



Pennsylvania Workers' Compensation: Know Your Rights

A practical guide for injured workers

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Introduction

Every workplace carries risk, no matter how safe it seems. Accidents happen, and a fall on the job, an injury from a machine or heavy equipment, or years of exposure to chemicals can change your life in an instant.

When that happens in Pennsylvania, **workers' compensation** steps in. It's a safety net designed to prevent injured employees and their families from shouldering the financial burden alone.

Workers' compensation pays for medical treatment, helps when an injury keeps you from returning to your old job, and provides for families after a work-related death.

Knowing how these protections work and when they apply is key to making sure you receive every benefit the law provides.

This guide will walk you through the essentials. You'll see what kinds of injuries and illnesses qualify, how benefits are calculated, the deadlines that matter, and what to do if your claim is denied or cut off. You'll also find explanations about choosing doctors, the difference between workers' comp and group benefits, and how appeals move forward if your case comes before a judge. By the end, you'll have a clear picture of your rights, so that you can confidently act on them.

Definition of Workers' Compensation

Workers' compensation laws place responsibility for accidents in the workplace **on the employer**. By definition, workers' compensation makes the industry responsible for compensating workers (or their survivors) who have been injured or killed on the job.

No matter who or what was responsible for the accident, **an injured worker has the right to receive compensation for the injury they got while working**. Even if your employer has done everything in their power to reduce hazards and create a safe work environment, they're still obligated to cover a large portion of your financial losses if you're injured while doing your job.

Most employers understand this and pay workers' compensation premiums on the basis that these costs are one of their business expenses.

What Workers' Compensation Is Not

There are a few important points to remember about workers' compensation and what it is not:

- ✗ Workers' compensation does not replace a full-time job.
- ✗ You will not receive 100% of your wages through workers' compensation.
- ✗ The insurance does not cover compensatory claims such as pain and suffering or other quality-of-life issues.

Injuries Covered by the Workers' Compensation Act

The Workers' Compensation Act covers a wide range of injuries. Rather than trying to list them all here, it's easier to say the law entitles you to workers' compensation if your work causes you an injury, illness, or disability, or it irritates an existing medical or physical condition or disability.

Your eligibility for benefits will not be affected if you already have a medical or physical condition such as diabetes, a heart condition, or an old high school sports injury. For example, a man who has had a problem with his right knee for years because of a football injury is eligible for workers' compensation if his job makes his knee problem worse.

- If your employer denies you workers' compensation because of a disability or a medical or physical condition you already have, they either don't know the law or they're not being honest with you.

Injuries Not Covered by the Act

Some injuries **are not covered** by the Workers' Compensation Act. These include:

- Intentionally self-inflicted injury or death.
- Injury or death caused by an employee breaking the law, such as by using drugs illegally.
- Depending on various factors, injury or death caused by intoxication also might not be covered.

Work-Related Disease or Illness

You could develop a serious disease or illness, or an existing medical or physical condition could be irritated, if you're exposed to the following substances over long periods:

- Chemicals
- Dust
- Fumes
- Solvents and other compounds

If your job causes your disease or illness, whether whole or in part, you are eligible for workers' compensation.

How Much Compensation Will You Receive?

Total Disability

You are entitled to weekly cash benefits if you're totally disabled by your job.

These workers' compensation benefits are payable on the eighth day you cannot work. You might receive benefits payable after the first week if your condition lasts longer than 14 days.

In most cases, you will receive two-thirds of your pay at the time you were injured, although this amount may be subject to minimums or maximums.

- These benefits are tax free and will last for as long as you have the condition.

Total Disability Reviews

Your work-related disability will be reviewed after two years, in keeping with Workers' Compensation Act amendments.

This Impairment Rating Evaluation (IRE) includes a medical examination by an IRE-certified physician. The physician will follow the IRE guidelines established by the American Medical Association to give you an impairment rating indicating a percentage of disability.

According to AMA guidelines, if you are not at least 50% disabled, your total disability will be converted to a partial disability. If this happens, the compensation period will extend for 500 weeks.

Partial Disability

You're eligible for workers' compensation if you're **partially disabled** by your job and your partial disability prevents you from performing your old tasks and earning your old pay. If you experience a loss of earnings because of partial disability, the law entitles you to receive weekly benefits.

These benefits are equal to two-thirds of the difference between your average weekly wage at the time you were injured and what you're currently earning. You may receive partial disability benefits for up to 500 weeks or for as long as you work at the lower wage.

