

If I get hurt at work, will the Judge award “pain and suffering” damages?

“Can you get pain and suffering with workers compensation?”

This is a common question we hear from our clients, and it is a good question to ask because, ultimately, it determines what type of compensation you can receive. The short answer is no, there are only three types of benefits you can receive from the Workers’ Compensation system: **wage loss** benefits, **medical** benefits, and **specific loss** benefits (where you receive money for losing a body part in a work accident, for example) but there are no “pain and suffering” damages, and here’s why.

Many people hear the term “pain and suffering” in reference to a lawsuit—it’s discussed on the news and frequently used in television shows. There is a general conception that these pain and suffering awards are typically large amounts of money, fostered in part by the frequent appearance in the news and on TV. But what really are pain and suffering damages?

Pain and suffering damages are the legal systems way of compensating someone who has been hurt by someone else’s wrong actions. This goes back to the fundamental goal of the legal system: to right wrongs by making injured parties “whole” again. There is simply no way for a legal system to undo the pain and suffering caused by someone else’s bad actions, so the legal system offers up the next best thing – monetary compensation. So, why does the Workers’ Compensation system not allow injured workers to recover pain and suffering?

The answer to that question is a bit longer, but it basically

goes back to the origins of the Workers' Compensation Act itself. Before the Pennsylvania legislature passed the Workers' Compensation Act, if a worker got hurt at work, that worker had to proceed with a lawsuit in the general legal system. This was a difficult process that left many injured workers without adequate benefits. The legislature saw fit to replace that system with a new system – one removed from the general courts system. This resulted in the Workers' Compensation Act; but, to get there, some compromises were made.

Ultimately, the legislators made a series of trade-offs to reduce the complexity of the system and ideally increase the access to reasonable benefits for the injured worker. Along the way, the ability to seek pain and suffering damages was given up in exchange for, among other things, a no-fault system. This means that if you are hurt at work you do not need to prove that your employer did something wrong to get benefits. In addition, employers lost the ability to use certain legal defenses to prevent you from receiving benefits under the Workers' Compensation Act. This is why, sometimes, the Workers' Compensation Act is referred to as "The Great Compromise." Both sides gave up significant rights for a hopefully more accessible system.

Unfortunately, the system is not always as easy to understand or as accessible as we would like, which is why we, here at Martin Law, are ready to answer any questions you may have. Feel free to give us a call!