

WHAT BENEFITS ARE PAID BY WORKER'S COMPENSATION?

Workers' compensation pays these benefits:

- Temporary, total or partial disability benefits.
- Lifetime medical benefits.
- Permanent, partial disability benefits.
- Permanent, total disability benefits.
- Death benefits.
- Vocational rehabilitation benefits.

CAN I BE FIRED IF I FILE A CLAIM FOR WORKER'S COMPENSATION?

No. Your employer may not fire you solely because you intend to file or have filed a claim for worker's compensation.

CAN I SUE MY EMPLOYER FOR A WORK-RELATED INJURY OR DISEASE?

No. If you're hurt when doing your job, worker's compensation is your only claim against your employer.

**CENTRAL VIRGINIA LEGAL AID SOCIETY, INC.
101 WEST BROAD STREET, SUITE 101
P.O. BOX 12206
RICHMOND, VA 23241**

WORKER'S COMPENSATION

This pamphlet contains general information about your rights. Consult a lawyer if you have specific questions.

**CENTRAL VIRGINIA LEGAL AID
SOCIETY, INC.**

**101 WEST BROAD STREET,
SUITE 101**

P.O. Box 12206

RICHMOND, VIRGINIA 23241

1-804-648-1012

1-800-868 1012

WWW.CVLAS.ORG

WWW.VALEGALAID.ORG

CVLAS is a non-profit organization providing free legal advice, and representation to low income or elderly people in Central Virginia. Contact us Mon. - Thurs. 9-12 to see if you qualify for services.

This project financially assisted by the Virginia Law Foundation.



© May 2004 by Central Virginia
Legal Aid Society.



Worker's compensation is a state program to help workers who get injuries or diseases from their jobs. It is run by the Virginia Workers Compensation Commission (VWCC).

WHO IS COVERED BY VIRGINIA WORKER'S COMPENSATION?

You are covered by Virginia worker's compensation if your employer has three or more employees and you are NOT one of the following types of workers:

- Independent contractors.
- Elected state and local officials.
- Taxicab and executive sedan drivers if excluded from taxation under the Federal Unemployment Tax Act.
- Casual and domestic workers.
- Farm workers, unless the employer has more than two full-time employees.
- Railroad workers in interstate or foreign commerce.
- Federal employees.

WHAT INJURIES ARE COVERED BY WORKER'S COMPENSATION?

You may get worker's compensation for an injury in the course of your job if:

1. The injury must occur at work or during a work-related activity.
2. It must be caused by a specific work activity.
3. It must happen suddenly at specific time. (Injuries that occur gradually or from repeated trauma are not covered).

You will not get worker's compensation for an injury due to the following things:

1. your willful misconduct,
2. drunkenness,
3. willful failure to use a safety device,
4. willful violation of an employer's reason-

- able rule that you knew about
5. your use of a non-prescribed controlled drug.

WHAT SHOULD I DO IF I HAVE A WORK-RELATED INJURY?

You must give a written notice to your employer within 30 days of the injury. The notice must state your name and address; the time, place, nature and cause of the accident; and the nature and cause of the injury. You must sign and date the notice. You should save a copy of it.

You also must file a claim with the VWCC within two years of the injury. If you don't do this, you may forever lose your right to benefits. Even if your employer pays lost wages or provides medical care, you still should file a claim with the VWCC. If you don't file a claim, your employer may stop paying lost wages or medical expenses at any time.

WHAT DISEASES ARE COVERED BY WORKER'S COMPENSATION?

You may get worker's compensation for a disease if it was caused by your work. It can't be an ordinary disease that some who doesn't work at your company could get. It can't be a disease of the neck, back, or spinal column. It can't be hearing loss or carpal tunnel syndrome.

WHAT SHOULD I DO IF I HAVE A WORK-RELATED DISEASE?

You must give a written notice to your employer within 60 days of when you're told you have the disease. The notice must state your name and address, and the nature and cause of the disease. You must sign and date

the notice. You should save a copy of it.

You also must file a claim with the VWCC within two years of when you were told of your disease, or within five years of when you last were exposed to the work causing the disease, whichever is sooner. If you don't do this, you may forever lose your right to benefits. Even if your employer pays lost wages or provides medical care, you still should file a claim with the VWCC. If you don't file a claim, your employer may stop paying lost wages or medical expenses at any time.

WHAT HAPPENS AFTER I GIVE NOTICE AND FILE A CLAIM?

Most claims are settled by agreement between you and your employer. If you can't agree, you may ask for a hearing in front of a Deputy Commissioner of the VWCC. A hearing is held generally within six weeks of when you ask. If you ask, the VWCC may pay for a medical exam by an impartial doctor. You will get a written decision usually within two weeks of the hearing. If you disagree with the decision, you can appeal to the full VWCC within 20 days. If you disagree with their decision, you can appeal to the Virginia Court of Appeals within 30 days.

DO I NEED AN ATTORNEY FOR A WORKER'S COMPENSATION HEARING?

We recommend that you have an attorney. Worker's compensation hearings are difficult. You may lose your right to benefits if you don't know the law.