Specific Loss

Specific loss is a legal term referring to amputation, the loss of arms, legs, fingers, or toes, or disfigurement of the face, head, or neck due to a work injury. The term also includes the loss of vision or hearing due to a work injury.

You may be entitled to workers' compensation if you experience specific loss. Employers usually use the following guidelines to determine payments:

Specific Loss or Permanent Loss of Use	Maximum # of Weeks of Compensation	Healing Period
Hand	335	20
Forearm	370	20
Arm	410	20
Foot	250	25
Lower Leg	350	25
Leg	410	25
Eye	275	10
Thumb	100	10
Index Finger (1 st Finger)	50	6
Middle Finger (2 nd Finger)	40	6
Ring Finger (3 rd Finger)	30	6
Little Finger (4 th Finger)	28	6
Great Toe	40	12
Any Other Toe	16	6
Hearing		
Complete Loss in Both Ears	260	10
Complete Loss in One Ear	60	10
Disfigurement, Head, Neck or Face, Maximum	275	None

If you lose one-half of your thumb, finger, or toe, the law entitles you to workers' compensation for one-half of the weeks mentioned.

How to Calculate Workers' Compensation Benefits

Average Weekly Wage Formulas

Any workers' compensation benefits you receive are based on your average weekly wage and are calculated using a specific formula. You should know how to calculate the amount you're supposed to receive, as this helps you ensure you're receiving the correct payments.

Speak to your employer and/or insurance carrier if you have questions about your benefit calculation.

Remember:

- Total disability benefits are two-thirds of your average weekly wage up to the maximum.
- If you return to work and earn less because of your injury, partial disability benefits are two-thirds of the difference between your average weekly wage and your earnings after the injury.

Calculating Average Weekly Wage (AWW)

Knowing how to calculate your average weekly wage (AWW) can count in your favor, as it's your right to get all the workers' compensation benefits the law entitles you to. If you calculate that you should get a few more dollars per payment, this could add up to hundreds of dollars over the life of the claim.

Familiarize yourself with these important points before learning about the different methods used to calculate the AWW:

- The AWW does not follow a standard 40-hour work week.
- Your AWW includes gross wages from all employers and includes overtime, incentives, bonuses, board, lodging, gratuities (if at least one-third of your wages are in tips), and second jobs with no deductions.
- Bonuses and vacation pay are pro-rated over the whole year in which you earned them.

AWW Calculation Formulas

These methods are used to calculate the AWW:

Method 1: You are paid on a fixed weekly basis: $AWW = \text{your weekly wage}$.

Method 2: You're paid a fixed monthly wage: $AWW = \text{your monthly wage multiplied by 12 and divided by 52}$.

Method 3: You are paid a fixed yearly wage: $AWW = \text{your yearly wage divided by 52}$.

Method 4: You're paid by the hour, day, or productivity: AWW = Divide by 13 the total wages you earned in each of the highest three of the last four consecutive periods of 13 calendar weeks in the 52 weeks immediately before the injury and average the total amounts earned during these periods.

Method 5 (New Employees): A. If you haven't worked three consecutive periods of 13 weeks in the year before your injury: AWW = Divide any completed periods by 13 and average the amounts earned during those periods. **B.** If you worked less than a complete 13-week period before your injury: AWW = your hourly rate multiplied by the number of hours you were expected to work per week under the employment terms. The Workers' Compensation Act does not specify whose expectation is considered in the event of a dispute.

Method 6 (Seasonal Employees): AWW = your total earnings over one year before your injury divided by 50. If exceptional causes prevent this calculation from reflecting your earnings fairly, it can be extended to provide a fairer AWW.

Fringe Benefits Excluded

Fringe benefits are not included in employees' AWW calculations for workers' compensation.

These benefits include, but are not limited to:

- ✓ Health insurance
- ✓ Life insurance
- ✓ Pension
- ✓ Retirement
- ✓ Social Security
- ✓ Other plans of benefit to you or your dependents

Medical Benefits

All necessary costs associated with medical care and treatment of your injury, illness, or disease will be covered by workers' compensation, even if you haven't lost any time from work. The insurance carrier will pay 113% of the amount the healthcare provider would receive from Medicare for the same service.

If there's a difference between the total bill for medical care, treatment, and other services rendered and the amount paid by the insurance carrier, the healthcare provider is not allowed to bill you for it.

Life-long treatment: If you need to receive life-long treatment because of your injury, you can continue collecting payments for your medical bills from the insurance carrier.

