

Notify Your Employer If You Are Injured While Working In Pennsylvania

By: Robert S. Waldman

Workers who are injured in Pennsylvania, or who are injured outside of Pennsylvania but are entitled to benefits under the Pennsylvania Workers' Compensation Act, must act promptly to protect their rights. All too often, employees get hurt, then assume that whatever injuries they have suffered will go away, and then decide that they do not have to tell their employers – at least not right away. That is a mistake for various reasons. First, many times what seems like a minor injury will turn out to be far more severe. Second, and most importantly, the law requires a worker to notify his or her employer about a work-related injury.

Under Section 311 of the Pennsylvania Workers' Compensation Act, an injured worker is required to notice his or her employer that he or she was injured on-the-job within twenty-one (21) days after the injury occurs or, at the latest, within 120 days of the injury. If a worker does not tell his or her employer about the injury within the 120 day period, that individual is not entitled to receive any workers' compensation benefits – no wage losses and no medical expenses.

Despite having 21 days, or even 120 days, to report an injury, you should not wait at all. Instead, you should report every injury as soon as it happens. Why? Because your employer may not believe you, and think you never got hurt, or that you were hurt somewhere else (like at home), or for some other reason. More important, under the Pennsylvania Workers' Compensation system, most employers simply notify their insurance companies, which often fight claims because the worker did not tell a supervisor or boss about the injury as soon as it happened. That may not seem fair, and it will be up to a Workers' Compensation Judge to decide the case, but it still makes it much harder to win benefits to which you are entitled.

What can a lawyer do for you in these situations? First, the Pennsylvania Workers' Compensation law is very complicated, and there are many rules and regulations that govern everything that happens, including how judges decide cases, etc. Second, insurance companies always hire lawyers, and their lawyers generally handle only workers' compensation cases, so they know how to fight these cases. Third, these cases can take a long time. In Philadelphia, Bucks, Montgomery, Chester and Delaware counties, for example, cases can take a year or more to be decided by a workers' compensation judge.

And remember, insurance companies will fight any case if they think they can win (and they fight some that they do not think they will win); plus, they can appeal cases even if they win, which can delay the process even more. As a result, a worker with an on-the-job injury should (1) immediately tell his or her supervisor or boss about the injury, no matter how small it seems, and (2) consult with an attorney so that the worker learns exactly what rights he or she has, and what the injured person needs to do to obtain wage losses and medical expenses, preferably without a lot of litigation.

This Pennsylvania workers' compensation law tip is provided by the Philadelphia, Bucks, Chester, Delaware and Montgomery County workers' compensation and personal law office of Attorney Robert S. Waldman, 1800 JFK Blvd., Suite 1500, Philadelphia, Pennsylvania 19103, phone: 215.545.4040, website – <http://www.lawonyourside.net>, or email rwaldman@lawonyourside.net.

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