Peter Rousmaniere published a Special Report for Workcompcentral on January 28, 2016 entitled "*The Uncompensated Worker: The Financial Impact of Workers' Comp on Injured Workers and Their Families.*" *https://www.workcompcentral.com/special-report/file/pdf/3/wcc_referer/sidebar*

WILG, The Workers' Injury Law and Advocacy Group, a nonprofit association of lawyers dedicated to protecting and advancing the rights of injured workers, applaud Peter's report and findings, demonstrating with compelling statistical analysis how injured workers and their families suffer financially after a workplace injury.

Attorneys who represent injured workers know this all too well as the following examples illustrate:

Jack, an Indiana County Street Department employee injured while he was lifted in a front loader instead of a man lift. This was an unsafe practice by his employer. He suffered bilateral knee injuries and a low back injury, each treated by different orthopedic doctors. He was placed on light duty that could not be accommodated by the employer. Indiana Temporary Total Disability paid 2/3 of his average gross weekly wage. The first thing this employer did was to use his hourly rate without over time, resulting in a shortage of TTD benefits because the average weekly wage was miscalculated. The second impact was that his family health insurance contribution was taken out of his check. He had a choice; he either paid it, or lost his health insurance. His resulting reduced pay made it impossible to make his house and car payments, while still getting groceries and paying the electric bill. Jack resorted to a settlement funding company that charges onerous interest rates. He took the loan just so he would not lose his house.

Jack ultimately was given a functional capacity evaluation showing permanent restrictions. His employer of 16 years told him he could not return to his past position with those restrictions, so he lost his job. Because of his age and years of service, he will receive some pension and opportunity for health insurance, but could not afford the health insurance. Jack was forced to apply for Social Security Disability, which after two years entitles him, but not his family, to Medicare coverage.

The compensation rate for Jack was inadequate to sustain the injured worker, transferring some of the responsibility to pay for wages and health care from the employer to the Social Security Administration and Medicare. In essence, the taxpayers get to pay for these injured workers because the employer and its insurer are not made to do so by the workers' compensation laws.

In the state of Washington, Barbara was an executive-level employee for a major tech company. She was in France, on business, when she was involved in a high-speed, rear-end motor vehicle accident. She was a passenger in a van with other employees. She suffered a brain injury, cervical injury and has been left with constant headaches as well as traumatic brain injury which impacted memory, ability to process information, anxiety, etc. She is now several years post-injury and has improved but is not back to baseline, particularly because she was high functioning at the time of the injury. She receives time loss compensation at the statutory maximum but her date-of-injury salary and stock options were in the mid-six-figure range pre-injury. So, instead of getting 65% of her date-of-injury wage, which is the norm for a married injured worker in WA State, she is receiving about 11% of her pre-injury earnings. She and her husband sold their home and cashed out their investments.

In Massachusetts, Joel age 59, 7th grade educated, spent his entire career as a heavy equipment operator. In 2013 his backhoe was struck by another vehicle causing herniated discs in his neck resulting in a fusion which did not heal well, leaving Joel permanently disabled. His weekly compensation check is $525 per week, well under his pre-injury wage of $875 per week and at the time of injury the family was barely making it paycheck to paycheck. He also could no longer afford health insurance so he resorted to Medicaid. From time to time his utilities were shut off, his car was repossessed, his home went into foreclosure and he was able to at least sell it via a short sale. He and his wife have been forced to move from Massachusetts to live with his elderly mother in Arizona.

The above stories are not uncommon. As legislatures consider bills seeking further reductions in disability and medical benefits to injured workers, or consider legislation making said benefits more in line with the realities of the financial devastation a workplace injury might cause, these and the many other stories out there must be considered.

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