

## About Workers' Compensation Insurance

Workers' Compensation is the law. And under the law, employees who are injured on the job in Pennsylvania are entitled to benefits under two statutes: the *Workers' Compensation Act* and the *Occupational Disease Act*. There is also coverage for some people who are employed in Pennsylvania, but who are injured out of state. The law requires that employers are to provide these benefits.

Workers' Compensation is also considered a "no-fault" law, which means that even if you accidentally cause your own injury, you are covered. You are entitled – with certain exceptions – to benefits if you can show that you were employed when you were injured, that your injury occurred on the job, and that it was related to your employment. The injury does not have to be the result of an accident or specific event. For example, it can be caused by the daily wear and tear of repetitive work or exposure to an environmental hazard.

Workers' Compensation covers "on-the-job" injury, even if it takes place away from the job site. This could include attendance at a company-related party, playing in a company-sponsored athletic event, or traveling to an educational seminar. It also includes injuries suffered on the job site, even if you are not engaged in your employment at the time.

People whose job requires them to travel for business are often covered during business trips. You are not covered, however, for the commute between your home and your usual place of work unless you fall within an enumerated exception.

*This booklet is meant to be a guide to the Workers' Compensation laws, and to provide you with useful information about the benefits offered. It is not intended to provide you with legal advice or an opinion about your specific claims or rights. If you have specific legal questions about your own Workers' Compensation claim or rights, you should contact an attorney who is knowledgeable in this area.*

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POCKET LEGAL GUIDE

## Understanding Workers' Compensation

### Collecting Benefits For On-The-Job Injuries



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**I**f you've ever been injured on the job, you know the impact it can have on your life and your family. In addition to the physical pain you must endure, you have to worry about medical bills, the loss of income from work, and the possibility that you may never be able to return to your former job. Pennsylvania's Workers' Compensation laws were designed to help you by providing medical and wage loss benefits through your employer.

**We have compiled this easy-to-read guide to understanding the Workers' Compensation laws in Pennsylvania. It explains how to get the medical and income loss benefits to which you may be entitled from your work-related accident or disease.**

## **What kind of benefits can I expect to receive?**

There are four main categories of benefits under the Workers' Compensation law. They are: Medical Benefits, Earnings Loss Benefits, Specific Loss Benefits and Death Benefits.

Medical benefits are paid to cover the expenses of doctors, surgeons, chiropractors, nurses, hospitals, therapists, medicines and supplies, appliances, and other medical goods and services rendered or ordered by licensed practitioners. These benefits are payable — even if you are not disabled or receiving earnings loss benefits.

Once you are receiving medical treatment, your employer may challenge just how reasonable or necessary some, or all of your treatment is. To do this, the employer will send your records to a "Utilization Review Organization". Further, the employer has the right to have you examined by a doctor of its own choosing once every six months, and if you refuse, you risk losing your benefits.

Earnings Loss Benefits. If you are unable to do your regular job as a result of your injury, then you are considered "disabled" under Workers' Compensation. If your employer cannot find or create another job for you that is within the physical restrictions of your injury, then you are considered "totally disabled" and entitled to full compensation. Your disability status may change as your physical condition improves or worsens, or if the availability of the job changes.

Specific loss benefits are benefits paid for amputation of fingers, hands, arms, feet or legs. They are also payable if no amputation but the work injury has rendered that appendage useless or lost for all practical intents and purposes. Scars on your head, face or neck are also compensable under specific loss benefits.

Death benefits are paid if an employee dies from work-related injuries or work-related diseases. A set percentage of the employee's average weekly wage is payable to the employee's surviving

dependents, including the spouse, parents, children or siblings —with certain limitations. There is also a \$1,500 burial benefit and \$3,000 for funeral expenses.

## **How long can I receive medical benefits?**

Medical benefits are payable as long as you remain injured and require treatment. Your right to medical benefits is not affected by the "suspension" or stoppage of your earnings loss benefit, or even by returning to work. They may continue even after you have reached 500 weeks of partial disability. Medical benefits will stop after a Workers' Compensation judge determines that you have recovered and orders your claim to be terminated.

It is important that you notify your employer as soon as you suspect that you have an injury that is related to your employment. If your employer does not receive such notice within 120 days of that time, you may be denied benefits.

## **Do I need an attorney to handle my claim?**

Yes, it is advisable that you have an attorney represent you. You should contact an attorney as quickly as possible if you must go before a Workers' Compensation judge. By law, attorneys must handle Workers' Compensation cases on a "contingency fee" basis, meaning that they can charge no more than 20% of any earnings loss benefits they obtain on your behalf. If the attorney is successful and entitled to a fee, payments will be made from the benefits checks as they are paid.

If you are successful in the defense of your claim, you may be able to recover legal expenses and costs associated with it from your employer. If it is determined that your employer was unreasonable in contesting your claim, your employer may also be required to pay your attorney's fee.