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## Someone is Injured at Work...Now What?

Most employers in Indiana know the requirements for filing a work comp claim. According to [Indiana Code §22-3-4-13\(a\)](#) it is required that employers file an Employer's Report of Injury with the Worker's Compensation Board if an injury results in the death of an employee or in the employee's absence from work for more than one (1) day. And many employers out there realize that failure to report can result in a penalty charged to the employer/carrier (the fee is \$50). But what about the **employees** who fail to report the injury? Countless employers have stated, "We stress to people they won't get in trouble, but they won't report injuries when they occur, and then it's a big mess". As an employer, you may be faced with month or even year old injuries that become known, as the employee is not able to perform his or her current job. So why does this occur? Fear. Ignorance. Job concern...shall we go on?

Of course employers (and employees alike) know that Indiana is an "employment at will state". As the [Worker's Compensation Board of Indiana FAQ's](#) points out, this means that Indiana employers may hire, fire, promote, demote, layoff, suspend, set their own work hours and policies at their discretion; so long as they do not discriminate against their employees because of their age, sex, race, religion, national origin, or disability. Employers cannot fire *because* work injury prevents that employee from performing the job (if this is the case then the employer or insurer is obligated to pay Temporary Total Disability (TTD) payments). So why should there be fear or concern? There should not be for work comp. Of course, in a perfect world, employers and employees communicate *openly* and *honestly* about work performance and work issues are *never intertwined* with any kind of work injury. The reality is an employee may not report a type of work injury due to the stigma attached to work comp. This is where employers can take the lead and communicate the facts. Regardless of employers' thoughts on an employee's job performance, or personal issues the employer may have with an employee, making the employee aware of the process needed for reporting a work injury is vital to an organization.

### Communication...a Two-Way Street

Though many employers include a snippet of information about employees being covered under work comp ([with the Worker's Compensation Notice](#)) they could take it a step further. Communicating what an employee should do if injured (and the steps required) could save time and money for all involved. Don't have the time to go through each step with employees? Then list requirements on a document for employees to review. Additionally, an array of online resources can be of help. For quite a few employers (especially those in a low-risk environment for work comp injuries) this could be an easy introduction with an orientation or benefits package.

Internally, it may be hard to conceptualize how the claim is going to be processed. As an employer, your best opportunity in handling a claim is to know **how** the claim should be handled - prior to an injury

occurring. Where do you fit in within this process? What is your role? Not sure about the answer to these questions? Reach out to your insurance carrier. Most of the time, your insurance carrier can assist you with how the process will run. They can explain the process or direct you to a knowledgeable source.

It's the old adage. It's not going to happen to me. Most employers who have never been faced with a claim or who are in a low-risk environment may not think this will ever happen. They don't think about it until it happens. We all are reactive. As with any type of insurance (car home, life) you don't know the steps (or how the process works) until you have an accident, fire, etc. So why would your employee be any different? In the end just as your employee would want to know the process, you as the employer need to understand the process as well. Educating yourself and your employees on the process can save time, money and resources for your organization.

#### *References*

[Indiana Code §22-3-4-13\(a\)](#)

[Worker's Compensation Board of Indiana FAQ's](#)

[Worker's Compensation Notice](#)