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Work Injuries and Your Rights

❖ Read this only if you live in the state of Washington.

Should I read this?

Workers in Washington State who get hurt on the job or suffer an occupational disease can get workers' compensation for your injury or illness. This is true if a worker has legal work documents or is undocumented.

Washington is a "no-fault" state for workers' compensation. It doesn't matter who or what may have caused the injury or disease. As long as you were working while you were hurt, you are entitled to benefits.

Injured workers can get:

- payment for medical expenses
- compensation for some wages lost while you recover
- payments for partial or total disabilities
- vocational counseling and/or training
- transitional work opportunities

I got hurt on the job. What should I do?

If you are hurt on the job or have an occupational disease:

- Get medical attention right away. Tell the doctor you were hurt at work.
- Tell your employer. If your employer is self-insured, fill out a "self-insured accident report" form.

- Write down names and phone numbers of any co-workers who witnessed your injury.
- Tell your union, if you are a union member.

When should I apply for workers comp?

You generally must apply within 1 year of injury or 2 years from discovery of an occupational disease. We recommend you **apply as soon as possible**.

Where can I get the forms to file for workers comp?

State claims (for when your employer is not self-insured): You can usually get the forms for filing a claim for workers' compensation at hospitals, clinics or doctors' offices. You can also get them at local Department of Labor and Industries (L&I) field offices. Find your local L&I office at <https://www.lni.wa.gov/agency/contact/#office-locations> or call 1-800-354-5423.

❖ Make sure a claim is filed.

If your employer is self-insured, you should get a Report of Accident form from the employer.

Do you have advice for filing a claim?

You must include all dependents, including your children and spouse, when filing a claim. The number of dependents you list on the claim form determines "time-loss" benefits.

You can also call free hotlines for more information and help. See "can I get help with my claim," below.

Does my doctor have to fill out any paperwork?

Yes. Your doctor (or physician's assistant) fills out the "Physician's Initial Report" part of the Report of Accident form. Make sure the doctor submits this form to your employer or their service company.

What other rights do I have?

You have many. They include:

- Right to choose or change doctors
- Right to get medical care needed for treatment at no cost
- Right to get time loss benefit payment if unable to work for more than 3 days
- Right to turn down (decline) “light duty” work offer unless approved by your doctor
- Right to get a permanent partial disability payment if your injury is permanent
- Right to be free from retaliation for asserting your rights under worker compensation law
- Right to get **all** letters, notices and other communications from the Department of Labor and Industries in your native language

What do I do after filing my claim?

While L&I is deciding your eligibility, a medical provider may send you a bill. Keep 1 copy. Send 1 to L&I. The bill will be paid if L&I approves your claim.

Continue to contact coworkers or other people who may have witnessed your injury, and collect their names and phone numbers.

If your employer offers you light duty and you believe the work is making your injury worse, immediately contact your doctor. If the doctor agrees, you may go back to time-loss benefits. To do so, notify your claim manager you are no longer able to perform light duty work.

If only part-time light duty work is available, you may still get additional time-loss benefits.

❖ **Make sure you know your protest or appeal deadline.** If L&I denies your claim, you can protest or appeal, but only for a limited time.

L&I said I can work despite my injury or sent me a notice of decision with which I disagree. What can I do?

You can protest or appeal that decision. In general, you must do so within **60 days** or less of getting the decision. **If you do not protest or appeal within the time allowed, you lose your right to do so. The decision becomes final.**

Can I get help with my claim?

Yes. Call your **claims manager with the Department of Labor and Industries'** service location or call toll free 1-800-LISTENS (1-800-547-8367). Spanish-speaking staff and other services are available on the toll-free number.

You can call **PROJECT HELP** at 1-800-255-9752. They provide free information and help. They have Spanish/English bilingual staff, but you should provide your own interpreter if needed.

You can also contact a **lawyer** knowledgeable in this area of the law. For more about your rights to workers' comp, or how to protest or appeal a decision, contact **CLEAR** (Coordinated Legal Education Advice and Referral) at 1-888-201-1014. You should also call CLEAR if:

- your injury is the result of pesticide exposure
- your employer fires you, cuts your hours, doesn't schedule your usual shifts, or otherwise retaliates against you because of your injury or because you have filed (or intend to file) a worker's comp claim

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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