

KNOW YOUR RIGHTS!

WORKERS'
COMPENSATION
handbook

M A R T I N

B A N K S

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WHAT IS WORKERS' COMPENSATION?

Originally passed in 1915, the Pennsylvania Workers' Compensation Act is a state-wide, no-fault insurance system of benefits designed to compensate all injured workers for lost wages and medical expenses. The system was not designed to replace all of the wages lost by the



injured worker, but only a percentage of those wages in a non-taxable form of weekly or bi-weekly benefits. **The Workers' Compensation Act does not provide for non-economic damages such as pain and suffering.** It pays for all injuries and occupational diseases that occur during the course and scope of one's employment.

The only recourse an employee has against his or her employer when injured on the job is through the Workers' Compensation Act. The laws governing workers' compensation were dramatically changed on June 24, 1996. Those amendments (commonly known as "Act 57") made it more difficult for the injured worker to be paid benefits and gave employers more control over injured workers. The laws governing workers' compensation were once again amended on November 9, 2006, through Act 147, with the intent to help injured workers in Pennsylvania.

Every employer in the Commonwealth of Pennsylvania is required to carry workers' compensation insurance. Some employers are self-insured which means that they have to post a bond and pay benefits out of their own bank accounts. Through Act 147, the Uninsured Employers Guaranty Fund was established to pay a claim brought under the Pennsylvania Workers' Compensation Act or Occupational Disease Act,

where the employer liable for payment has failed to insure or self-insure themselves at the time of the injury.

It is extremely important for you to know your rights when it comes to workers' compensation benefits. Your rights to receive workers' compensation benefits begin the moment you are hired. It applies to all employees, regardless of the number of workers employed, and it includes volunteer firemen, rescue workers, state park and forest workers and anyone else who performs services in exchange for wages in this Commonwealth, including immigrants.

SUING YOUR EMPLOYER

You **CANNOT** sue your employer for being injured on the job, so long as your employer carried workers' compensation insurance coverage. Employers who fail to carry workers' compensation insurance are violating the law and are subject to a potential criminal conviction including fines and possible imprisonment.



In some cases, however, you may have the ability to file both a workers' compensation claim and a civil law suit if your work injury was caused in whole or in part by a third party. (For example: if you are a truck driver and you are rear-ended by someone while performing your job; if you are a construction worker who is injured because of a defective scaffold or ladder; a production worker who is injured by a machine that was not equipped with appropriate safety guards or warning devices; a worker who falls on ice; or a worker who is injured further by medical malpractice of a doctor or hospital) In these types

YOUR MOST IMPORTANT RIGHT

The most important right you possess as a citizen of this country and resident of the Commonwealth of Pennsylvania is your **RIGHT TO VOTE**. Unless you are registered to vote, know who your state representatives are and where they stand on issues involving injured workers, and vote for those who want to protect injured workers and disabled individuals, more rights will be taken away. We encourage you to contact your state representative and tell him or her not to vote for any law that is harmful to those who are disabled. If you aren't sure of who your state representative is, visit www.vote-smart.org or call us. If you need voter registration forms, we will be happy to provide them to you as well.



✓ VOTE

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