Death Benefits

If an employee is killed while on the job, workers' compensation will cover funeral expenses up to \$7,000.

The law also covers dependents who lost loved ones to work-related injuries, illnesses, or diseases.

Dependents: A dependent is someone who relies on the worker's income for support, such as a spouse, children, or parents.

Giving Notice: The "ASAP Rule"

There's a good reason you will see signs saying "If you are injured at work, tell your supervisor as soon as possible" in workplace cafeterias and washrooms. Injury, illness, and disease aren't games, so don't keep the pain to yourself.

It often happens that an injured worker completes their shift and goes home thinking the pain will subside. Some workers return home injured because they either think their injury isn't serious or they don't want to bother the dispensary team.

Workers like these might not be able to get out of bed the next day. If they put in a workers' compensation claim later, their employer might fight it because they did not "give notice in a timely fashion." This is why it's essential to tell your employer about your injury, illness, or disease ASAP.

120 Days to Tell Your Employer

Workers' compensation laws say you have 120 days to tell your employer about your work-related injury, illness, or disease.

The first day is the day of injury or the day you discovered the illness or disease. Even though the law gives you 120 days to report your health or medical issue, it's best to do it ASAP:

- If you tell your employer within the first 21 days of the injury or illness/disease discovery date, your benefits will be back paid to the injury day.
- If you report your work-related illness, disease, or injury within 21 and 120 days, your benefits will start the day you give notice.

To provide employers with affordable rates, insurance companies check for fraudulent claims all the time. These claims increase workers' compensation premiums. As a result, there's a greater chance of claims filed days, weeks, or months after an injury occurred being investigated, challenged, and/or denied.

Speak to Your Doctor

Don't hesitate to speak to your doctor about work and the daily hazards you're exposed to. You need to tell your employer if you suspect that work caused your injury or illness. In legal terms, this is known as "giving notice."

This is where your doctor comes into the picture. They are the only person who has the authority to say whether you can return to work safely after being injured.

Be Proactive with Your Health

Tell your doctor if something is wrong and you suspect it's work-related. Additionally, tell them about your workplace and the hazards you suspect are causing your pain or illness.

It's important to be proactive with your health, as most physicians don't have the time to ask many questions to get a sense of your medical history. Doctors aren't mind-readers; they can only work with what you tell them, so again, be proactive.

When Will You Receive Benefits?

You should start receiving workers' compensation benefits within 21 days of your employer being told about your injury, unless you are denied compensation.

Contact Munley Law's personal injury lawyers and file a claim if you are denied compensation within this time.

You Are Entitled to Have the Compensation Check Mailed to Your Home

If you want your compensation check mailed to your home, you can ask for this to be done. That's the law. No one has the right to insist that you must pick up your check at the office.

If your employer tells you to do something other than what the law says, contact Munley Law or a union official.

Choice of Doctor

You are required by law to choose a doctor from a list of doctors chosen by your employer for the first 90 days of medical care.

According to the law, there must be at least six doctors on the list.

- Your employer cannot and should not choose a doctor for you.
- You can choose another doctor on the list if the first choice doesn't suit you.
- These lists usually have a letterhead from the workers' compensation insurance carrier.
- The sheet should explain your rights and obligations under the law.
- You are free to choose your own doctor if your employer does not give you a list.

If your work-related injury, illness, or disease requires treatment that lasts longer than 90 days, you can then choose your own doctor. If you choose a doctor who isn't on your employer's list after the 90-day period, you must tell your employer within five days of your visit.

During your treatment, your employer or their insurance company is entitled to receive monthly reports from your doctor or healthcare provider.

- In this legal sense, the word "doctor" means any licensed practitioner of medicine or what is called the "healing arts."
- Doctors include chiropractors, medical (MD), and osteopathic (DO) doctors.

What Happens If the Company Doctor Certifies You to Return to Work Within the 90-Day Period?

The company doctor may certify you to return to work within the initial 90-day period. Seek a second opinion from your doctor if this happens.

Remember, you will have to pay for the visit to your doctor if this happens during the first 90 days.

- You do not need to return to work if your doctor does not permit you to return to work, no matter what your employer suggests or demands.

After the initial 90-day period is over, you may continue to receive treatment from your doctor and have their services paid for by workers' compensation insurance. Consult one of our personal injury attorneys as soon as possible if you have any questions about this.

Workers' Compensation Nurse

You have no obligation to meet with or share any of your medical information or work injury, illness, or disease information with a workers' compensation nurse.

