



# What is Considered an On-the-Job Injury?

By Jill Hay, PAGE General Counsel & Director of Legal Services

If an employee is injured on the job, he or she has certain rights and responsibilities under the Georgia Workers' Compensation Law and may receive medical, rehabilitation and income benefits. One question we are frequently asked is: "What is considered an on-the-job injury?"

An on-the-job injury is one that occurs while the employee is performing assigned job duties during assigned work hours. Injuries sustained while engaging in unassigned duties, such as those during lunch (when you are not on duty) and breaks or during an employee's commute to and from work, are not covered. To answer some of the questions we receive, a few of the employee's rights and responsibilities are outlined below. This is not an exhaustive list of your rights and responsibilities, so please remember to call the PAGE Legal Department for advice and consultation if you are injured on the job.

## EMPLOYEE'S RIGHTS:

- Employer must post a list of at least six approved doctors. You must choose from this list and can make one change to another doctor on the list.
- In an emergency, you can get temporary emergency care from any doctor until the emergency is over; then you must get treatment from a doctor on the list.
- You are entitled to weekly income benefits if you have missed more than seven days of work due to the injury.
- Income benefits are generally two-thirds of your average weekly wage. If you chose to use your sick leave days in exchange for full compensation, you cannot also receive these income benefits. It is either one or the other.

## EMPLOYEE'S RESPONSIBILITIES:

- Follow all safety policies and procedures.
- Compensation will not be allowed for injury or death due to an employee's willful misconduct.
- Report any accident immediately, but not later than 30 days after the accident, to your immediate supervisor and your employer's workers' compensation representative.
- Obtain and fill out all required paperwork.
- Choose a doctor on the employer-provided approved list of doctors.
- Notify your employer when you are able to return to full-time or part-time work.
- If you believe you are entitled to income benefits and the employer or insurance carrier has denied those benefits, you must file a claim with the State Board of Workers' Compensation within one year of the date of your last authorized medical treatment or within two years of your last payment of weekly benefits.
- If you unjustifiably refuse to submit to a drug test following an on-the-job injury, there will be a presumption that the accident and injury were caused by alcohol or drugs and benefits would be denied.
- Making false or misleading statements when claiming benefits is a misdemeanor that carries a fine of no more than \$10,000 or imprisonment up to 12 months or both. ■

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