Can I be fired for seeking Workers' Compensation Benefits?

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You should not lose your job for pursuing the legal benefits that the Pennsylvania Workers' Compensation Act affords employees. An employer cannot fire an employee in retaliation for seeking worker compensation benefits. However, an employer is allowed to fire an employee for other non-injury related reasons.

Unfortunately, it is not uncommon for an employee to be terminated while they are pursuing their workers compensation benefits or are already receiving workers compensation benefits. If you believe you were wrongly fired from your job after sustaining a work injury, you should contact one of our attorneys today.

Each case is fact specific, but generally if brought into litigation, the employer has a high burden of proving that they did not fire an employee based on their pursuit for workers compensation benefits but that the employee was fired for a valid reason such as poor performance or a violation of company policy.

What you should know.

The important thing to know is that if you are *already* receiving workers compensation benefits and are terminated from employment, your benefits should not automatically stop. If you are terminated, your employer is still under an obligation to continue to pay your workers compensation benefits until they complete the correct judicial process to stop which is done through filing of a notice of stopping workers' compensation benefits, suspension petition, modification petition, or termination petition.

If you are not receiving workers compensation benefits and are terminated from your employment, you may still be able to recover workers compensation benefits. The process to obtain workers compensation benefits is done through filing a claim petition, which alleges that you sustained an injury while in the course and scope of your employment and that the injury is related to your employment. Work injuries can result in three benefits: medical benefits, wage loss benefits, and specific loss benefits. The factor of being terminated from your employment will come into play during the litigation process.

The workers compensation litigation process can be confusing for people to navigate alone without the added complication of termination from employment. Do not allow the fear of being fired prevent you from pursuing your workers' compensation benefits.

The attorneys at Martin Law routinely deal with these scenarios outlined above. Contact one of our attorneys today so we can help you get the benefits you are entitled to under the Pennsylvania Workers' Compensation Act.