## **What Is Workers’ Compensation?**

Workers’ compensation, commonly referred to as “workers’ comp,” is a government-mandated program that provides benefits to workers who become injured or ill on the job or as a result of the job. It is effectively a disability insurance program for workers, providing cash benefits, healthcare benefits, or both to workers who suffer injury or illness as a direct result of their

Workers’ compensation benefits may include partial wage replacement for the period during which the employee cannot work. The benefits may also include reimbursement for healthcare services and occupational therapy.

* Workers’ compensation is a form of employer insurance coverage that pays benefits to workers who are injured or become disabled as a result of their job.
* By accepting workers’ compensation benefits, the employee waives the right to sue their employer for damages.
* The compensation may include partial salary repayment and coverage of medical costs.
* Workers’ comp is not the same as unemployment benefits or disability insurance.

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Most workers’ compensation programs are paid for by private insurers, from premiums paid by the individual employers. Each state has a Workers’ Compensation Board, a state agency that oversees the program and intervenes in disputes.

There are federal workers’ compensation programs that cover federal employees, longshore and harbor workers, and energy employees. Another federal program, the Black Lung Program, handles death and disability benefits for coal miners and their dependents.

Requirements for workers’ compensation vary from state to state, and not all employees are covered in some states. Some states, for example, exclude small businesses from the mandate for coverage. Others have different requirements for various industries. The National Federation of Independent Business (NFIB) maintains a summary of each state’s worker compensation requirements.

**1.Salary Replacement**

The salary replacement paid to an employee under workers’ compensation is typically less than the person’s full salary. The most generous programs pay about two-thirds of the person’s gross salary.

Workers’ compensation benefits are not usually taxable at the state or federal level, compensating for much of the lost income. Taxes may be due to recipients who also have income from the Social Security Disability or Supplemental Security Income programs.

Healthcare Cost Reimbursement and Survivor Benefits

Most compensation plans offer coverage of medical expenses only related to injuries incurred as a direct result of employment. For example, a construction worker could claim compensation for an injury suffered in a fall from scaffolding, but not for an injury incurred while driving to the job site.

**3.Independent Contractor Exception**

In most states, only regular employees are eligible for workers’ compensation; independent contractors are not. That was one of the main points of contention in the debate over a California ballot measure that sought to extend employee benefits to drivers for ride-sharing apps like Uber and Lyft.

Like the so-called gig economy, the issue of workers’ compensation and other benefits for contract workers isn’t going away. In 2020, about 17 million Americans were working full time as contractors and more than 34 million worked part time or occasionally as contractors.

Special Considerations

A claim for workers’ compensation may be disputed by an employer. In that case, the Workers’ Compensation Board may be asked to resolve the dispute.

Disputes can arise over whether the employer is actually liable for an injury or illness.

Workers’ compensation payments are also susceptible to insurance fraud. An employee may falsely report that an injury was sustained on the job, exaggerate the severity of an injury, or invent an injury.

In fact, the National Insurance Crime Board asserts that there are “organized criminal conspiracies of crooked physicians, attorneys, and patients” who submit false claims to medical insurance companies for workers’ compensation and other benefits.

**Types of workers compensation**

***These are the four main categories of workers’ compensation benefits.***

1. **Medical Benefits for Your Treatment.**

When you are injured at work and file a workers’ compensation claim, you should receive compensation for your medical costs. These include:

Doctor visits

Hospital stays

Medical tests

Prescription medications

Medical equipment, such as wheelchairs or crutches

Physical therapy

Mileage reimbursement for travel to and from doctor appointments

Any costs that result from your work-related injury should be covered through workers’ compensation. You should be covered until you are fully recovered and able to return to work. However, you will need to see the right medical provider to qualify for compensation.

Choosing From the Provider Network

Under Georgia Code § 34-9-201, your employer must provide a list of “at least six physicians or professional associations or corporations of physicians” for you to choose from for medical care. The doctors or other providers in this network are typically contracted with the employer or insurance company to provide discounted services.

These providers must also be reasonably accessible to you. You also have the option to make one change between physicians as long as they are still covered under your employer’s policy.

It’s very important to see a doctor who is authorized under your employer’s workers’ comp policy. Otherwise, you may miss out on some or all of the medical benefits available to you. If you still experience problems with getting medical benefits, contact a Georgia workers’ compensation lawyer as soon as possible.

1. **Disability Benefits Through Workers’ Compensation**

If your work injury affects your ability to work, you may be eligible for disability benefits through workers’ compensation. These benefits typically fall into one of four different categories:

1.Temporary total disability

2.Temporary partial disability

3.Permanent total disability

4.Permanent partial disability

**1.Temporary Total Disability**

Many injured workers are able to receive temporary total disability for a certain period of time. In Georgia, you must be unable to return to work for at least seven days to qualify for temporary total disability payments. If you are away from work for at least 21 consecutive days, you will also receive payment for the first seven days you are away.

