

The background features a light gray base with a dense pattern of colorful paint splatters in shades of red, orange, yellow, green, and blue. Overlaid on this are several large, semi-transparent geometric shapes in shades of green and yellow, creating a layered, artistic effect.

KNOW YOUR RIGHTS

BASIC WORKERS' RIGHTS IN MISSOURI

The background features abstract, overlapping green geometric shapes in various shades of green, creating a modern and professional look. The shapes are primarily located on the right side of the image, with some extending towards the left.

Ann Dalton Attorney at Law

Hammond and Shinnars, P.C.

adalton@hammondshinnars.com

314-727-1015

Missouri Workers' CompensationBenefits

YOUR RIGHTS WHEN YOU GET HURT ON THE JOB

In Missouri, workers' compensation benefits are the exclusive remedy against an employer when an employee gets hurt at work. In other words, the employee cannot sue his employer for negligence in civil court. Negligence lawsuits are the ones most people are familiar with – car accidents, slip and falls, etc. where an injured individual has to prove that the other person is at fault. But, if fault is proven, that person can get lost wages, future lost wages, pain and suffering etc. Workers' compensation is a “no fault” statute. It doesn't matter if it was the employee's fault, the employer's fault or no one's fault. If the injury arises out of and in the course and scope of employment, the employee gets three defined benefits, and that is it.

THREE MAIN BENEFITS

- ▶ Medical Care and Treatment
- ▶ Temporary Total Disability (TTD)
- ▶ Permanent Partial Disability (PPD)

Medical Care and Treatment

- ▶ When an employee is injured on the job, the employer has an obligation to provide such medical, surgical, chiropractic and hospital treatment, including nursing care, custodial care, ambulance transportation, medicines, crutches, x-rays, etc., as may be reasonably required after the injury or disability to cure and relieve the effects of the injury. The employer must pay 100% of the expense. In Missouri, the employer has the right to direct the treatment (choose the doctor). If future medical care is indicated (must show that the employee is likely to require ongoing care or future medical care) then the employer must pay for it.

Temporary Total Disability (TTD)

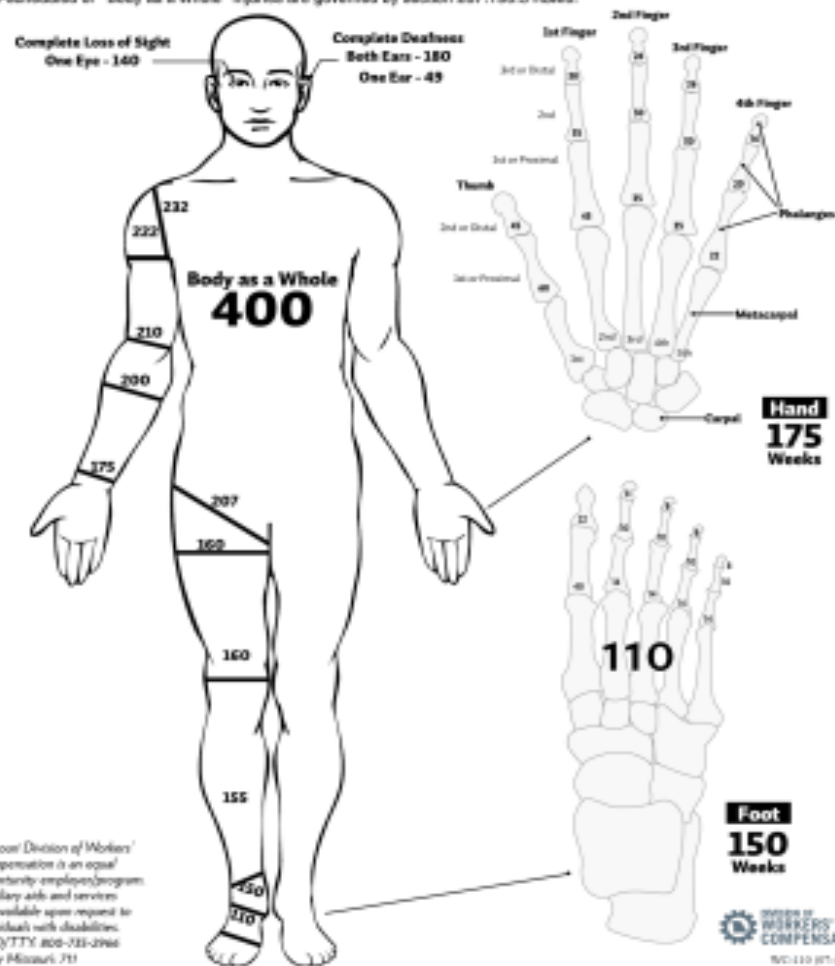
- ▶ While an injured employee is temporarily unable to work as a result of a work injury, he is entitled to receive compensation for that period. The amount of each weekly payment is based on two thirds of his average weekly earnings at the time the injury occurred. There is a maximum rate that is determined by the date of injury.

