

What To Do If Hurt On The Job?

If you are injured on the job or contract an occupational disease, it is important that you know your rights. In Alabama, employers with four (4) or more employees are required by the Alabama Workers Compensation Act to maintain workers compensation insurance.

- **What is Workers' Compensation?**

Under the law, the employee is guaranteed certain benefits in the event of an injury or occupational disease sustained within the line and scope of his or her employment. The law requires that as soon as possible after the injury, you notify your employer and that the employer prepare a "First Report of Injury" which is required by the Alabama Department of Labor Relations. Workers' Compensation law requires the employer to immediately offer benefits both reimbursement of lost wages (66 2/3% of average weekly earnings) and payment of all related medical expenses.

- **What medical treatment is provided?**

The employer will remain responsible for medical payments pertaining to the injury for your lifetime. In return, you will be required to be treated by a doctor of the employer's choosing. If for some reason you are concerned with the treatment you are receiving, the law provides that you be offered a one time "panel of four physicians" from which you may choose to replace your current "treating physician." The injured worker is also entitled to payment for prescriptions, medical equipment, and reimbursement for transportation cost for treatment. When being seen by your "treating physician" it is important that you keep the physician and his staff apprised of all medical problems you are experiencing as result of the on the job injury with an explanation of how it is related. This protects not only the worker's health, but also establishes documentation of the work injury and the worker's time off.

- **Returning to work: When, how and why?**

It is crucial that the physician, the injured worker, and the employer work together and communicate the injured worker's status throughout the process of medical treatment. If your "treating physician" releases you to return to work full duty, you are required to return to work. If you are released to return "light duty" or with restrictions and your employer has this type of work available, you must return. That being said, if your employer does not have "light duty" work available, you will not be required to return to work and you will still be subject receive payment at your previous "workers compensation pay." When your treating physician determines that you have recovered as much as possible you will have reached MMI or Maximum Medical Improvement.

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Workers' compensation laws have been established to offer benefits (both monetary and medical) to an employee who has been injured due to an on the job accident or occupational disease.

- **What medical treatment is provided?**

An injured worker is entitled to medical treatment that is based upon the nature of the injury and process of recovery. The injured worker is also entitled to medicines, medical equipment, and reimbursement for transportation cost to and from places of treatment. Medical treatment should be sought out by the injured employee when and as needed. This protects not only the worker's health, but also establishes documentation of the work injury and the worker's time off.

- **When should an injured worker return to work?**

An injured worker is not required to return to work until a physician releases the employee. It is crucial that the physician, the injured worker, and the employer work together and communicate the injured worker's status throughout the process of medical treatment. Often times employers will offer light duty jobs to injured workers returning to work.

Unfortunately, companies and employers can deny the benefits paid out to employees who are injured on the job. Some employers try to claim the injuries are unrelated to the workplace and developed outside the realm of employment. They also treat injuries to be less serious than claimed. To ensure fair treatment in these situations it is important to obtain legal counsel.

Frank S. Buck, P.C., Attorneys at Law have been offering professional legal services and serving Alabama citizens for over 40 years. We have experienced trial attorneys who have over 89 years of combined trial experience. You can reach us 24 hours a day at (205) 933-7533. Please call us for a free consultation.