



Work Safety and Getting Hurt at Work (Workers' Comp)

If you think the conditions at your job put you in danger of death or serious physical harm that could happen any minute, **you can refuse to work under the unsafe conditions.** You can get help to make your workplace safer.

What are my rights?

You have a right to:

- Talk about workplace safety and health worries you have with your employer or Minnesota OSHA (Occupational Safety and Health Administration).
- Ask your employer for training if you will be regularly exposed to unsafe conditions.
- Ask for a safety inspection of your work place. Call Minnesota OSHA at 1-(877) 470-OSHA.



You can't be fired or get in trouble for trying to get safe working conditions or for refusing to work in conditions that you truly believe put you in danger.

If I think work conditions are unsafe, can I refuse to work?

- If you have a reasonable belief that work conditions are unsafe, report the unsafe conditions to your employer.
- If your employer can't or won't fix the unsafe condition, you may have the right to leave work. You may have the right to get paid for lost work time.
- **But**, if you leave work without permission, and then your employer determines that the work conditions were not unsafe, and/or that your belief that it was unsafe was not reasonable, you could be disciplined.
- If you tell your employer about the unsafe conditions and they give you work somewhere away from those conditions, you must do the work you are assigned.

Can I change the safety rules at work?

- You should not make up or change safety rules on your own.
- If you have an idea for a policy change or a new policy that will make your workplace safer, bring your idea to your employer.
- Many employers in Minnesota create safety committees that employees are a part of. The purpose is to:
 - Identify unsafe work conditions
 - Come up with ideas to fix those unsafe conditions
 - develop safety rules and other work rules to make it safer at work

If you are interested in workplace safety, ask your employer if you can join the Safety Committee.

If I think work conditions are unsafe, and my employer won't fix them, what else can I do?

You can report your concerns to Minnesota OSHA at 1-(877) 470-OSHA.

Your employer can't discipline you or retaliate against you (get back at you) for reporting unsafe work conditions to Minnesota OSHA.



What if I get hurt at work?

If you have a physical injury or disease that is caused or made worse by the job, you should be covered by Workers' Compensation or "Workers' Comp." Workers' Comp is a type of insurance that your employer pays for in case someone gets hurt on the job.

Minnesota workers' comp law states all employers have to pay for workers' comp insurance or become self-insured. The workers' comp system provides benefits if you become injured or ill from your job. It covers injuries or illnesses caused or made worse by work or the workplace.

Workers' comp pays for:

- medical care related to the injury, as long as it is reasonable and necessary
- wage-loss benefits for part of your income loss
- benefits for permanent damage to a body function
- benefits to your dependents if you die of a work injury
- vocational rehabilitation services if you cannot return to your job or to the employer you had before your injury
- travel mileage to get medical treatment and/or for certain vocational rehabilitation activities

What should I do if I get hurt on the job?

- Report your injury, even if small, to a supervisor as soon as possible! Do not wait more than 14 days from the day the injury happened or the day you knew your condition was work-related. **You could lose your benefits if you wait.**
- See a doctor of your choice.
- Make sure your employer files a “Report of Injury” with its Workers’ Comp insurance company.
- Keep your employer informed of your condition and any work restrictions you have.
- Keep copies of all documents



What happens if my injury is accepted?

- The insurer must send you a copy of the “Notice of Insurer’s Primary Liability Determination.” This is a form stating your claim is accepted.
- The insurer must start paying you wage-loss benefits within 14 days of the day you let your employer know about your work injury and lost wages. You must get your benefits in the same way you got your wages - like weekly or every other week etc.
- For injuries between Oct. 1, 2000, and Sept. 30, 2008, after you have been paid 52 weeks of temporary total disability benefits, the insurer must notify you in writing of the 104-week limitation on payment of this benefit.
- For injuries on or after Oct. 1, 2008, after you have been paid 52 weeks of temporary total disability benefits, the insurer must notify you in writing of the 130-week limitation on payment of this benefit.
- Before 80 weeks of wage-loss benefits have been paid, the insurer must notify you of the time limit for you to ask for retraining.

What if my injury is denied?

- The insurer must send you a copy of the “Notice of Insurer’s Primary Liability Determination.” This is a form that states your claim is denied. The form must clearly explain the facts and reasons your claim is denied.
- If you disagree with the denial, talk with the insurance claims adjuster who handles your claim.
- If you need help returning to work but your claim has been denied, call the Vocational Rehabilitation Unit at (651) 284-5038 or (888) 772-5500 and ask for a rehabilitation consultation.

What if my employer/insurer wants me to go to an IME?

The insurer might ask you to go to a doctor or a health care provider of their choice. The examination is often called an independent medical examination (IME). The insurer can suspend your benefits if you refuse to be examined by that doctor. The insurer must reimburse you for mileage and other costs for going to the examination.

Does it matter who is at fault?

NO! In most cases it does not matter who is at fault. If you are hurt on the job and you are unsure of your rights, call a lawyer or call the Minnesota State Department of Labor at (651) 284-5005 or 1-(800) 342-5354. Or go to their website at: www.dli.mn.gov.



Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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