Permanent Partial Disability (PPD)

- ▶ **“Permanent partial disability” means a disability that is permanent in nature and partial in degree. Permanent partial disability involves a “Schedule of Losses”. This essentially means that the legislature decided that each body part is worth a certain amount, as indicated by the “Body Chart” below. What is to be determined is the amount or percentage of disability. There is also a maximum rate for PPD that is also determined by the date of the injury**
- ▶
- ▶ **The percentage of disability is what we argue about.**

CHART NUMBER 1 PERMANENT PARTIAL DISABILITY

Visual chart showing number of weeks of compensation payable for scheduled and non-scheduled permanent partial disabilities. When there is a complete loss of a member, either by severance or loss of use, the number of weeks indicated on this chart for such member(s) is increased by ten percent (eye injuries being specifically exempted from such increase.) Scheduled disabilities are governed by section 287.190.1 RSMo. Non-scheduled or "Body as a Whole" injuries are governed by section 287.190.3 RSMo.



Missouri Division of Workers' Compensation is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY: 800-735-2766. Relay Missouri: 711

WHAT TO DO WHEN INJURED ON THE JOB

Report any injury (no matter how slight) immediately to your employer or its representative, such as a foreman or supervisor, and your shop steward. In no case should you wait more than 30 days after the accident, or more than 30 days after being diagnosed with an occupational disease. If you are unable to report the injury, then a member of your family should report the injury.

When reporting the injury, ask that a written record be made of your injury or provide your employer with written notice, including your name, the time, place and nature of the injury.

Ask for medical treatment through your employer as soon as possible after the injury.

Maintain your own records of the time and place of the injury, any possible witnesses to the accident, to whom and when you reported the injury, and instructions you were given by the employer or its representative upon report of the injury.

Keep a record of all medical treatment and examinations, including doctors, hospitals, and dates of treatment. Likewise, keep a record of all time lost from work because of the injury and compensation you received for the lost time.

Should your employer or its insurance carrier refuse medical care or compensation to you, or terminate any benefits to which you feel you are still entitled, you should immediately contact an attorney and/or the main office of the Division of Workers' Compensation in Jefferson City, Missouri at (573) 751-4231 or any branch office.

With respect to your Workers' Compensation claim, you are not required to agree to any settlement offered by your employer or its insurance carrier. If a fair settlement cannot be reached, you have the right to have an administrative law judge decide your case.

You may be entitled to more benefits than just medical care and compensation for time off work. Do not forget the possibility that any injury may have permanent consequences.

Benefits are available under Missouri's Workers' Compensation Law even though the accident was caused by employee fault. However, where the accident is caused by failure to abide by a safety rule, the benefits recoverable can be reduced.

It is illegal under Missouri law for your employer to discharge you or discriminate against you because you have filed a claim for Workers' Compensation benefits.

The background features abstract, overlapping green geometric shapes in various shades of green, primarily on the right side of the slide. The text is centered on the left side.

COMMONLY ASKED QUESTIONS ABOUT WORKERS' COMPENSATION

Do I have the right to choose my own doctor at my employer's expense?

You do have the right to select your own doctor, hospital, medical facilities and services, but you do so at your own expense. Your private health insurance will deny coverage for work-related injuries. Therefore, unless you are willing to pay for these yourself, your employer has the right to choose and direct which doctors treat you, where you are treated, etc.

