

CHECKLIST: Has My Employer Followed the Law?

Both employers and employees have responsibilities when it comes to reporting and handling workers' compensation claims. As an employee who has been injured, how can you be assured that your employer is keeping up its end of the bargain? This checklist of things your employer must, or should, do for you may help ease any concerns that you may have. Check each item off as you verify the information, and share the checklist with your attorney as you pursue a workers' compensation or other claim.

Reporting the Injury

___ When I reported my injury, my supervisor or employer filled out a form, often called a First Report of Injury, about my injury.

___ My employer forwarded the First Report of Injury to its insurance carrier.

Note: Chances are, you will know fairly quickly if the form has been forwarded to the insurance company because you will begin to receive correspondence, or telephone calls, from the insurance company relating to your injury. It does not hurt to check with your employer to make sure the form has been forwarded.

___ My employer has made a copy of the First Report of Injury available to me.

After the Injury

___ My employer has provided me, or my attorney, with requested documents concerning my employment and my injury. Documents which I might request include:

___ A copy of my personnel file, if there is an issue concerning my history as an employee. For example, I might need documentation of the fact that I have never reported an injury to my employer before. That information should be in my personnel file.

___ A copy of my attendance records. If I have missed work as a result of my injury, my attendance records should reflect those absences.

- ___ A copy of my payroll history. Calculating my pay history, both before and after my injury, is essential to proving my entitlement to workers' compensation benefits. I have a right to have those records, or have them provided to my attorney.

- ___ If I am able to return to work, my employer has allowed me to return to my former position, or one similar to it.

- ___ If I have returned to work but am working at a wage loss, my employer is providing that information to its workers' compensation insurance carrier so that I can receive wage-loss benefits.

- ___ My employer and its insurance carrier are providing me with return-to-work occupational rehabilitation services that I am entitled to, such as on-the-job training for a new position, studies, and job-search assistance.

Preventing Discrimination or Harassment

Work-related injuries may lead to job discrimination. Ways in which my employer could discriminate against me include:

- ___ Taking away employment benefits or perks that I used to receive before my injury; or
- ___ Refusing to allow me to return to work when I am physically able; or
- ___ Requiring me to return to work or to perform work tasks when I am not physically able to according to my physician's orders; or
- ___ Refusing to let me have time off from work to attend physician's appointments or chiropractic appointments to treat my work-related injury; or
- ___ Harassing me at work because I filed a workers' compensation claim; or
- ___ Firing me because I filed a workers' compensation claim.