

Worker's Compensation

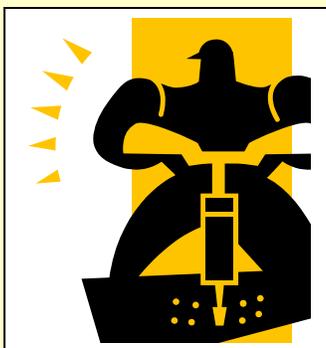


Contact Information:

Montana Legal Services Association
1-800-666-6899; www.mtlsa.org.

Montana Department of Labor and
Industry, 406-444-6543;
<http://erd.dli.mt.gov>.

Lawyer Referral Service through
State Bar of Montana
406-449-6577;
www.montanabar.org.



What do I need to know?

What is worker's compensation?

If you are hurt on the job you can make a claim for worker's compensation. You do not have to have a social security number, or be in the United States legally.

Worker's compensation pays your medical bills related to the injury, compensates you for temporary or permanent disability, and pays a portion of your lost wages while you're unable to work because of the injury.

All agricultural employers in Montana are required to have worker's compensation insurance.

Your employer is obligated to pay for your medical treatment even if you don't miss time from work because of the injury or condition.

You can receive benefits even if you are a temporary worker.

It does not matter who was at fault in causing your injury; you can still receive benefits.

It's illegal for your employer to penalize you or fire you because you were injured on the job, or because you filed a claim for worker's comp benefits.

What do I do if I'm hurt at work?

Tell your employer as soon as possible about your injury – include the time and place where the injury occurred and the nature of the injury. You must tell your employer within 30 days of the injury, or else your claim may be denied. It's best to tell your employer in writing, and keep a copy for yourself, with the date that you gave it to your employer.

Submit a signed First Report of Injury (FROI) form to your employer, the insurance company or the Employment Relations Division of the Montana Department of Labor and Industry. You can find the FROI at <http://erd.dli.mt.gov>.

You can also ask your employer for the FROI form. You must submit the FROI within 12 months from the date of the injury. Be sure to tell the truth on the FROI. If you don't have a social security number, just write "none" in that space. It is a crime to make false statements on the FROI.

If your injury requires medical attention, go to the doctor or other medical care facility. Give the care-provider the name of your employer and ask that your employer be billed for the services provided.

Worker's Compensation: What do I need to know?



When will I know if my claim was accepted?

After the insurance company receives your FROI, it has 30 days to either accept or deny your claim. If your claim is denied and you want to appeal, contact an attorney who handles worker's comp cases. Many attorneys will not charge you a fee unless you are successful in receiving benefits.

Questions?

Contact the Employment Relations Division of the MT Dept. of Labor and Industry at 406-444-6543.

You can also contact Montana Legal Services Association's HelpLine at 1-800-666-6899.

What if my boss immediately pays for my medical treatment? Should I still make a written report?

Yes. It is a good idea to tell your boss in writing about your injury, and to submit the FROI, even if your boss has already paid for your medical treatment. Your injuries may be lasting, or may re-appear months after being treated initially. That's why it's important to go ahead and submit your claims in writing.

Your formal written claim makes it possible for the insurance company to pay you benefits for the entire duration of your condition. If you don't submit your written claim, then you won't be covered for future treatment.

Can I get benefits if I am not legally in the United States?

Yes. You cannot be denied worker's comp benefits just because you're not legally in the U.S. and don't have authorization to work. Undocumented workers can receive benefits if their injury or condition is eligible. But, if you're undocumented, you won't likely be able to return to your job because it is illegal for an employer to hire an undocumented worker.

What if my condition was one that developed over time instead of a one-time accident?

You can still receive benefits for conditions that developed over time, for example, if you get sick after months of being exposed repeatedly to pesticides. These conditions are called "occupational diseases." An occupational disease is a condition caused by events occurring on more than a single day or shift. For you to receive benefits, the condition must be supported by medical findings and your job must be the major contributing cause of the condition.

To claim an occupational disease, you must submit a FROI in writing to your employer, the insurance

company or the Employment Relations Division of the Montana Department of Labor and Industry within 1 year from the date you knew, or should have known, your condition resulted from an occupational disease.

