during the first 90 days after your injury. After that time you may go to the provider of your choice, but the provider must file periodic reports to your employer outlining your progress.
- Act quickly. The law requires that you give notice to your employer of an injury within 21 days of the injury and no later than 120 days after the injury. This means that, if you report the injury to your employer within 21 days, you will receive compensation dating from the day of the injury. If you do not report the injury to your employer until after 21 days but within the 120-day limit, you will only receive compensation dating from the day that you reported the injury to your employer. In addition, you must bring your claim within three years of the date of injury. Failing to meet these time requirements may result in a denial of your claim.

Your employer is required to issue a Notice of Workers' Compensation Denial within 21 days if compensation is not to be paid or, alternatively, a Temporary Notice of Compensation Payable may be used by your employer for not more than 90 days of compensation. If you are denied compensation, you should file a claim petition with the Bureau of Workers' Compensation in Harrisburg or at the nearest district workers' compensation office.