

# Workers' Rights to Workers' Compensation Benefits

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## Introduction

Workers in Washington State who are injured on the job or who suffer an occupational disease have the right to receive workers' compensation for their injury or illness. Under the Washington State Workers' Compensation System, you can get:

- payment for medical expenses,
- partial compensation for wages lost while you recover, and
- payments for partial or total disabilities.

Other benefits, such as vocational counseling or transitional work opportunities, also may be available.

If you are hurt on the job or have an occupational disease, get medical help right away. See a doctor and let the doctor know that you were hurt at work. Let your employer know. If your employer is self-insured, fill out a "self-insured accident report" form. In order to get benefits, injured workers generally must apply for them within one year of injury or within 2 years from discovery of an occupational disease. You should apply as soon as possible.

## How do I file a claim for workers' compensation?

### State Claims (not self-insured):

Forms for filing a claim for workers' compensation are usually available at hospitals, clinics or doctors' offices. Make sure that a claim is filed. You must include all dependents when filing a claim. The number of dependents indicated on the claim form determines time loss benefits. You can get claim forms at local Department of Labor and Industries field offices. To find your local the location of the Department of Labor and Industries service location, see <http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations/> or call 1-800-354-5423. Also, general industrial insurance claim information is at <http://www.lni.wa.gov/ClaimsIns/claims/default.asp>.

### Self-insured Claims:

If your employer is self-insured, get an accident report form from the employer. Your doctor must fill out the "Physician's Initial Report" portion of the accident report form. Make sure that this form is submitted to your employer or their service company.

When injured on the job, you have many rights, including:

- Choosing your Doctor: You have a right to choose any doctor who is

qualified to treat the injury or disease and who is convenient. You also have the right to change doctors. You must get approval before changing doctors or seeking another opinion. Ask your claims manager for a change of doctor.

- **Medical Care:** Workers' compensation covers the cost of all doctor, hospital, surgery or other medical services necessary for the treatment of the injury or disease. Usually, you will have no out-of-pocket expenses. However, if eligibility has not been decided, a medical provider may send you a bill. If so, keep a copy and send one to the Department of Labor and Industries. The bill will be paid if your claim is approved.
- **Time Loss Benefits:** Time loss benefits are generally paid when a doctor says that you are unable to work for more than 3 days. You will get time loss payments about twice a month, as long as the doctor says you cannot return to any work. Time loss benefits do not fully replace wages lost due to injury or accident. Instead, you will get a percentage of lost wages based on marital status and family size.
- **Light Duty:** Under Washington State law, while you qualify for time loss benefits, your employer may offer you light duty - but only if, in the doctor's opinion, you are capable of performing the light duty specifically described by the employer. If you believe that the light duty work is making the injury worse,

immediately contact your doctor. If the doctor believes that the work is making the injury worse, you may be returned to time loss benefits. To do so, notify your claim manager that you are no longer able to perform light duty work. If only part-time light duty work is available, you may still be entitled to additional time loss benefits.

- **Permanent Partial Disabilities:** If the injury or disease causes a permanent partial disability, you will be paid a fixed amount of money. The amount that you get is established by law and depends on the particular disability.
- **Freedom from Retaliation:** You have protection under the law to exercise all of your rights under the Workers' Compensation laws without suffering retaliation or discrimination by your employer.

## **Where should I go for help?**

### **Help with your claim:**

Call your claims manager with the Department of Labor and Industries' service location or call a toll free number, 1-800-LISTENS (1-800-547-8367). There are Spanish-speaking staff and other services available for workers with limited English proficiency on the toll-free number. You may also call PROJECT HELP at 1-800-255-9752, but should provide your own interpreters if needed.

**Help if you disagree with a decision made by Department of Labor and Industries:**

Keep a copy of all letters you get from the Department of Labor and Industries. Study them carefully. If you believe that a decision in your case is wrong, you may either protest to the Department of Labor and Industries or may appeal. In general, you must do so within **60 days** or less of receiving the Department's decision.

◆ You should look at and understand the time you have for protesting or appealing the decision. If you do not protest or appeal within the time allowed, you will lose your right to protest or appeal at a later date. Then that decision will become final!

For more information about how to protest and/or appeal a decision, call CLEAR (Coordinated Legal Education Advice and Referral) at 1-888-201-1014.

**Help with retaliation or discrimination:**

If you believe your employer has discriminated against you for filing a claim or because you intend to file a claim, you may file a discrimination complaint. You may file this complaint in writing to Department of Labor and Industries, Investigations, P.O. Box 44277, Olympia, Washington 98504-4277. You must file this claim within **90 days** of the discriminatory act. If you miss this filing deadline, you may still be able to bring a claim for discrimination in court. For more information, call CLEAR at 1-888-201-1014.

For more information and assistance please call PROJECT HELP at 1-800-255-9752. You may also choose to have an attorney represent you before the Department of Labor and Industries. For questions about your rights, call a private attorney or CLEAR 1-888-201-1014 to see if you are eligible for free legal information and/or help.

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