

What Is Worker's Compensation?

Worker's compensation is a program that gives money and/or medical care to workers who are injured while working. If a worker is killed while working, the worker's estate may get some money from worker's compensation. It is a state-wide program that covers most workers. To be eligible for worker's compensation, you must be hurt while doing job-related work.

Can I Get Worker's Compensation For Any Injury That Happens While I Am At Work?

No. The injury must occur while you are doing job-related work. You would not be eligible for worker's compensation if you are hurt while doing a personal errand during the work day or if you are hurt while playing around at work.

How Much Money Do I Get If I Am Eligible For Worker's Compensation?

Worker's compensation is designed to provide a minimal amount of income, usually 60% of your regular income, after you are injured and while you recover. If you lose a part of your body or the use of a part of your body because of a work-related accident or disease, you can collect a set amount of money for that loss.

What Do I Do If I Think I Might Be Eligible For Worker's Compensation?

First, you should notify your employer right away if you are hurt on the job. Worker's compensation claims can be made at your job, or with the Worker's Compensation Board. You can reach the Worker's Compensation Board at:

402 West Washington St., Rm. W196
Indianapolis, IN 46204
(317) 232-3809

After I Was Injured At Work, My Boss Said I Have To Go To The Company Doctor. Do I Have To?

Yes. Generally, the employer has the right to choose where you will receive the medical care covered by worker's compensation. You can go to whatever doctor you want, but your employer may not have to pay for the doctor you choose.

Can My Employer Fire Me If I Make A Worker's Compensation Claim?

You should not be fired for making a worker's compensation claim. You should contact a private attorney if you believe you are fired for this reason.

What If I Believe Conditions At My Job Are Unsafe?

If you have a concern about the safety of yourself or your co-workers while on the job, you can contact:

Occupational Safety and Health
46 E. Ohio Street
Indianapolis, IN 46204
(317) 226-7290

or

Indiana Division of Labor
402 West Washington St. Rm. 195
Indianapolis, IN 46204-2287
(317) 232-2378
(317) 232-2673

If you are a member of a labor organization such as a union, you can talk to your shop steward about your safety concerns.

You can also report your concerns directly to your employer. Some employers will be glad to learn of the problem, while others may consider it an excuse to fire you. If you are fired for reporting a safety problem, you should be eligible for unemployment compensation. You can also complain to OSHA and the Division of Labor. In some rare cases, depending upon the actual safety concerns, you might have a lawsuit against your employer for firing you. Check with an attorney with experience in the labor field if you believe you have a case.

Do I Need An Attorney To Help Me Get Worker's Compensation?

An attorney can be very helpful. You might be able to get an attorney without paying an attorney fee because the attorney may be

able to get the fees from your employer if you win the case. Most employers are required to have an attorney in worker's compensation cases, so the employee may also want to have one.

What If I Have More Questions About Worker's Compensation?

Contact a private attorney or your local legal services office. You can also call the Ombudsman Division of the Worker's Compensation Board at (317) 232-5922 or 1 (800) 824-2667. That office can answer questions about your rights in a worker's compensation case. You can also go to www.state.in.us/wkcomp

If I Am Getting Worker's Compensation, Can I Sue My Employer For My Injury?

No. Worker's compensation is the "exclusive remedy" against the employer. This means you have to pursue your worker's compensation remedy, and you cannot also sue the employer for personal injury. However, you may be able to get worker's compensation and sue someone else for an injury. For example, if you were in a car accident while you were making a delivery for work, you might be eligible for worker's compensation and you might be able to sue the other driver. However, if you get money from the other driver, you may have to repay the worker's compensation money.

I Am Getting Worker's Compensation, But The Doctor Is Sending Me Bills. Do I Have To Pay?

If you are getting worker's compensation, the doctors should not be billing you for the medical care. You should notify your employer or the Ombudsman Division of the Worker's Compensation Board.

Last Revised 12/2002 Special Code:1291400

ILS Office Contact Numbers

Bloomington: (812) 339-7668
1-800-822-4774

Hammond: (219) 853-2360

Columbus: (812) 372-6918
1-866-644-6407

Indianapolis: (317) 631-9410
1-800-869-0212

Evansville: (812) 426-1295
1-800-852-3477

Lafayette: (765) 423-5327
1-800-382-7581

Fort Wayne: (260) 424-9155
1-888-442-8600

New Albany: (812) 945-4123
1-800-892-2776

Gary: (219) 886-3161
1-888-255-5104

South Bend: (574) 234-8121
1-800-288-8121

WORKER'S COMPENSATION

Prepared by:

Indiana Legal Services, Inc.

The production of this pamphlet is made possible by a grant from the Indiana Bar Foundation.

This is for information only. It is **NOT** legal advice. For legal advice, contact a private attorney or a lawyer at the nearest Legal Services Office.

Laws and Policies change. Please look at the last revised date to make sure the information is still current.

INFORMATION AVAILABLE ON THE WEB
WWW.INDIANAJUSTICE.ORG