You also do not need or agree to have a workers' compensation nurse go to your doctor's appointments with you. Additionally, you do not have to or agree to have a workers' compensation nurse talk to your doctor.

- A workers' compensation nurse is not required to participate in your treatment in any way.
- If you do not want a workers' compensation nurse, tell them you don't want them.

Workers' Compensation Benefits vs Group Benefits

Sometimes, employers or injured workers confuse workers' compensation benefits and group benefits. There should not be any confusion, as the two types of benefits are distinctly different.

Group benefits are disability payments people receive for non-work-related injuries. Known properly as "sickness and accident (S&A) benefits," this group provision is NOT a substitute for workers' compensation, which covers injuries that happen on the job.

If you are injured at work, you should apply for workers' compensation.

Why Workers' Compensation Benefits are Better than Group Benefits

There are a few other reasons why workers' compensation benefits are better than group benefits:

- 1. Taxes:** Workers' compensation benefits aren't taxable, unlike group benefits. Withholding taxes are deducted from group benefits.
- 2. More Money:** The benefits paid by workers' compensation are better than group benefits. Under workers' compensation insurance, you receive two-thirds of your gross pay or \$1,347.00 per week, whichever is lower. Group benefits are usually lower than \$150 per week.

3. Longevity: Workers' compensation covers the total disability with payments for as long as you need them. Depending on the injury, the payments could last for the rest of your life. Generally, group benefits last for up to 26 weeks, although they usually last for less time.

4. Pay Scale Adjustment: If you are injured, receive workers' compensation, and perform certain tasks because of your injury, you will not lose a large amount of your pay. Workers' compensation pays two-thirds of your pay loss if you return to work at a job with lower rates and limited duties because of your injuries. Group benefits do not pay this adjustment.

5. Medical Coverage: Workers' compensation pays all your work-related medical bills. Under a group benefits plan, your coverage may be limited depending on your employer's insurance carrier.

- In some cases, your employer might deny you workers' compensation benefits.
- Apply for group benefits if this happens.
- Contact one of our personal injury lawyers and file for workers' compensation once you start receiving payments.

Your "Right to Know" About On-the-Job Hazards

All employees have the right to know about hazardous materials such as chemicals used in the workplace.

There are two laws that deal specifically with your right to know. These laws were created to help improve workplace health. They include:

OSHA Medical Access Regulation

The federal Occupational Safety and Health Administration Medical Access Regulation gives you the right to check your medical records held by your employer. Under this law, you can ask for information about air quality and the types of chemicals used in your workplace.

You can find detailed information about the chemicals by getting a Material Safety Data Sheet (MSDS). Chemical producers must provide an MSDS when they make a sale. The MSDS features the chemical or compound name (sometimes combined with the common name), the ingredients and their concentrations, physical properties, exposure hazards, and recommended first aid treatments.

Chemical manufacturers give MSDSs to employers. If you work with chemicals, your employer and physician should have this information on file if you suspect you have a disease or illness caused by chemicals. The law entitles you to copies of this information if you ask for it.

If an MSDS is not available, your employer must give you information about the chemicals and/or their ingredients. Sometimes, the chemical information you want is a "company secret." You are still entitled to the information, although your employer might ask you to sign a confidentiality agreement.

- One flaw of the MSDS access standard is that your employer's only required to give you the information they have on file.
- The law does not require safety information to be up to date.

- Another flaw is that MSDSs sometimes provide only a partial list of ingredients.

OSHA Hazard Communication Standard

The OSHA Hazard Communication Standard exists to help make you aware of the chemical hazards at work. To comply with this standard, your employer must:

- ✓ Inform you about hazardous chemicals and the OSHA rule.
- ✓ Clearly label hazardous substances as hazardous and with warnings about the short- and long-term exposure risks (e.g., “Skin irritant; long-term exposure is known to cause certain types of skin cancer in laboratory animals.”)
- ✓ Provide the MSDSs for every hazardous chemical used when asked for them.
- ✓ Outline and provide a written hazard communication standard that explains how your employer complies with the law.

An important aspect of this safety standard is that it sets out training on how to safely handle potentially hazardous chemicals or compounds. Part of the training includes knowing how to read chemical labels and symbols, knowing how to read an MSDS, and knowing where to find one.

- If your employer is not following the law, report them to your nearest OSHA office.
- Your employer will be inspected after OSHA has received your complaint.
- If your employer is found to have violated the law, they must start complying with it or face a steep fine.

