

Manager/Supervisor Risk Management  
#18– 1/9/12  
A twice weekly e-mail training for YCPARMIA members

TOPIC: WORKERS' COMPENSATION – INITIAL FORMS, DWC 1

The Workers' Compensation system is an employee benefit system. It is highly structured, heavy on procedure, and the state puts a lot of importance on making sure that the employer does not interfere with injured workers receiving those benefits. So the Labor Code contains regulations that place certain obligations on the employer that start as soon as they have knowledge of an industrial injury. For our purposes a supervisor's knowledge means the employer has knowledge. While the State requires that a worker give their employer written notice of any injury within 30 days, the Labor Code also states that knowledge of the injury by the employer is equivalent to giving written notice. The employee telling their supervisor of an injury is by far the most common way for the employer to receive knowledge.

DWC 1 – Workers' Compensation Claim Form: This is the form by which the injured worker makes a claim for statutory benefits. Within 1 working day after receiving notice or knowledge of an injury, the employer is required to provide the injured employee with a claim form and a notice of potential eligibility for benefits. This requirement applies to all injuries that result in the employee missing work beyond the shift where the injury took place, or resulted in medical treatment beyond first aid. For YCPARMIA's purposes, anytime you send someone to a medical provider it is more than first aid. If an employee tells you of an injury and states, "I don't want to make a claim," or "I just want someone to know about it," you give them a claim form. There is no downside to giving the employee a claim form.

The form has two parts. The top half is filled out by the employee, and the bottom half is filled in by the employer. The pre-printed State mandated form has four parts, and includes instructions. The employee keeps one copy, and the other three go to your HR department. If the employee chooses not to submit the claim form they will not receive benefits. The employer (the TPA (York) under contract with YCPARMIA) reviews the received claim, and makes a decision on whether the claim will be accepted or rejected. Until that decision is made, the employer (YCPARMIA) is responsible for the cost, up to \$10,000, of medical treatment on the claimed injury. This makes it crucial for supervisors to immediately share with us any concerns or knowledge that they might have about the questioned validity of the claimed work injury. The TPA has 14 days from receipt of notice to make a decision (90 days if they serve a notice to delay the decision) on accepting or rejecting the claim.

Note: the next topic will cover another mandated form, the Employer's First Report of Occupational Injury or Illness. It contains 39 boxes to be filled in; box #17 requires the date of the employer's knowledge of injury, and box #18 requires the date that the employee was given a claim form.

What should a supervisor take away from this? If an employee indicates that they have suffered an injury that may have involved or occurred at work, make sure they receive a claim form, and that HR is notified.

Next topic: Workers' Compensation – initial forms, 5020