

Don't Worry. . . It's Only A Scratch

Four days ago, Andy, one of your employees, fell down the stairs. You asked Andy if he wanted to file a workers' compensation claim, but he refused. Andy said that he was fine and did not need to see a doctor. Andy worked the remainder of his shift without further incident and went home. Andy then called in sick the next three days.

This morning, Andy comes to work on crutches and wearing a neck brace. Andy tells you that, after work, his neck was bothering him, so he went to Urgent Care for treatment. Andy hands you a doctor's note, which excuses him from work for the past three days and places him on light duty for the rest of the week – a request that is granted.

You again ask Andy if he wants to file a workers' compensation claim. Once again, Andy refuses, saying that his problems are resolved and he does not want to be a bother.



How should you handle this issue?

- A. All injuries beyond first aid should be reported to your workers' compensation carrier immediately – regardless of what Andy has requested.
- B. Andy has the right to refuse to file a claim. You have fulfilled your obligation under the law by asking him if he would like to file a claim and need to take no further action.
- C. You can ask Andy to sign a waiver. Once signed, Andy cannot later file a workers' compensation claim for this injury.
- D. Andy should be terminated because he did not report his injury to you immediately.

The correct answer is A:

Explanation

Workers' compensation is governed at the state level. Most states require employers to report any employee injury that occurs in the workplace beyond general first aid. Failure to do so may result in fines and penalties.

Injuries resulting in three days of missed work and medical attention should be reported by the employer to the carrier. Employers should have a policy requiring employees to report injuries, no matter how slight, immediately to a member of management. However, once an employer is aware of a possible injury, it is the employer's responsibility to report it to the carrier immediately. payments are paid on a quarterly or more frequent basis.

If the employee refuses to file a claim, you should contact your workers' compensation carrier. Once contacted, the workers' compensation carrier will open a claim on the employee's behalf and

attempt to work with the employee throughout the remainder of the claims process. The workers' compensation claims adjuster will handle any issues that arise from an employee refusing to cooperate.

Why should employers proactively report an injury?

1. It is an employer's legal obligation.
2. Injuries can be exacerbated if medical attention is not provided at the onset, resulting in a worsened injury and a more expensive claim.
3. The sooner the carrier is involved, the easier it is to control the costs of the injury.
4. It eliminates an employee's claim that the employer discouraged him from filing a workers' compensation claim.

Keep in mind, employers cannot determine if an injury is accepted, denied, or whether the injury is fraudulent. This determination must be made by the workers' compensation claims adjuster to avoid litigation.