Other Ways to Obtain Information

There are other ways to obtain chemical information if you struggle to get it from your employer. Some chemical manufacturers send MSDSs on request. Write to the manufacturing company and ask them for an MSDS, or check the chemical containers for information. Your co-workers might also be able to give you the information you need (it’s also in their best interests to know about the chemicals used in the workplace).

- If you’re a union member, you should ask for chemical safety information through your union’s health and/or safety committee.
- Working through a union is usually the fastest, most reliable way of doing things, compared to legal action or filing a grievance.

What to Do if Your Request for Workers’ Compensation is Denied

You have three years from the date of your injury to file a claim with the Bureau of Workers’ Compensation if your employer denies you compensation.

It is your responsibility to file a claim.

If you do file a claim, it is best to ask one of our personal injury lawyers, as they know the current workers’ compensation laws and have experience representing injured workers. Most lawyers will

represent you on a contingent-free basis. The idea is that we do not get paid unless we get money for you.

What to Do if Payments Stop

Contact one of the Munley Law personal injury lawyers if your workers' compensation payments stop for any reason.

What to Consider When You Do Return to Work

You should only return to work if your doctor advises you to do so. Your doctor should advise you in writing if your injury, illness, or disease restricts you (or does not restrict you) from performing certain tasks.

For example: A worker who injures his or her back might be told to work under a so-called "light duty status." A restriction like this might set weight limits on what amount that person can lift safely. Give a copy of your doctor's recommendation to your supervisor so you can avoid being assigned jobs that might injure you.

On your first day back at work, have someone such as a friend, co-worker, or union representative accompany you. That person should witness what happens during the time you report back to work.

- Do not sign any forms if the work you are returning to is anything other than your regular job or if you feel you have not recovered from your injury.

Beware of Signing Final Settlement Receipts

Your employer might ask you to sign a pink form called a "Final Settlement Receipt of Compensation."

Despite what you might hear, this receipt ends your workers' compensation benefits.

- Do not sign this form or any other form unless your doctor says you have fully recovered from your injury, illness, or disease.
- Alternatively, ask your employer to give you a "Supplemental Agreement" so you can suspend compensation benefits while you are working.

Employers often say the final compensation payment is being withheld until the employee signs the Final Settlement Receipt.

This is not true.

If someone threatens to cut off your payments because you refused to sign the Final Settlement Receipt, contact one of Munley Law's personal injury lawyers or your union representative.

Other Situations Where You Should Not Sign a Final Settlement Receipt

There are a few other situations under which you **should not** sign a Final Settlement Receipt. These include:

- ✗ You return to work and are paid less or work less because of your injury.

- ✗ Your medical treatment for your injury is ongoing.
- ✗ You have restrictions on the use of any part of your body because of your work-related injury.
- ✗ You have a scar on your face, neck, or head.

Any of the above situations may entitle you to additional workers' compensation benefits even if you have returned to work.

Things to Watch Out For

There are a few things to watch out for before and during the process of claiming workers' compensation benefits:

Insurance Company Doctors

Your employer might tell you to visit an insurance company doctor to get a second opinion. This second opinion might lead to your workers' compensation benefits being cancelled. Under most circumstances, avoid the insurance company doctor unless your personal injury lawyer says otherwise.

Reasonable Medical Care

Under this guideline, **the law requires you to follow any treatments, therapies, or medication regimens recommended by your doctor.** Reasonable medical care includes, but is not limited to, surgery, special treatments, medications, or physical therapy.

- If you refuse the recommended treatment, your employer or their insurance carrier has the right to petition the Bureau of Workers' Compensation to have your benefits suspended.

Dealing with an insurance company doctor is a different matter. Your doctor can challenge the recommendation of an insurance company doctor who recommends a specific test, therapy, or operation. If both doctors agree to the treatment regimen, you have the obligation to arrange the treatment with your doctor. **If you refuse, you might lose your benefits.**

Vocational Rehabilitation Services

Part of your road to recovery may involve visits from a vocational rehabilitation practitioner. You might receive home treatments from a nurse or therapist. The purpose of these visits is to make sure you are recovering. Most rehabilitation services have the patient in mind when providing treatment, but there are some service companies that work for insurance carriers.

Be careful. Sometimes the treatment you receive might not be in your best interest. Even if your employer or their insurance company suggests otherwise, you have the right to refuse any vocational rehabilitation services. **Your recovery is between you and your doctor.**

The law says you must make a **"good faith effort"** to return to work. This means that if you can work under certain restrictions, you should do so. The vocational rehabilitation practitioner will tell you about available jobs and the specific duties they involve.

