

# Workers' Compensation Benefits for Injured Workers

# NELP

## Fact Sheet for Workers

Advocating for the working poor and the unemployed

## Know Your Rights

Employment Law  
Clinic for Low-Wage  
and Immigrant  
Workers

Free legal assistance  
is available by  
appointment. Call:

(212) 417-3800 on  
Mondays &  
Wednesdays

(888) 218-6974 on  
Tuesdays & Thursdays

The clinic is a joint  
project with the Legal  
Aid Society and MFY  
Legal Services

National  
Employment  
Law Project  
[www.nelp.org](http://www.nelp.org)

May 2002

### **The Basics: If you get hurt or sick because of your job, you have the right to be compensated**

New York State Workers' Compensation pays for medical treatment of work related injuries and illnesses. It may also provide cash benefits if your injury or illness prevents you from working. Death benefits are provided for surviving spouses and dependent children of workers who are killed on the job.

#### **Immigrant Eligibility**

In New York, both documented and undocumented workers may be eligible for benefits.

### **Who is covered by Workers' Compensation?**

Workers' Compensation coverage begins on your first day of work. Most full-time and part-time employees are eligible for Workers' Compensation. Even if your employer paid you in cash, paid you off the books, or treated you as an independent contractor you may still be eligible for Workers' Compensation benefits.

### **Compensation for Medical Care and Cash Benefits**

Workers' Compensation benefits come in two forms: compensation for medical care and treatment and cash benefits. Benefits can continue even if you change jobs or lose health insurance.

### **Medical Care and Treatment**

You are entitled to immediate medical care and treatment for a work related injury or illness. The coverage for treating the injury can last as long as it takes to care for the injury or illness.

### **Cash Benefits**

*If your injury or illness prevents you from working*

Cash benefits are available if you are totally or partially disabled and unable to work for more than 7 days. The 7 days do not have to be consecutive days of absence. There are no benefit payments for the first 7 days of the disability. If you are disabled for longer than 14 days, however, you may receive cash benefits for

*If your injury or illness results in a permanent disability*

Schedule Loss of Use Awards provides additional money to workers whose injury results in permanent damage to or “loss of function” of a limb, hearing, or eyesight.

The award amount is calculated based on a your degree of disability, the affected function, and your weekly wage. You can return to work and still collect schedule loss of use awards.

### **Workers’ Compensation is a “No-Fault” Benefit**

This means that eligibility for workers’ compensation benefits does not depend on whether your injury was your employers’ fault or your fault.

### **Workers’ Compensation and Your Right to Sue**

Workers’ compensation benefits are meant to provide benefits for on the job injuries without having to pursue your claim in court. In most cases, you will not be able to sue your employer but you have a right to file a workers’ compensation claim for medical treatment and in some instances, cash benefits.

### **What Kinds of Injuries are Covered?**

Workers’ compensation benefits covers both immediate injuries and illnesses that may take longer to develop. Workers’ compensation is also available for psychological injuries such as trauma.

Examples of injuries and illnesses that are covered by workers’ compensation:

- A sprained wrist caused by falling over a piece of equipment in your office.
- Respiratory problems caused by exposure to toxic materials at work.
- Mental illness triggered by excessive job related stress.

### **The Important Paperwork (See attached for copies of forms.)**

**If you are applying for workers’ compensation benefits see NELP Fact Sheet: Applying for Workers’ Compensation Benefits**

The C-3 and C-4 forms are the two most important forms in your claim for workers’ compensation benefits. Both forms must be filled out and submitted for your claim to be processed.

**C-3:** This is your application form for workers’ compensation benefits. You must fill it out and send it to the workers’ compensation Board.

<b>Brooklyn</b>	111 Livingston St., Brooklyn, NY 11201	1-(800) 877-1373
<b>Bronx &amp; Manhattan</b>	215 W. 125 <sup>th</sup> St., NY, NY 10027	1-(800) 877-1373
<b>Queens</b>	168-46 91 <sup>st</sup> Ave., Jamaica, NY 11432	1-(800) 877-1373

**C-4:** Have your doctor fill out this form and submit it to the workers’ compensation Board. This form provides the Board with information about your medical condition. It is used to determine your level of benefits. Generally, C-4 forms should be submitted by your doctor every 4-6 weeks.

**\* Keep copies of all paperwork related to your employment, injury and medical treatment.**

**For more information about workers’ compensation benefits and medical care see:**

NELP Fact Sheet for Workers: Applying for Workers’ Compensation Benefits  
NELP Resource Sheet: Occupational Health and Safety Clinics in New York City