

What Everyone Should Know About Worker's Compensation

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Though many people have heard of worker's compensation insurance, there are many aspects of this protection that people do not understand. Lack of information can lead to difficult issues when deciding whether or not to choose this path, after work related injury occurs. Understanding your rights and protections under these laws beforehand is important, and will most likely not come in a straightforward explanation from your employer. Worker's compensation insurance was developed to protect both employers and employees from devastating consequences rising from injuries to workers at their place of employment. The laws related to this form of insurance were written to strike a balance between fair protection to workers for injuries suffered on the job, and protection to employers from paying crippling settlements to employees as a result of people being hurt due to work related causes. As with any laws, the scope of protection is not perfect, and there are many hidden aspects of the procedure which can cause a great deal of concern and grief in getting through the process. The following points will help you to decide what to do when you are injured on the job.

1. Time is important - When you turn to worker's compensation for help with an injury, it is vital for you understand that time is of the essence. You must decide quickly if you want to file a worker's compensation claim, and you must be very assertive that this is the path you want to take. You should inform your employer immediately that you are hurt, and tell them the circumstances surrounding the incident. You have a limited amount of time to file a worker's compensation claim by law, so you need to act within the legal timeframe to qualify for the coverage. A worker's compensation claim follows a completely different path and procedure than claims covered under your regular health insurance, so the care you seek outside the worker's compensation channel should be minimal, because any care you receive from your regular doctor will NOT be covered by your health insurance, even if the treatment would normally be covered by that policy. It is also highly possible that the care you receive outside the worker's compensation system will have to be paid out of pocket by you. When you are hurt, you must decide to file a worker's compensation claim, or seek treatment from your health insurance provider. Your injuries will be covered and treated by one or the other, but not by BOTH.
2. Worker's compensation claims are handled by doctors provided by the system, and you will not necessarily have a choice regarding who is in charge of your care, or where you must go to receive your diagnosis and treatment. In some cases, the injured person may feel their worker's compensation doctor is minimizing care, and understating the extent of personal injury. These perceptions may be well founded, because the system is set up to minimize employer liability and treatment costs. Do not be surprised if a worker's compensation doctor appears unsympathetic to your pain and suffering. You will have to be more assertive and insistent with these care givers than with those who treat you under your regular insurance coverage.
3. Your supervisor may not understand the procedures established for filing a worker's compensation claim. If they advise you to seek care from your regular insurance provider, and you are sure that you want to pursue a worker's compensation claim, do not seek care outside the system based on your supervisor's recommendation. Regardless of the circumstances or advice, you must be cared for by a worker's compensation doctor and facility, if the care is to be covered by this claim.
4. Unless you have been through the experience of a worker's compensation claim, you will not understand how much incorrect advice, misleading direction, and undue intimidation can be associated with trying to pursue this type of action. You will likely receive misinformation from within the system, and you should be prepared to defend your position. Even though employers pay insurance for worker's compensation claims, the "insurance" company handling these claims will be particularly mercenary in trying to deny you coverage, minimizing your treatment, understating your injuries, and intimidating you into settling for less than you deserve. You should seek legal assistance to help you sort out your rights, clarify your position, and advocate a reasonable settlement for you. Once your claim is settled, you will not be able to make further claims against your employer for this same injury, so you should make sure the end result is the best you can do.
5. Once the curtain opens on staging a worker's compensation claim, the focus immediately turns to how much money will wind up being paid on your behalf, and how much of the money that is due to you for your injuries on paper, winds up settling into someone else's pockets. Do not expect a quick and simple end to your worker's compensation claim; it will likely be a protracted process that will result in a "standard" amount of your settlement being paid to your lawyer, agreed payments for care to your doctors, unsettled bills the insurance company has weaseled out of paying becoming your responsibility to settle, and whatever is left, coming to you. A good metaphor for the entire process is thinking about a group of jackals tearing away at a carcass until nothing is left.
6. For some reason, a worker's compensation claim also carries a stigma with employers that can become immediately apparent to an injured employee. Though few companies will have the courage to admit it, when a person files a worker's compensation claim, many employers mount a campaign to eliminate that employee from their work force. Some will use illegal methods, while others cover their tracks with legal but unethical treatment. As the injured employee, you can pretty well be sure your days at your job are numbered when you step forward with your worker's compensation claim, even though such treatment is completely unwarranted for the level of your service and performance. This information is mentioned to help you understand the hidden consequences and costs of using

worker's compensation. If you decide to pursue this direction, you should be sure the harm to you is serious enough to warrant enduring the process which will lead to a settlement. You might want to consider using the potential degree of permanent disability your work related injuries have caused you before you choose your avenue.

Sadly, the protection of people and businesses has often reached a dividing line that is not so narrow or certain when it comes to fairness. The current system of worker's compensation insurance is somewhat like Solomon's suggestion to settle the dispute over who was the rightful mother of a child; rip the baby in half, and give each party a useless piece of what they wanted. John Dir Director of Software Concepts BHO Technologists - LittleTek Center Teaching computers to work with people. We make software more fun for everyone. Stop by for a visit to our web site, and see what a difference ITL technology makes! [HTTP://home.earthlink.net/~jdir/](http://home.earthlink.net/~jdir/)