However, your employer might not want you back at work unless you can perform your old tasks. Their insurance carrier's vocational rehabilitation practitioner will look for jobs that fit your limitations. As mentioned above, the law requires you to make a "good faith effort" to find employment.

Always check with your physician before accepting a job. When you apply for work, keep a record of each job you apply for, the dates on which you apply, the name of the person who interviewed you, and the outcome of your interview or application. You might need this information as proof that you made a "good faith effort" to find employment.

Blank Forms

Avoid signing blank forms. If you have any questions, speak to one of our personal injury lawyers or your union representative. Make sure you get copies of any forms you sign.

The No Discrimination Rule

No one can penalize you or discriminate against you in any other way for filing a workers' compensation claim if you have a work-related injury, illness, or disease.

Retirement

If you're receiving workers' compensation, your employer might ask you to retire at some point, depending on your age and physical condition.

If you do retire, your retirement benefits should not affect your workers' compensation payment amounts. However, there are instances where unsuspecting workers' benefits are reduced when they retire.

- Make sure you know and understand your pension agreement details so you don't lose everything that's supposed to come to you.

What to Check Before Retiring

There are a few things you should check before retiring or signing a pension agreement. These include:

- ✓ Make sure your retirement agreement does not affect your workers' compensation benefits (and vice versa).
- ✓ Ensure you aren't reducing your pension benefits only for the disability pension or only for the retirement pension when you sign a pension agreement.

For example: There might be a pension set-off against workers' compensation if you are going to receive a disability pension, while there isn't a pension set-off against workers' compensation if you're going to receive a retirement pension. In this case, you should think about waiting to accept the pension until you can qualify for workers' compensation.

Beware of Attempts to Stop Your Benefits

Employers often continue their attempts to stop or reduce workers' compensation after injured workers retire. **You should be particularly aware of this if you have a partial disability.** Your employer can stop your benefits if they can prove you voluntarily retired and stopped working while partially disabled.

If you're available for light-duty work or part-time work when you retire, your employer cannot stop or reduce your workers' compensation benefits unless the company can prove there is light-duty or part-time work available for you. Some retirees lost their benefits by telling their employers they were "never going to work again." A "take this job and shove it" approach can cost you your benefits, so think before speaking to your employer.

Don't expect a benefits check in the mail if you really do intend to never work again.

If you developed a disability, whether from an injury, illness, or disease, you might be eligible for workers' compensation benefits. Usually, it takes months or years for a chemical compound or material you used or were exposed to at work to trigger health problems.

Tell your employer if you suspect your job caused your wheezing, coughing, hearing loss, fatigue, shortness of breath, or other physical ailment. Notify your employer in person or in writing if you suspect your job made your physical problem worse. Contact one of our personal injury lawyers after "giving notice."

Social Security

The law entitles you to social security disability benefits if:

- ✓ A total disability stops you from working for at least six months.
- ✓ Your recovery will last for at least one year from the date you become disabled.

You can apply for these benefits at your nearest Social Security office.

Receiving Unemployment Compensation Benefits and Workers' Compensation Benefits at the Same Time

Depending on your situation, it's possible to receive unemployment compensation benefits and workers' compensation benefits at the same time.

If you are already receiving unemployment compensation benefits and you want to apply for workers' compensation benefits, your unemployment benefits will be credited against any workers' compensation benefits you might receive, **unless your workers' compensation benefits are for a specific loss or were received in a fatal claim case.**

- If you already collect workers' compensation benefits, you are not allowed to collect unemployment compensation benefits even if you suffer a specific loss or file a fatal claim petition.

Third Party Actions

A **third-party lawsuit** is possible if someone or something other than your employer is either wholly or partly responsible for your work-related injury, illness, or disease.

Machinery with a design flaw or that does not have safety features often contributes to on-the-job injuries and is the subject of “product liability lawsuits.” While receiving compensation through a third party, such as an equipment manufacturer, is rare, it is possible.

According to the law, you can sue an equipment manufacturer for injuries caused by a malfunctioning product or a product with a design flaw. You also have the right to sue if you can prove the manufacturer did not provide adequate instructions for using the equipment.

Product Liability Lawsuits: More Information

Contact one of our personal injury lawyers if you’re injured by a defective product. This is in your best interest, as a lawyer can hire experts to determine whether a complex piece of machinery has a design flaw or lacks safety features.

Manufacturers can be sued if the equipment they produce lacks safety features. According to the National Safety Council, contact with objects and equipment causes an estimated 16.7% of all industrial injuries, making it the third leading cause of these injuries.

