



## USMWF WORKERS COMPENSATION BILL OF RIGHTS

Elizabeth Goevarts ESQ Vince Powers and Associates Personal Injury;  
Workers' Compensation; and Professional Negligence

An ideal workers' compensation system would seek to protect workers from harm, and provide meaningful compensation if they suffer and injury or death on the job. The system should also provide incentives for employers to prioritize the health and safety of their workers and value retention of employees despite injury.

The following are basic rights for any worker, and our Workers Compensation System should consider and be based broadly upon all of the following:

1. The right to a safe workplace;
2. The right to adequate facilities and the opportunity to utilize them;
3. The right to safe and adequate equipment;
4. The right to complete information about the workers' compensation system, their rights under State and Federal law, and their employers policies regarding the same;
5. The right to be free from discrimination and penalty if a claim is made;
6. The right to be fairly compensated for work performed, and the right to fair compensation if unable to work due to an on-the-job injury;

More specifically, our statutory workers' compensation system should avoid creating an environment that fosters conflict and resentment if a claim is made. Rather than an adversarial system, it should be one that focuses on respect and compassion. To that end, the law should include all of the following rights:

1. An injured worker should be able to select his own physician for treatment;
2. An injured worker/family-member victim should be able to promptly address a court if a dispute arises so that problems involving payment of any benefit do not continue for months;



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3. An injured worker should be compensated for both his loss of earning capacity and his permanent physical disability. These are two separate issues and the damages are mutually exclusive;
4. Vocational rehabilitation benefits should be meaningful and valuable, and not based upon what is the cheapest or most expedient for the employer. The goal should be returning a worker to his highest possible earning capacity;
5. Compensation should be given for chronic pain or mental disorders such as depression that are often a result of chronic pain;
6. Family-member victims should be compensated for mental disorders such as depression and Post Traumatic Stress Disorder PTSD that are often a result from such a loss;
7. Partisan Independent Medical Exams (IMEs) should be banned. They result in manipulation of the system by insurance companies;
8. An injured worker should have Temerity Total Disability (TTD) benefits based on his true take home pay, and his fringe benefits like insurance or retirement should be paid in full by the employer while the injured employee is unable to work. The time a worker misses from work while injured should not affect his seniority;
9. An injured worker should have the right to a second opinion, paid for by the employer, and to decline any medical treatment without adverse consequences;
10. An injured worker should have the right to cost-of-living increases in his benefits, and to have those benefits pass to his dependents upon his death;
11. An injured worker should be treated with dignity and respect by those within the workers compensation system. The first priority of the system should be to the medical health and recovery of the worker and to fundamental fairness;
12. Family-member victim should be treated with dignity and respect by those within the workers compensation system.
13. Family-member victim should be fully compensated for all funeral and burial cost.