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WORKERS' COMPENSATION REFERENCE GUIDE

A work injury significantly impacts individuals in their daily lives. The nature of the injury and its effect on an individual's ability to function at work and home is always an issue for concern. It is important for workers to know their rights and recognize when they have suffered a work injury.

The Pennsylvania Workers' Compensation Act defines injury as:

...an injury to an employee, regardless of his past physical condition, arising in the course of his employment and related thereto... "It includes a new injury, aggravation of a prior condition, death and certain occupational diseases. It also includes physical and psychological injuries. There need not be a specific trauma as in repetitive type injuries."

Physical injuries can occur from repetitive motion resulting in conditions such as carpal tunnel syndrome or tendonitis. When work causes a previous injury or even a condition with which you were born to become worse, this can be a compensable injury in the form of an aggravation. Of course, physical injury caused by lifting or other trauma is also considered a compensable injury under the Pennsylvania Workers' Compensation Act.

Occupational diseases occur when workers are exposed to dust, fumes, asbestos, loud noises, chemicals and smoke in a workplace which fails to provide sufficient ventilation or safeguards. These substances may cause or aggravate a disease, condition or ailment. If exposure to any substance affects any part of the body, a worker may be entitled to workers' compensation benefits.

Once you experience an injury, it is your burden to notify your employer of a work injury. The worker has one hundred twenty (**120**) days from the date of injury in which to serve the employer with notice of the injury. Notice may be given verbally or in writing, but it must be provided to a supervisor or manager. A worker should obtain a copy of an Incident Report and confirm that the employer notified its insurance carrier of the claim. Failure to meet the notice requirement may prohibit a worker from pursuing any claim for workers' compensation benefits. In some instances, time may elapse before a worker becomes aware of any injury sustained as a result of a work related activity. In these cases, the worker has one hundred twenty (120) days from when the worker discovered the injury in which to provide notice to the employer.

After your employer is placed on notice of your injury, they must report the claim to their workers' compensation insurance carriers. Thereafter, the insurance carrier has **twenty one (21) days** to respond. An insurer may respond in the following manner:

1) The Insurance Company Accepts Liability

When the insurer accepts liability for a work related injury, the employer must provide a worker with a **Notice of Compensation Payable (NCP)**. It is important that the worker verify that all injuries and wage information is properly identified in the NCP. If the employer does not properly list your injury, you may need the assistance of an attorney to file a petition to have the correct injury identified.