In a product liability lawsuit, your attorney must prove the manufacturer failed in its duty to design a safe product.

Equipment that does not have detailed information about the dangers of using it can lead to a third-party lawsuit for the manufacturer. In one such case, a worker sued (and won) because the manufacturer did not provide a warning about the potential dangers of operators not tightening wheel nuts with a specific torque requirement.

Although the manufacturer provided instructions for using the equipment, the directions didn’t say anything about what could happen if certain directions weren’t followed.

A Final Issue to Consider

Work and Safety Health

Monitoring health and safety conditions in the workplace and preventing injuries or illness are ongoing concerns.

If you work at a union shop, you can get additional health and safety information from the International Chapter of your local union. International unions usually have health and safety departments or committees to answer members’ questions.

The Occupational Health and Safety Administration (OSHA) is another source of additional information. This agency's responsibility is to ensure and regulate a safe work environment.

OSHA Offices in the Commonwealth of Pennsylvania

There are six OSHA offices in the Commonwealth of Pennsylvania. These include:

Allentown: (267) 429-7542

Erie: (814) 874-5150

Harrisburg: (717) 782-3902

Philadelphia: (215) 597-4955

Pittsburgh: (412) 395-4903

Wilkes-Barre: (570) 826-6538

The National Institute for Occupational Safety and Health

The National Institute for Occupational Safety and Health is a third outlet where you can obtain health and safety information. This agency conducts research on hazardous conditions and exposure to toxic chemicals in the workplace.

Contact the National Institute for Occupational Safety and Health at 1-800-232-4636.

Additional Access to Chemical Information

In addition to or as an alternative to your employer or chemical companies, you can get chemical information through the Pennsylvania Department of Labor and Industry. According to the state **Right to Know Law**, the state Department of Labor and Industry has access to information about hazardous chemicals used in the workplace.

You can request this information by completing a form and submitting it to the PA Department of Labor and Industry, Bureau of PENNSAFE, 651 Boas Street, room 155E, Harrisburg, PA, 17121. You can fax written requests for records to 717-783-5099 or email them to li-pennsafe@pa.gov

The Flow of a Pennsylvania Workers' Compensation Claim

Injury ↓	It's important that you tell your employer about your injury. Employers are required to display form LIBC-500 to inform employees of the name, phone number, and address of their workers' compensation insurance company, their third-party administrator, or internal workers' compensation contact person.
Notice of Injury ↓	Employee injuries must be reported to the employer within 120 days. If not reported within

	this time from the date of injury or knowing about a work-related disease, no compensation is allowed (except in cases involving progressive diseases).
Employer's Report of Occupational Injury or Disease ↓	Employers must report all employee injuries to their insurer immediately. If an employer is self-insured, they should report employee injuries to the person who manages the employer's workers' compensation program. Employers are also required to file an injury report with the bureau within 48 hours for every injury resulting in death, and after seven days but within 10 days after the date of injury for all injuries that result in disability lasting more than a day, shift, or turn of work.
A. Voluntary Payment ↓	The employer/insurance carrier accepts liability for the injury and issues a Notice of Compensation Payable, a Notice of Temporary Compensation Payable, or an Agreement for Compensation within 21 days from the date the employee gives notice of an injury.
B. Denial of Payment ↓	The employer/insurance carrier denies liability and issues a Notice of Workers' Compensation Denial to the employee within 21 days of the employee giving notice of an injury.
Employee Files Claim Petition ↓	Usually, the employee has three years from the date of injury to file a Claim Petition. The law also allows injured workers to reopen their claim within three years from the last date an indemnity payment was made on a claim. The payment of medical benefits only is not the same as reopening the claim.
Case Assigned to WC Judge ↓	Workers' compensation petitions are normally assigned to a workers' compensation judge by the bureau of the county in which the employee lives.
WC Hearing Scheduled ↓	Once the petition has been assigned to a WC judge, all parties involved in the case are notified in writing about the date, time, and place of the hearing.
WC Hearing Held ↓	A WC judge hears evidence presented by the defendant (employer/insurance carrier) and the claimant (injured employee) at one or more hearings. These hearings may be extended if medical evidence still needs to be obtained or witnesses still need to be heard.
Decision Rendered ↓	The WC judge's written decision is sent to all parties involved after the case is closed (all

	evidence has been submitted, and the judge has everything necessary to decide). No further action is taken.
Appeal Made to Workers' Compensation Appeal Board ↓	Both parties have 20 days from the date the WC judge's decision is circulated to file an appeal with the Workers' Compensation Appeal Board.
Appeal Made to Commonwealth Court ↓	Both parties have 30 days from the circulation date of the Workers' Compensation Appeal Board's decision to file an appeal with the Commonwealth Court.
Appeal Made to Pennsylvania Supreme Court	Both parties have 30 days from the circulation date of the Commonwealth Court's decision to file a Petition for Allowance of Appeal with the Pennsylvania Supreme Court.

