

Employer Responsibilities & Worker Protections in Pennsylvania Workers' Compensation System

When you're hurt on the job in Pennsylvania, your employer has specific legal responsibilities under the Workers' Compensation Act. At the same time, you as an injured worker have important rights and protections to ensure you receive the benefits you deserve. Unfortunately, many employees are left confused about what their employer should be doing – and what they can do if their employer fails to follow the law.

This guide explains **employer responsibilities in Pennsylvania workers' compensation cases**, highlights common issues that arise, and outlines the **protections available to injured workers**.

Employer Responsibilities Under PA Workers' Compensation Law

Pennsylvania law requires nearly every employer to carry workers' compensation insurance. Their responsibilities include:

1. Carrying Workers' Compensation Coverage

- Employers must maintain valid workers' compensation insurance (or be approved to self-insure).
- If they don't, the **Uninsured Employer Guaranty Fund (UEGF)** may step in to cover benefits – but this often adds delays and complications.

2. Reporting Workplace Injuries

- Employers must file a **First Report of Injury** with their insurance carrier when notified of an accident.
- They cannot discourage or retaliate against you for reporting your injury.

3. Providing a List of Medical Providers

- Employers can post a panel of at least six approved health care providers.
- If the list is properly posted and explained, you may be required to see a panel doctor for the first **90 days** of treatment.

4. Communicating with the Insurance Company

- Employers must cooperate with the insurer's investigation of your injury claim.
 - They cannot withhold information or misrepresent facts to avoid liability.
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Can You Sue Your Employer for Negligence?

Generally, workers' compensation is the **exclusive remedy** against your employer, meaning you cannot sue them in civil court for negligence related to your injury.

However, there are exceptions, such as:

- Intentional harm by an employer.
- Cases where a third party (not your employer) caused the injury – such as a contractor, manufacturer, or property owner.

If an employer's negligent behavior seems extreme with regard to workplace risks, it's worth speaking to an attorney about

your legal options.

Protections for Injured Workers

Pennsylvania law doesn't just impose obligations on employers – it also protects workers from unfair treatment.

1. Protection Against Retaliation

It is **illegal for your employer to fire, harass, or retaliate** against you for filing a workers' compensation claim. If you believe you've been punished for exercising your rights, legal remedies may be available.

2. Coverage Through the UEGF

If your employer does not carry insurance, you may still receive benefits through the Uninsured Employer Guaranty Fund (UEGF). While this process can be more complex, it ensures that injured workers have some recourse.

3. Liberal Construction of “Work Premises”

Recent Pennsylvania Supreme Court decisions have emphasized a **liberal interpretation of employer premises** when determining coverage. This means more injured workers can successfully claim benefits for accidents happening near, but not always directly on, the worksite.

4. Right to Legal Representation

Workers always have the right to hire an attorney to guide them through the claims process, deal with employer pushback, and fight denials or delays.

Common Employer-Related Issues in PA Workers' Compensation

From real-world cases, here are recurring problems workers face:

- **Delayed reporting:** Employers who wait long to notify the insurer, slowing down the receipt of benefits.
- **Insurance disputes:** Claims being challenged because the

employer misreported the occurrence of an injury or submitted incomplete records regarding it to the insurer.

- **Uninsured employers:** Businesses that gamble by not carrying insurance coverage.
 - **Retaliation:** Employees being reassigned, harassed, or even fired after reporting injuries.
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What to Do if Your Employer Isn't Protecting Your Rights

If you suspect your employer is failing to meet their responsibilities, here are key steps:

1. **Report your injury in writing** as soon as possible (ideally within 21 days, and *no later than 120 days*).
2. **Keep records of medical visits for treatment of your work injury.**
3. **Draft written notes** documenting conversations with your employer and instances of retaliation.
4. **Consult with an experienced workers' compensation attorney.** A lawyer can ensure your claim is filed

correctly, fight wrongful denials, and protect you from employer retaliation.

Final Thoughts

Pennsylvania's workers' compensation system is designed to balance the needs of injured workers with obligations of employers. While most employers comply with the law, problems often arise including negligence, retaliation, and lack of insurance.

If you're struggling to receive the benefits you're entitled to or if you feel your employer is not protecting your rights, speaking with a skilled workers' compensation attorney is highly beneficial in insuring your work injury is recognized and treated medically.