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DAY 1 OF A WORK-RELATED INJURY: A GUIDE FOR EMPLOYEES AND UNION REPRESENTATIVES

By Attorney Gary J. Levine

The actions taken by an injured worker immediately following an injury are critical. Failure to take the proper steps at that time can cause problems later on when the injured worker seeks workers' compensation benefits. Mistakes made immediately following an injury may give an insurance company or employer reason to deny a claim for benefits.

This Guide is intended to assist employees who have been injured at work. It is also intended for union representatives in advising their members as to what steps they should take immediately following an injury.

Immediately following a work-related injury, an injured worker should:

- **Report the injury immediately to your supervisor and union representative.**

Report any injury that you believe to have been caused by your job. It is important to report your injury immediately even if you think that you will get better without any medical treatment and even if you don't lose any time from work. If you

report your injury late, your employer and the insurance company may doubt that the injury occurred at work and deny your claim. **It is better to be safe than sorry—report your injury immediately.**

➤ **Complete an Accident Report form**

Complete all forms required by your employer for work-related injuries and keep a copy for your records. Remember that you are entitled to have your medical bills paid even if you don't lose any time from work. You are also entitled to be paid for scarring even if you don't lose any time from work, e.g., scars from burns, cuts, etc. **The Accident Report form is your proof of injury...Proof that the injury was reported promptly.**

➤ **Get immediate medical treatment**

Go to an emergency room or doctor of your choice. **Your employer cannot require you to get treatment from a doctor of their choosing. It is your legal right to choose your health care provider regardless of what your employer tells you is “company policy”.** Be sure to tell the doctor exactly how you were injured – be consistent with how you reported the injury to your employer. An inconsistent statement may cause the insurance company to doubt the injury and deny the claim.

➤ **Make sure your employer promptly reports the injury to their workers' compensation insurance company**

You will not receive benefits until the insurance company is notified of your injury. It is your employer's obligation to report all injuries. Follow up with your employer and make sure that your injury is reported.

➤ **Get copies of all documents**

If you lose more than three days of work, you are entitled to compensation by the insurance company for your lost wages. Ask the insurance company for copies of all documents filed with the Department of Labor regarding your claim. Review the documents and make sure that your injury is correctly described, that your wages are reported accurately and that all of your legal rights are protected.

Make sure all of your legal rights are protected by the documents filed.

Not all documents filed by the insurance company protect your rights. Just because you are receiving a weekly workers' compensation check does not mean that your rights to future benefits are protected. For example, unlike a Memorandum of Agreement filed by an insurance company, the filing of a Non-Prejudicial Agreement means that the insurance company has not legally accepted responsibility for your injury. Make sure that the documents filed by the insurance company protect all of your legal rights to present and future benefits.

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