Pennsylvania Workplace Injury Statistics for 2023/2024

Workplace injuries occur regularly, and if you or a family member has suffered from one, these statistics reveal that you are not alone:

- In Pennsylvania, 165,985 work injury and illness cases were reported to the bureau during the year 2024. This was 2% higher than the 162,694 reported in 2023.
- Pennsylvania's work injuries and illnesses rate (the number of nonfatal work injuries per 100 workers) was 2.8 in 2023. The 2022 rate was 3.0. Transportation and Warehousing had the highest injury and illness rate among the major industry divisions in 2023 at 5.4.
- The highest rates of workplace injuries and illnesses in 2024 were reported in two super sectors: Education and Health Services (45,685 cases, 27.5%) and Trade and Transportation (44,111 cases, 26.6%).
- Sprain and strain injuries (58,295) accounted for 35.1% of the total cases reported in 2024.
- Contusions, crushing, and bruising injuries (36,284) accounted for 22.1% of all reported cases.
- Other injuries and illnesses (27,487) accounted for 16.6% of all cases reported.
- Cuts, lacerations, and punctures (26,546) accounted for 16% of all reported cases.
- 33.8% of sprain and strain cases affected the upper extremities (arms, hands, wrists, fingers, shoulders).
- 30.7% of contusions, crushes, and bruises, and 73% of cuts, lacerations, and punctures also affected the upper extremities.
- The most frequent types of workplace injuries in Pennsylvania in 2024 were due to overexertion (24.5%), followed by being struck by objects (22.2%) and striking against objects (11.4%).
- Injuries to the upper extremities accounted for 62,653 cases (37.7%) reported in 2024.
- Injuries to the lower extremities accounted for 37,349 cases (22.5%) reported.
- More than 40% (65,284) of the 165,985 cases reported in 2024 came from 10 of Pennsylvania's 67 counties. The highest number of cases (14,041) came from Philadelphia, followed by

Allegheny (11,320), Dauphin (8,341), Montgomery (7,122), Lancaster (4,973), York (4,181), Berks (4,071), Lehigh (3,939), Delaware (3,781), and Chester (3,515).

- Industry divisions with the highest number of workplace fatalities in 2023 were Trade, Transportation and Utilities (29%), Construction (18%), and Manufacturing (17%).
- Injuries by body part affected:
 - Head:** 21,812 (13.1%); Eyes: 5,530 (3.3%); Face: 3,276 (2%); Skull: 2,854 (1.7%)
 - Neck:** 3,217 (1.9%)
 - Trunk:** 27,827 (16.8%); Back: 18,718 (11.3%); Chest: 2,990 (1.8%); Abdomen: 2,889 (1.7%)
 - Upper Extremities:** 62,653 (37.7%); Shoulders: 11,723 (7.1%); Arms: 11,512 (6.9%); Wrists: 6,334 (3.8%); Hands: 11,021 (6.6%); Fingers: 20,052 (12.1%)
 - Lower Extremities:** 37,349 (22.5%); Hips: 1,748 (1.1%); Legs: 5,533 (3.3%); Knees: 13,358 (8%); Ankles: 8,134 (4.9%); Feet: 6,127 (3.7%); Toes: 1,552 (0.9%)
 - Multiple Body Parts:** 11,155 (6.7%)
 - Body Systems:** 1,349 (0.8%)
 - Unclassified:** 624 (0.4%)

Source: *Bureau of Workers' Compensation, Pennsylvania Department of Labor and Industry*

At Munley Law, we can help you ensure that you or your loved ones receive the workers' compensation you deserve. For over 60 years, we have helped Pennsylvania workers protect their rights.

If you have questions about your coverage or need support, we are ready to help.

We can assist with these and many more legal problems:

All Injury and Wrongful Death Cases

Auto Accidents

Truck Accidents

Medical Negligence

Slip and Fall Injuries

Workers' Compensation

Pedestrian Accidents

Product Liability

Premises Liability

Dog Bite Injuries

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