

YOUR WORKER'S COMPENSATION RIGHTS

QUESTIONS & ANSWERS ABOUT WISCONSIN WORKER'S COMPENSATION

1. What benefits do I get if I'm hurt on the job?

Answer: While you are off work, you get two-thirds of your weekly gross pay, subject to the maximum rate for that year, and all medical expenses.

2. How long do I get benefits?

Answer: Until your doctor says you have healed enough to return to work or when you are done healing and you have permanent work restrictions.

3. Can I choose my own doctor?

Answer: Yes. Your employer can only send you to its doctor in an emergency; then you have the right to see any doctor. (In a dispute, the employer can also send you to its doctor for evaluation but not for treatment. Note: Choose a doctor who specializes in your kind of injury.)

4. What happens if I have permanent restrictions?

Answer: If your doctor says your injury has caused permanent restrictions (like lifting, bending or standing), then you receive benefits based on the amount of disability the doctor states.

5. What if my company fires me (or won't take me back after my injury)?

Answer: If your company has a job within your permanent restrictions, the company must offer it to you or risk having to pay a penalty of up to one year's wages. If no jobs exist within your restrictions, the company does not have to take you back.

6. What if I get hurt so badly I can't return to my job?

Answer: If your employer can't take you back under your doctor's permanent restrictions, you may be entitled to retraining benefits. If a Division of Vocational Rehabilitation counselor sets up classroom retraining, you can get paid weekly benefits.

7. Are benefits different if I have a limb injury versus a back or torso injury?

Answer: Yes. If you have an injury to your torso (back or neck, head or lungs) and you can't return to your job, you may qualify for loss of earning capacity benefits in addition to your permanent disability.

8. What if a work injury aggravates a prior non-working injury?

Answer: The employer takes you "as-is." You may be eligible for benefits for lost work time, permanency and medical expense.

9. If I get hurt because the company does something unsafe, what happens?

Answer: Your benefits may increase by 15%.

10. Do I lose my benefits if I'm hurt because I do something unsafe?

Answer: No, but your benefits may be reduced by 15%.



11. Can I get more benefits if the injury leaves a scar?

Answer: If your injury or the surgery leaves a scar on your hands, arms, face or neck, or if you suffer an amputation, you may be eligible for additional benefits.

12. Can I sue my employer?

Answer: No, but you can sue some other person or company (machine manufacturer, truck driver, maintenance worker) if the person responsible for your injury is not an employee of your company.

13. Can I get worker's compensation and social security disability benefits at the same time?

Answer: Yes. There is a formula that entitles you to a specific amount of money monthly.

14. If I have hearing problems, what can I do?

Answer: After retirement, if your doctor says the noisy work place caused your hearing loss, you can get benefits, including hearing aids.

15. I have a breathing problem, what should I do?

Answer: See a lung specialist. If your breathing problems were caused by work, you can get benefits, including claims for asbestosis, silicosis and lung cancer.

16. Oh, my aching back; I can't work or lift anymore.

Answer: If you've been doing heavy work for many years, or if you hurt your back in a single accident, you may claim permanency, retraining, and loss of earning capacity benefits.

17. My company offers me sick pay instead of worker's comp. What should I do?

Answer: Choose worker's comp. Sick pay covers non-work sickness, and worker's comp. covers work injuries. Worker's comp. is not taxable, and you get future protection under worker's comp.

18. What time limits are important in reporting an injury?

Answer: You should report any injury right away. You have 30 days to give notice, but you can normally still get benefits if you notify your employer within two years of the injury. There is generally no time limit for lung, occupational back, or hearing loss claims.

19. When should I get an attorney's help?

Answer: Whenever you face these problems:

- Your doctor and the company doctor disagree.
- The insurance company asks you to give a statement.
- You can't return to work because of your injury.
- You are asked to sign a document.
- More than two weeks have passed since your accident, and you have no benefits.

20. How much are attorneys' fees?

Answer: Attorneys' fees are charged in worker's comp. only if the claim is successful. Attorneys are allowed to charge 20% of the amount in dispute.

For answers to your Worker's Compensation questions, please contact:

Milwaukee (414) 271-8650 or (800) 236-3348

Madison (608) 257-0040 or (800) 610-0040

