

Work Injuries and Your Rights

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. This is true whether or not a worker has legal work documents or is an undocumented worker. Injured workers can receive payment for medical expenses, partial compensation for wages lost while they recover, and payments for partial or total disabilities. Other benefits such as vocational counseling or transitional work opportunities also may be available.

A worker who is hurt on the job or has an occupational disease should seek medical attention right away. The injured worker should also notify his/her employer. Injured workers should see a doctor and let the doctor know that s/he was hurt at work. Forms for filing a claim for workers' compensation are usually available at hospitals, clinics or doctors' offices. Workers must make sure that a claim is filed. Be sure to include all dependents when filing a claim. The number of dependents indicated on the claim form determines time loss benefits. If the employer is self-insured then the worker should get an accident report form from the employer and be sure that the injured worker's doctor completes the "Physician's Initial Report" portion of the accident report form. Make sure that this form is submitted to the employer or

their service company. To receive benefits, injured workers generally must apply for them within one year of injury or within 2 years from discovery of an occupational disease, but it's important to apply as soon as possible.

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

- Right to Choose or Change Your Doctor;
- Right to Receive Medical Care Necessary for Treatment At No Cost;
- Right to Receive Time Loss Benefits if Unable to Work for More than 3 Days;
- Right to Decline Light Duty Work Offer Unless Approved by Your Doctor;
- Right to Receive Permanent Partial Disability Payment;
- Right to be Free From Retaliation For Asserting Your Rights Under Worker Compensation law.

If you disagree with a decision made by the Department of Labor and Industries, workers have a right to protest or appeal that decision. In general you must do so within 60 days or less of receiving the decision. If you fail to protest or appeal a decision within the time allowed **YOU'LL LOSE YOUR RIGHT TO PROTEST OR APPEAL AND THE DECISION WILL BECOME FINAL.**

◆ Injured workers who need help with their claim should call their 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.

Injured workers may also contact PROJECT HELP at 1-800-255-9752, but should provide their own interpreters if needed.

Injured workers may also contact an attorney that is

knowledgeable in this area of the law. Many such attorneys are listed in the "Yellow Pages" of local telephone directories.

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

If your injury is the result of a pesticide exposure or you've been fired or suffered retaliation because of your injury or filing of a claim, call CLEAR at 1-888-201-1014.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, June 2009.

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