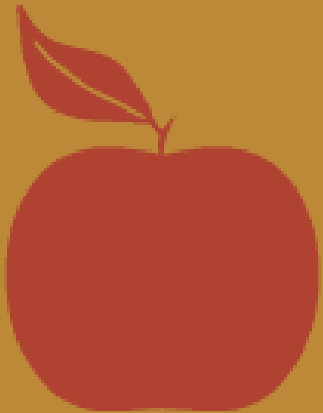
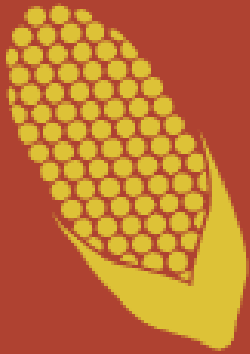


FARM LABOR



SEMINAR SERIES

Workers' Compensation System

Nationwide Agribusiness
Risk Management
Services



Workers Compensation

- Workers Compensation insurance provides benefits to employees that have work related injuries
 - Pays for medical expenses
 - Wage replacement for lost time
- Workers' Compensation requirements vary from state to state

What is Workers' Compensation?

- Laws designed as a means of providing medical and disability benefits to employees who suffer occupational injuries or diseases
- All 50 states, each have their own individual workers' compensation laws
- All states have statutes that provide requirements for employers and employees
- Some differences – time period to report claim, length of time benefits are available & how impairment is paid

History of Workers' Compensation

- Before individual states enacted its workers compensation laws, injured workers had little recourse or protection
- Workers had to prove that the employer had been negligent and the worker was free from negligence



Objectives of Workers' Compensation System



- Pay adequate benefits promptly to injured workers
- Eliminate the delays and costs of litigation
- Establish a guaranteed benefit payment to be secured by a form of insurance
- Promote industrial safety
- Pay for medical services



Compromise Between Workers and Employers



- Transfer jurisdiction to resolve disputes from court system to state administrative agencies
- Worker forfeits claims for full damages in exchange for more modest compensation
- Employer forfeits potential immunity which may bar a worker from recovery (i.e. contributory negligence)



Can I sue my employer for negligence or reckless behavior that injured me? What about workers comp?



by FreeAdvice staff



Unless your employer did something to harm you on purpose, you generally are not going to be able to sue him for negligence—even if he was egregiously careless and reckless.

This is because a majority of states in the United States have established a different system, called [workers compensation](#), which is an “exclusive remedy” to compensate employees who are injured on the job. “Exclusive remedy” means only remedy. Under the workers' compensation system, while employers do have responsibility to their employee: for work-related injury, that responsibility is fulfilled by workers compensation—the injured worker is paid by workers compensation. Because the employee gets his or her compensation through workers compensation, lawsuits aren't permitted. The government's rationale is fairly simple: it is best for workers and society as a whole if injured workers receive compensation without the time, expense, and effort of lawsuits.

“Exclusive Remedy” Doctrine



- Provides employers immunity from common law actions brought by workers seeking payment for work related injuries.
- Provides workers with a “schedule” of benefits in exchange for giving up the right to sue employer in court.
- Some states have chipped away at the “Exclusive Remedy” doctrine.

“Exclusive Remedy” Doctrine



By law, employers owe a duty of care to employees. This means they must provide adequate training to increase the safety of their employees and others involved in the day-to-day operations of the company. If an employer fails to provide necessary training, and an employee is injured as a result, the employer may be held liable for negligence.

Inadequate training may result in serious injuries, including:

- Falls from scaffolds, ladders, or other equipment
- Skin burns from chemicals or hot objects
- **Back injuries** due to improper lifting or inadequate lifting equipment
- Electrical shocks from improper use of equipment or machines
- Long-term medical conditions from inadequate safety procedures
- Other injuries from improper use of tools and machines

Types of WC Benefits

Although benefits vary by state some common ones are:

- Payments for lost wages;
- Payments for medical services;
- Rehabilitation services; and,
- Death benefits.

WORKERS' COMPENSATION

A state-mandated insurance that provides medical benefits and wage replacement for employees who have a job-related illness or injury.



Policy Limits

- No Policy Limits in Workers Compensation
 - Benefits are owed until recovery from injury or illness and the person no longer needs care for the injury or illness
 - The person may no longer get lost wages but may be getting medical care
 - In the case of a fatality we may have to pay wages for the life of the spouse (State law determines this)

Coverage of WC Laws

- Virtually all industrial employment is covered by workers compensation
- Some employers are exempt with less than a certain amount of employees as dictated by the laws of each state
- Some exclude certain employments (i.e. farm labor, domestic servants, casual employees)
- Some states require an employer to carry workers' compensation even if you have one employee

Workers Compensation Insurance

- Workers Compensation insurance
 - Pays the benefits that are due to the employee according the state laws of the jurisdictional state.
 - They also do any administrative filings that are necessary in that state.

CT Workers Compensation Insurance



- CT Resources
- <https://wcc.state.ct.us/download/acrobat/Info-Packet.pdf>



State of Connecticut
Workers' Compensation Commission

Information Packet

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CT Workers Compensation Insurance



- Medical Treatment
 - Initial
 - Choice of MD
- Treatment can be dictated by whether employer participates in an approved medical care plan (Panel)

Medical Treatment for Employees with Work-Related Injuries or Illnesses

Initial Medical Treatment [Sec. 31-294d]

When an injury occurs, a claimant is entitled to receive all necessary and appropriate medical treatment. The employer is responsible for furnishing the **initial** medical treatment at an employer-designated office or facility. After this initial treatment, the employee may choose an attending physician.

If the claimant refuses the **initial** employer-provided medical care and fails to obtain treatment, they may risk their entitlement to Workers' Compensation benefits.

