

Workers' Compensation Facts

- 1) Workers' compensation is a "no fault" system to cover work-related injuries. In other words, it does not matter if the accident was either the employee's or the employer's fault.
- 2) Only physical injuries resulting from an "accident or unexpected event" are considered compensable. Mental disorders or mental injuries that did not result from some physical injury to the body are not compensable.
- 3) In order to be considered compensable, the accident must occur within the line and scope of the employee's employment **and** it must arise out of that employment. Just because an accident happened at work does not mean that it is automatically considered compensable.
- 4) Accidents that are the result of some sort of horseplay on the part of the employee do not "arise out of the employment" and therefore would most often be excluded from coverage. The one exception would be an employee who was not a participant in the horseplay but an innocent by-stander who was injured by the horseplay of a co-worker.
- 5) Heart attacks are most often the result of an underlying health condition and therefore would not be considered a work related injury simply because the employee suffered the heart attack while at work. The burden of proof would be upon the employee to show that the job he was performing was the direct cause of the heart attack before it could be considered a work-related injury arising out of his employment.

Each claim must be evaluated on its own merits to determine compensability. If you have questions regarding a potential workers' compensation claim, contact your workers' compensation claims personnel for assistance.