



# You Should Know

March 2011 |

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## In This Issue

- Ways Employers Don't Pay
- Workers' Comp Checklist
- Delay, Deny, Defend Survey



[Estelle, Roberts & Roberts](#)

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Dear Subscriber,

I truly believe knowledge is power. The objective of this newsletter is to give you the power to better protect yourself, your family and your friends. Please feel free to contact me anytime you have a question regarding your legal rights.

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## Americans Deserve The Truth

Let America Know is a powerful new e-marketing tool that connects you and your clients with a compelling, customized e-newsletter. Let America Know is also a counter voice to the massive disinformation campaign aimed at our profession. As a trial lawyer, you owe it to yourself — and your future — to find out more!

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## Delay, Deny, Defend: Part II

# Be Ready If Your Employer Avoids Paying Workers' Comp

America's insurance companies were hammered by a down market and several natural disasters in the late '80s and early '90s. Many responded with measures to avoid paying legitimate claims now known as *delay, deny, defend*. Last month we talked about auto, home and health insurance company "tricks of the trade" ([see issue](#)). This month we turn to workers' compensation and the tactics used by some employers and their insurance companies to renege on commitments to injured workers. **You should know** what to look for, how to document, and whom to contact if you suspect a roundabout on workers' comp benefits. [Read on...](#)



**Workers must be vigilant to ensure they receive the workers' comp benefits owed them.**

## By the Numbers

# 16,000 Injuries Per Day

On average, 16,000 American workers are injured and 15 die each day from work injuries. Leading causes: traffic accidents, falls, homicides and blows from an object.

Source: [National Census of Fatal Occupational Injuries in 2009](#), Bureau of Labor Statistics

# 10 Days

That's how long a Minnesota employer has to report a worker injury to its insurance company. So tell your employer about your injury ASAP or risk losing benefits.

Source: [Employee's Guide to Minnesota's Workers' Compensation System](#) ([Download guide.](#))

# 2 or More Employees Protected

You have some protections under federal law if you and at least one other employee act together to complain about unsafe working conditions.

Source: [Employee Rights](#), National Labor Relations Board

## Further Information

### Can My Boss Do That?

That question spawned [CanMyBossDoThat.com](#), a website committed to educating and empowering U.S. workers. You'll find numerous resources here for all workers including those injured on the job.

### National Organization of Injured Workers (NOIW)

NOIW claims to be "America's only national injured workers advocacy organization." In addition to a wide range of information on its [website](#), NOIW produces the [Injured Workers Television Network](#).

### Dispute Resolution Services for Minnesota Workers

The Minnesota Department of Labor & Industry provides [dispute resolution services](#) to workers denied benefits by their employer's workers' compensation insurance carrier.

## Delay, Deny, Defend: Your Thoughts?

Tell us what you think about our series "Delay, Deny, Defend: Insurance Tricks of the Trade."

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## Insurance Companies Exposed

Author and law professor Jay Feinman discusses book *Delay, Deny, Defend*.

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## Education Is Your Best Protection

### Recognize Workers' Comp Tricks of the Trade

Even under the best of circumstances, the work comp system is a confusing maze of rules and regulations. Stir in reluctant or even hostile insurers and employers, and the deck is stacked against workers. Signs your employer or insurer might not be playing it straight:



*Firing a worker for a work comp claim is illegal in most states.*

- Telling you to **use your health insurance** instead of workers' comp, knowing you have to say the injury wasn't work related.
- Asking you to give the adjustor a detailed **recorded statement** while planning to use it against your claim later.
- **Spying on you** by hiring a private investigator to take pictures of you doing simple tasks they'll claim show you are not injured.
- **Lying to you about filing your claim**, hoping you won't check back until the time limit has expired.
- **Offering regular pay** while you are off work if you don't file a comp claim, knowing this disqualifies you from future benefits.
- **Hoping you give up** by refusing reasonable treatment, filing papers to end treatment and arguing about every payment.
- Sending you to their doctors for an **"Independent Medical Exam,"** knowing they'll question the seriousness of the injury, your own doctor's recommendations, or if the injury was even work related.
- **Threatening to fire or demote you** if you file a work comp claim, hoping you won't know it's against the law.

## Review and Download the Workers' Comp Checklist



*Save and document everything about your claim.*

- 1) Report the injury ASAP:** Don't risk your benefits by missing the deadline.
- 2) Call the state's workers' comp office:** Ask if you have to file a separate claim with the state. What timelines must you follow? Do you have the right to go to your own doctor?
- 3) Get medical care quickly:** Go to the emergency room if necessary. If you have the right in your state to see your own doctor, tell your company in writing you plan to do so.
- 4) Make sure that a workers' comp claim is filed:** Ask for a copy of the injury claim your company filed on your behalf.
- 5) Be clear about the seriousness of your injury** every time you talk to a doctor, or someone from the company or work comp. Reply, "We'll have to see what the doctor says," if asked about your injury.
- 6) Keep appointments:** Missing them can be used against you.
- 7) Keep good records:** Copy and save everything related to the accident. Write a statement and include everything you can remember about how you were injured. Save all letters and the envelopes they came in to prove delivery dates. Note on each document when you received it. Also keep track of when you missed work and when you received medical treatment.

[Download](#) a copy of the *Workers' Comp & Important Documents Checklist*. For benefit information, review our [work comp newsletter](#).

### What Should You Do If You Suspect Something Is Up?

If you suspect your employer or the insurance company is acting in bad faith, here's what you should do:

- 1. If you are already represented,** call your attorney and follow his or her advice.
- 2. If you are not represented,** call us. If it appears that you don't need an attorney, we will direct you to the appropriate resource free of charge. If you need representation, we'll set you up with an experienced workers' comp attorney.

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