

# Workers' Rights: Workers' Compensation Benefits

---

## Intro

Workers in Washington State who are hurt on the job or suffer an occupational disease can get workers' compensation. Under the Washington State Workers' Compensation System, you can get:

- payment for medical expenses
- partial compensation for wages lost while you get better
- payment for partial or total disabilities

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

## I got an injury on the job. Whom do I tell?

If you are hurt on the job or have an occupational disease, get medical help right away. See a doctor. Let the doctor know you were hurt at work.

Let your employer know. If your employer is self-insured, fill out a "self-insured accident report" form.

## When should I apply for workers comp benefits?

You generally must apply within one year of injury or two years of discovery of an occupational disease. **You should apply as soon as possible.**

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

**State Claims (not self-insured):** The forms you need are usually available 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 service branch at <http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations/> or call 1-800-354-5423. **Make sure a claim is filed.**

You must include all dependents when filing a claim. The number of dependents on the claim form determines time-loss benefits.

- 
- ❖ General industrial insurance claim info 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 them. Your doctor fills out the "Physician's Initial Report" part of the form. Make sure this form is submitted to your employer or their service company.

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

- **Choosing your Doctor:** You can choose any doctor qualified to treat the injury or disease and who is convenient. You can also change doctors. You must get approval before changing doctors or

getting 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 needed for the treatment of the injury or disease. Usually, you will have no out-of-pocket expenses. While L & I is deciding your eligibility, a medical provider may send you a bill. Keep one copy. Send one to L& I. The bill will be paid if L & I approves your claim.
- **Time-Loss Benefits:** These are generally paid when a doctor says you are unable to work for more than three 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. You 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 **if the doctor says** you can perform the specific light duty described by the employer. If you believe the light duty work is making the 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 that 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.

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

### Where can I get help?

**With your claim:** Call your claims manager with the L & I service location or call toll free 1-800-LISTENS (1-800-547-8367). Spanish-speaking staff and other services are available for workers with limited English proficiency on the toll-free number. You can also call PROJECT HELP at 1-800-255-9752. They do not have interpreters.

**If you disagree with a decision made by Department of Labor and Industries:** Keep a copy of all letters you get from the L & I. Study them carefully. If you believe a decision in your case is wrong, you can protest to the L & I OR appeal. In general, you must do so within **60 days** or less of getting L & I's decision.

- 
- ❖ Make sure you know your protest or appeal deadline. If you do not protest or appeal in time, you lose your right to protest or appeal later. Then that decision becomes final!
-

For more about protesting or appealing a decision, call CLEAR (Coordinated Legal Education Advice and Referral) at 1-888-201-1014.

**With retaliation or discrimination:** If you believe that your employer has discriminated against you for filing a claim or because you intend to file a claim, you can send a written discrimination complaint 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 info, call CLEAR at 1-888-201-1014.

For more info and help, call PROJECT HELP at 1-800-255-9752. You can also have a lawyer represent you before L & I. For questions about your rights, call a private attorney or CLEAR at 1-888-201-1014 to see if you are eligible for free legal info and/or help.

---

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 May 2018.

© 2018 Northwest Justice Project — 1-888-201-1014.

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)