Temporary total disability benefits equal two-thirds of the average weekly wage you were earning before your work injury (capped at $675 per week). You also can’t receive these benefits for over 400 weeks unless you have a catastrophic injury.

**2.Temporary Partial Disability.**

Sometimes, you are still able to work after a work-related injury, but at a lower capacity. You might have to work fewer hours, take on a less-demanding role, or earn a lower wage because of your work injuries. If this happens, you can receive temporary partial disability benefits.

Temporary partial disability benefits are paid at two-thirds of the difference between the average weekly wage you were making before and the average weekly wage you can now earn. This number cannot exceed $450 per week. It can also only be paid for up to 350 weeks from the date you were injured.

**3.Permanent Total Disability.**

Under workers’ compensation, you should receive treatment until you’ve reached maximum medical improvement (MMI). At that point, the doctor treating you will evaluate your situation. If they determine you have a permanent disability, you will likely receive permanent and total disability benefits.

Permanent total disability benefits are often paid at the same weekly rate as temporary total disability, but for life. In some situations, you might be able to get a lump sum settlement to account for your future payments. Only very serious and severe injuries, such as loss of two limbs or total blindness, qualify for permanent total disability.

**4. Permanent Partial Disability**

Permanent partial disability payments are paid at the same as the temporary total disability rate for a certain amount of time. How long you will receive these benefits depends on:

The body part that Is disabled

The percentage of disability for that body part and

The maximum number of weeks the state of Georgia allows benefits for that body part

A list of the maximum weeks per body loss is provided in Georgia Code § 34-9-263. A Georgia workers’ compensation attorney can also help you determine what your benefits should be based on your disability.

1. **Rehabilitation Benefits for Career Support.**

Your work injury might prevent you from returning to the same position or place of employment at all. If this happens, workers’ compensation benefits should help with vocational rehabilitation and other career support services.

Rehabilitation benefits are meant to help you maintain employment through the necessary training or other services needed to return to work.

1. **Death Benefits for Dependents.**

No one wants to think about getting killed from a work injury. However, if it happens, it’s good to know that any dependents will be taken care of. Workers’ comp provides death benefits to the deceased worker’s minor children, spouse, and other dependents they may have. These are provided at two-thirds of the worker’s average weekly wage before their accident.

Death benefits also cover funeral and burial costs.

**Benefit Limitations Through Workers’ Compensation.**

Although workers’ compensation can help you get back on your feet, it doesn’t fully compensate you for what was lost. The wage benefits are only a portion of what you were making before, and the weekly cap can mean you are receiving a lot less than you were before at a high-paying job. You also cannot collect for any pain and suffering that came along with your injuries.

* The advantage of workers’ compensation benefits is that you do not have to prove fault or pursue a lawsuit to get compensation. This is meant to protect both you and your employer from expensive legal cases. That being said, workers’ comp is not perfect. You may run into issues with your employer or the insurance company.

A workers’ compensation lawyer can help you seek the benefits you need and deserve after your work injury.

**How Workers Compensation Is Calculated .**

You have a limited amount of time to file a workers’ compensation claim. Your attorney can work with this statute of limitations and help you calculate what you should be paid. Your workers’ compensation is calculated based on several factors, including:

**1.Class code**: These are assigned by the National Council on Compensation Insurance (NCCI) or your state. Each employee gets a unique code based on the type of work they do.

**2.Payroll**: Business owners will need a certain amount of workers’ comp insurance based on every $100 of payroll.

**3.Experience modification number**: This amount takes into consideration your business’ experience and loss history. The safer your business, the lower your experience modification number. These numbers can change based on state requirements.

A general equation to help you estimate your business’ workers’ compensation insurance cost:

Workers’ Class Code Rate X Claims Experience Modifier X (Payroll / $100) = Premium

The Cost of Workers’ Compensation Insurance

Your cost for workers’ compensation insurance depends on your business’s unique risks. There’s no standard cost for workers’ compensation insurance, also known as workers’ comp. Insurance companies use different factors to determine workers’ compensation insurance costs. This can include your:

* Payroll
* Claims history
* Location
* Years of experience
* Reference re Workers’ Compensation Act, 1983 (Nfld.) (Application to intervene), [1989] 2 S.C.R. 335
* IN THE MATTER s. 13 of Part I of The Judicature Act, 1986, c. 42, S.N. 1986;
* IN THE MATTER OF ss. 32 and 34 of The Workers’ Compensation Act, 1983, c. 48, S.N. 1983;
* AND IN THE MATTER OF a Reference of the Lieutenant‑Governor in Council to the Court of Appeal for its hearing, consideration and opinion on the constitutional validity of ss. 32 and 34 of The Workers’ Compensation Act, 1983.
* Indexed as: Reference re Workers’ Compensation Act, 1983 (Nfld.) (Application to intervene)