

HOW DO YOU PROTECT YOURSELF AND YOUR FAMILY AFTER YOU'VE BEEN HURT AT WORK?

How does someone hurt at work protect themselves and their family?

Who will pay for the time off? How will you find a doctor? Will your job still be there when you return?

All workers face these problems. But Hispanic workers face these challenges and more because of the language barrier, prejudice, and unfamiliarity with legal systems.

Workers compensation laws were designed to help injured workers get through these difficult times. They have been around for years and years. Recently, though, workers compensation laws have become complex. In some cases, they protect insurance companies and employers - not injured workers. I tell all my clients workers compensation is about protecting your future rights.

Businesses are required by law to have workers compensation insurance. These insurance companies will pay the medical expenses and benefits for the injured workers of the businesses they insure. If the injured worker doesn't follow the law - doesn't tell a supervisor about the injury, doesn't file the proper forms in time, etc., or if the insurance company thinks the injury did not happen at work, or the injury is not related to work, it will deny the claim.

While everyone's injury is different, there are a number of general guidelines to make sure you protect yourself. But remember, the laws are different in each state and may depend on a number of factors, like where you work, where you live, and where your employer is located. Above all, don't rely on your employer or co-workers to tell you what's right and wrong - many times they don't know or the laws have changed.

If you get hurt at work, tell a supervisor. If there is an accident or incident form, fill it out and give it to a supervisor or foreman. It is not enough to tell a co worker or someone with the same job as you. It has to be a supervisor or foreman. If you fill out an accident or incident form, be sure to date it and get a copy.

Sometimes insurance companies or employers will tell you have to go to their doctor or clinic, or they have a doctor for you, or everyone who gets hurt goes to the same doctor. Don't believe it. If you get hurt in the District or Maryland, you can choose your own doctor. Get referrals from co-workers, clergy, friends and family.

You are entitled to the best medical care for your injury. Find a doctor who specializes in treating your type of injury. If you have carpal tunnel syndrome from using your hands, wrists or arms over and over, you may need a hand specialist. If you hurt your back lifting something at work, you may need an orthopedist (sometimes

called a "bone doctor") or spine specialist.

If you work in Virginia, the insurance company will give you a panel of physicians to choose from - usually 3 doctors in your area. Of course, if you are seriously injured, you are entitled to emergency medical care and treatment without approval from your employer or its insurance company.

Many insurance companies try to get a statement from the injured worker, which they record. They may tell you it is required to receive benefits, but it is not. Some insurance companies will use a statement to deny benefits on a technicality. I advise my clients never to give a statement unless I am present. What you say can be used against you.

Every local jurisdiction - DC, VA and MD - has a government department or commission for workers compensation and the laws of all 3 require an injured worker to file a claim with the state or city within a certain period of time after the injury.

Judges or commissioners working for the government departments will decide disputed workers compensation benefits and rule on whether the injured worker has complied with the laws and will receive benefits. Employers and insurance companies are required by law to be represented by lawyers at these hearings.

A hearing for workers compensation benefits is like a trial - the injured worker usually testifies about his or her injury and how it happened. The employer may have a supervisor or foreman testify and all of the medical evidence is submitted.

DC, Virginia and Maryland allow appeals of workers compensation cases if the injured worker loses.

If you are hurt at work, it is important to act immediately and take the proper steps to protect your rights. You can be sure the workers compensation insurance company is already working to limit your benefits.

Frank R. Kearney is the author of *Protect Your Rights: the Injured Worker's Guide to D.C. Workers' Compensation*, Board Certified in Civil Trials by the National Board of Trial Advocacy, and a founding partner of the Donahoe Kearney, LLP. He represents people who have been hurt at work, due to medical malpractice or because of other serious accidents. For additional information, please call 202-393-3320.