Choice of Physician [Sec. 31-294d]

A claimant may choose an attending physician **AFTER** the initial visit with an employer-designated medical practitioner.

If the employer **does not** participate in an approved medical care plan, the claimant may choose *any* medical practitioner who is licensed to practice in Connecticut, including practitioners of chiropractic, medicine, naturopathy, osteopathy, and podiatry.

A claimant whose employer **does** participate in an approved medical care plan **must** choose a physician from the list of doctors included in that plan. If the employee chooses a physician "outside" the plan, a Workers' Compensation Commissioner may suspend all rights to workers' compensation benefits.

In either case, it is the *injured worker* who has the right to choose.

CT Workers Compensation Insurance



Wage Replacement Benefits for Employees Disabled from Work-Related Injuries and Illnesses

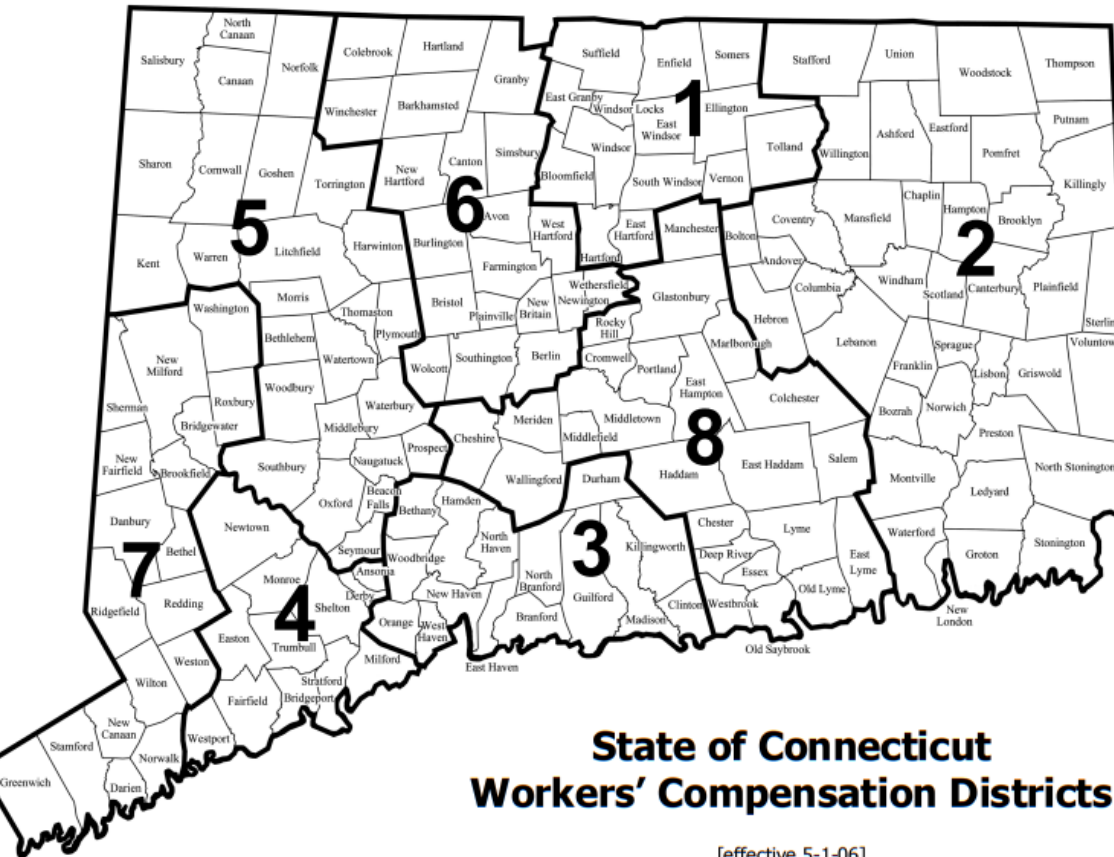
Full Pay for Day of Injury [Sec. 31-295]

The employee should receive his/her full day's wages for the day the injury occurred, whether or not he/she was able to return to work after the accident.

Waiting Period [Sec. 31-295]

No compensation benefits for Temporary Total Disability or Temporary Partial Disability (below) are paid until an injured or ill employee is incapacitated from work for MORE than three calendar days. Benefits begin on the fourth day of incapacity from work and if the employee remains incapacitated for seven or more calendar days, the three-day waiting period is eliminated and benefits are paid from the beginning of the employee's incapacity. In counting days of incapacity from work, all calendar days are counted, even if the employee was not scheduled to work during any or all of them. (The day of the injury itself does NOT count as a day of incapacity from work.)

CT Workers Compensation Insurance



- First District** — Commissioner, 999 Asylum Avenue, Hartford, CT 06105; (860) 566-4154
- Second District** — Commissioner, 55 Main Street, Norwich, CT 06360; (860) 823-3900
- Third District** — Commissioner, 700 State Street, New Haven, CT 06511; (203) 789-7512
- Fourth District** — Commissioner, 350 Fairfield Avenue, Bridgeport, CT 06604; (203) 382-5600
- Fifth District** — Commissioner, 55 West Main Street, Waterbury, CT 06702; (203) 596-4207
- Sixth District** — Commissioner, 233 Main Street, New Britain, CT 06051; (860) 827-7180
- Seventh District** — Commissioner, 111 High Ridge Road, Stamford, CT 06905; (203) 325-3881
- Eighth District** — Commissioner, 90 Court Street, Middletown, CT 06457; (860) 344-7453

Nationwide Insurance



“We’re on your side!”



Nationwide[®]

If you are interested in WC coverage from Nationwide, call your local Nationwide agent.