WORKERS’ COMPENSATION
KEEPING INJURED AND ILL WORKERS IN THE WORKFORCE

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WHAT IS IT?

- Nationwide adoption by 1948
- Minimal federal role
- Employer Insurance
- Benefits employer and employee
- Cast of characters involved
State Law Determines:

- Who can provide insurance
- Coverage requirements and standards
- Value of benefits and timeline
- Eligibility to self-insure
- Every state is different

Who Can Provide Insurance?

Four states have a single state-operated insurer

- North Dakota, Ohio, Washington and Wyoming

46 states permit private insurance providers

48 states allow qualifying employers to self-insure

- Exceptions = North Dakota and Wyoming
STAYING AT WORK

- Unprecedented worker shortage
- Working improves overall health and recovery
- Prolonged absences from work reduce the chances or returning to the workforce
- Hard to come off federal social support programs
- Win-win for all stakeholders

Post-Injury Return to Work
Probability of returning to work in an eight-quarter period if not returned within initial three months of injury.

Source: Washington State Department of Labor and Industries
STAYING AT WORK

State Policy Options

- Partial return-to-work
- Transitional work plans
- Employer incentives and supports
- State as a model employer
- Stakeholder coordination

States with Partial Return to Work Programs

FEDERAL ACTION

Federal RETAIN Demonstration Projects

- Injuries/illnesses that impact ability to work regardless of where it occurs
- Eight states awarded pilot funding
- Improve coordination among stakeholders
MENTAL HEALTH

- Falls under ADA
- Growing interest among policymakers to address in workers’ compensation policy
- Hard to connect conditions to the workplace

Mental Health Cases in California

California compensates workers for psychiatric injuries but sets a higher threshold for these claims than for a physical injury.

A worker must:
- Be diagnosed with a mental disorder by a licensed psychologist
- Demonstrate actual events of employment were predominant as to all causes combined of the psychiatric injury.
- Have been working for the employer for at least six months.
THANK YOU

Contact me with Questions:

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