

## WORKPLACE HEALTH AND SAFETY

Workers engaged in many different occupations face a wide range of workplace hazards. Regardless of your immigration status, you have a right to safety on the job and to workers' compensation benefits if you are injured on the job.

### NOTICE OF HAZARDS

Your employer is required to provide you with notice of hazards you face on the job. If you are engaging in cleanup and rebuilding work and your employer does not warn you about hazards and how to avoid them, you should ask for this information. It is very important to be aware of the risks you face. Information in English and Spanish is available on the [OSHA website](#).

### SAFETY EQUIPMENT AND PROTECTIVE GEAR

Your employer is responsible for providing you with required safety equipment and protective gear.

Depending on the type of work you do and the hazards you face, your employer may be required to provide you with safety equipment and protective gear, such as boots, gloves, hard hats and respirators. You should not be required to pay for these or have their cost deducted from your wages. If you are required to pay for this gear and, as a result, you receive less than the minimum wage, you can file a claim for lost wages with the U.S. Department of Labor. 1-866-4US-WAGE.

### WORKERS' COMPENSATION

Workers compensation pays for medical treatment of work related injuries and illnesses. It may also provide cash benefits if your injury or illness prevents you from working. Death benefits are provided for surviving spouses and dependent children of workers who are killed on the job.

**Practice tip: Immigrant Eligibility: Both documented and undocumented workers should be eligible for benefits – you should not be asked to provide information about your**

#### Who is covered by Workers

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## **Compensation?**

Most full-time and part-time employees are eligible for Workers' Compensation. Even if your employer paid you in cash, paid you off the books, or treated you as an independent contract, you may still be eligible for Workers' Compensation benefits. In some states, domestic workers, farm workers and employers with less than five employees are exempt.

### **Do I have to pay for Workers' Compensation?**

No. Your employer must pay for workers' compensation coverage. There is no deductible for your treatment.

### **What kind of compensation will I receive?**

You are entitled to immediate **medical care and treatment** for a work-related illness or injury. In most states, you can choose your first doctor, but your employer may ask for you to be evaluated later on by its doctor.

You are entitled to **cash payments**, which in most states amount to about two-thirds of the wages you were earning. In many states if you are not disabled for a certain number of days (typically from three to fourteen), your first days of disability are not paid.

If you are unable to work at all, you may get additional money benefits. You may also be entitled to rehabilitation, and for extra cash benefits if you eventually can go back to work, but earn less money.

### **Workers' compensation is a "no fault" benefit.**

In order to get workers' compensation, you don't have to prove that the injury was your employer's fault. In some rare circumstances -- if you injure yourself on purpose, or the injury was caused in a fight that you started, or due to intoxication -- will it matter whether the injury was your fault.

### **How do I apply for workers' compensation?**

Injured workers should try to give their employer notice of injury as soon as possible after an injury or death. The notice can be given by the worker or, usually, anyone on the workers' behalf. The employer has to report the injury, and then make sure the benefits are paid.