



## **Questions and Answers for Workers**

### **Employer Reporting Pilot Project**

#### **What is the Employer Reporting Pilot Project?**

In most states, workers initiate claims for workplace injuries or diseases through their employer. Your employer has volunteered for a pilot project to test this system in Washington. As a worker participating in this pilot, you will have the option of reporting and filing a workers' compensation claim through either your employer or your health-care provider.

#### **Am I required to file a claim through my employer?**

No. Your employer should help you understand the potential benefits of filing a claim through them, but you have the option to file through either your employer or the health-care provider of your choice. You need to comply with any company policy on reporting a workplace injury or occupational disease, and remember that you, or someone on your behalf, must report your accident to your employer.

#### **If I can file a claim through my health-care provider, why should I file a claim through my employer?**

Filing a claim through your employer has benefits for you, your employer, and the other workers at your company. Your employer will be able to help you file the claim, and since your employer will be involved right away, you won't lose the connection with your employer. It gives your employer a better opportunity to consider putting you in a light-duty job, approved by your health-care provider, or keeping you on salary while you recover. Finally, all your co-workers will benefit, because your employer will know what caused your injury, making it easier to correct any safety issues.

#### **If I file a claim through my employer, will my employer take care of everything for me?**

No. Although the employer will assist you, it is still your responsibility to make sure the Department of Labor & Industries (L&I) receives both the worker and health-care provider sections, as it is today.

#### **What if my employer does not submit the worker section to L&I?**

The report of accident is designed for the employer and worker to complete together. Your employer must submit the employer section within two days of completing it. You need to make sure that your section is completed and returned to your employer promptly. However, it is your responsibility to make sure that the worker section is completed and received by L&I. This is important to you because L&I cannot initiate a claim based on the employer section alone. We must have the worker section to initiate a claim.

#### **If I file a claim through my employer, will I still have a choice of health-care provider or am I required to go to a health-care provider my employer chooses or suggests?**

By law you have the right to choose any qualified health-care provider to treat your injury. Approved providers include medical doctors, osteopaths, chiropractors, naturopaths, podiatrists, dentists and optometrists. Advanced registered nurse practitioners and physician assistants may also provide treatment. Your employer cannot require you to obtain treatment from a specific health-care provider, interfere with treatment or direct the treatment in your claim. Contact L&I if this occurs.

### **Is an incident report the same as filing a claim?**

No. An incident report is often required as part of an employer's accident prevention and risk management program, or required as part of state or federal regulation. If you have a work-related injury or occupational disease and require treatment, you will need to file an L&I report of accident either with your employer or health-care provider of your choice.

### **Do I have to use my private medical insurance or insurance provided by my employer for a work-related injury or exposure?**

If you have a work-related injury or exposure at work, you should be covered under workers' compensation. If your claim is allowed, L&I will pay your medical expenses and any other benefits to which you're entitled. If L&I does not allow your claim, you will be responsible for your medical expenses. L&I will, however, pay for the initial medical visit and for your health-care provider to complete the report of accident form.

### **Can my employer prevent me from filing a claim?**

No. It is your right under state law to file a claim for a work-related injury or exposure. If your employer disagrees with the claim, he or she has the right to protest or request reconsideration and provide additional information that supports their position. Contact L&I at 1-800-547-8367 if your employer declines to file your claim with L&I or discourages you from filing a claim.

### **Can my employer fire me for filing a claim?**

No, your employer cannot take an adverse employment action against you for filing a claim. However, if your injury was a result of unsafe practices or violation of the employer's policies, you may be subject to disciplinary actions consistent with your employer's policies. Contact L&I immediately at 1-800-547-8367 if you need assistance.

### **If I file a claim through my employer, how will my health-care provider know that I filed a claim with my employer and the claim number?**

The accident report forms are all pre-numbered and begin with "EF". You need to inform your health-care provider that you filed a claim with your employer and give them their section of the employer-filed report of accident. Ask that they fill it out and send it to the department right away.

### **What if my employer and health-care provider each file a claim for my injury or exposure?**

We have a process in place to identify when more than one claim is filed for the same injury or exposure. However, it would be helpful if you notify L&I if and when this occurs.

### **If I file a claim through my employer, when can I anticipate hearing from L&I?**

If your injury resulted in your inability to work, you should receive a time-loss benefit payment within 14 days of L&I receiving the worker section and the medical certification from your health-care provider. If you have not received time-loss benefits within 14 days of submitting the claim, please contact the department. If you did not lose time from work, but only required medical treatment, you may not receive notification until the department issues a decision on the acceptance of your claim. You can verify the status of your claim by contacting the nearest L&I office or the L&I Information Hotline 1-800-547-8367. Please refer to your claim number when you contact the department. You may also review your claim information online at [www.ClaimInfo.Lni.wa.gov](http://www.ClaimInfo.Lni.wa.gov).

### **Will I be able to provide feedback to L&I regarding my experience with this pilot project?**

Yes. L&I will be conducting a confidential survey of workers. However, if you experience problems with filing a claim through your employer, please contact the department or your claim manager immediately.

### **Who can I call if I have questions about the Employer Reporting Pilot Project?**

Contact L&I at 360-902-6201.

*Other formats for persons with disabilities are available on request. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*