Do I have the right to a second opinion at my employer's expense?

No. The Workers' Compensation law does not require an employer to pay for a second medical opinion, but it may be authorized if requested.

How much compensation am I entitled to receive when I am authorized off work for a work-related injury?

You are entitled to “temporary total disability” payments based on 66 2/3% of your average weekly wage as of the date of your injury, subject to certain minimum and maximum limitations. To determine your average weekly wage as of the date of your injury, the general rule is to add your gross earnings for the 13 weeks that you actually worked prior to your date of injury and divide by 13.

Am I entitled to the difference between the temporary total disability workers' compensation benefits paid for the period I was authorized off work and the wages I would have normally earned?

No.

Are workers' compensation benefits such as temporary total disability and permanent disability payments taxable?

No.

When do temporary total disability benefits begin?

Temporary total disability benefits begin after you are authorized off work more than three “regularly scheduled work” days. However, if you are authorized off work for 14 days or more, whether regular work days or not, compensation is then due for the initial three day waiting period.

Am I entitled to compensation for pain and suffering during my recovery?

No. However, to the extent that you continue to have pain and to suffer from your injury after your recovery period, your permanent disability benefits may be greater.

Does my employer have to pay me for work missed due to doctor appointments for treatment or physical therapy?

No. In fact, your employer may require you to take paid leave, personal leave, or medical/sick leave when work time is missed for treatment, therapy or medical evaluations.

Does my employer have to pay me travel mileage for medical treatment or physical therapy?

Your employer does not have to pay mileage unless you receive medical treatment outside the employee's principle place of employment.

Is my employer obligated to provide vocational training if I am unable to return to my job due to my work-related injury?

No. It is not mandatory for an employer to provide vocational rehabilitation services although it is allowed if your employer is willing.



ANY QUESTIONS ON
▶ WORKERS'
COMPENSATION?

sexual harassment in the workplace

Learn how to recognize potential sexual harassment and how to handle it.

What is sexual harassment ?

- ▶ **Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.**
- ▶ **“Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.”**
- ▶ **-- EEOC**

EXAMPLES OF SEXUAL HARRASSMENT

- ▶ #1: Requesting Sexual Favors for Hiring
- ▶ Jane goes to a job interview, where the interviewer begins asking her personal questions that may or may not make her feel uncomfortable (but don't relate to the job at all). The interviewer comes out from behind his desk and sits on the edge of Jane's chair, puts his hand on her shoulder, and says, "If I give you this job, we could spend a lot of after-hours time together," in a sexually suggestive way.

#2: Promising a Raise for Sexual Favors

- ▶ Heather's boss makes his interest in her very clear, but Heather has always shut down his advances. However, he offers her a raise (or promotion) if she'll agree to go out with him because he's "just so sure" they'll hit it off.

#3 Creating a hostile work environment

- Telling sexually explicit jokes;
- Sending pictures of nude people;
- Watching pornography in the workplace where there's a chance someone will see;
- Repeatedly asking the victim out on dates even though they already said no;
- Unwanted comments about physical features (different from the occasional compliment);
- Unwelcome touching; and
- Vulgar remarks about gender or sexual orientation.

Who is Responsible?

- **Employer Responsibility**
 - Policies and procedures to prevent and respond to Sexual Harassment in their workplaces
- **Union/Training Fund Responsibility**
 - Policies and procedures to prevent and respond to Sexual Harassment within their facilities
- Equal Employment Opportunity Commission
- Office of Federal Contract Compliance

What to Do if You are Harassed

- Express immediate disapproval
- Confide in someone you trust
- Documentation
 - Tracking of events
 - Chain of complaints/remedies
 - Performance
- Follow internal procedures
 - Company and Union policies
- Don't blame yourself

Being a Responsible Co-Worker

What to do when you see it

- **Speak Out**
- **Be Supportive**
- **Don't be an Audience**

THANK YOU FOR HAVING ME.

- ▶ IF YOU HAVE ANY QUESTIONS, FEEL FREE TO CALL OR EMAIL ME.
- ▶ GOOD LUCK!