

## Your Employee Got Hurt at Work. Now What?

It's another routine workday, but then the unexpected happens. An employee is injured at work. Do you know how to help your worker and protect your business amid the chaos?

This isn't a trick question. According to our most recent [survey](#), more than **10 percent** of small-business owners had an employee injury in the past 12 months.

While you probably have [Workers' Compensation Insurance](#) to cover the costs, you still need to handle these incidents right. If you don't, you may get fined or penalized for breaking the law.



Let's look at what to do before an employee injury ever takes place and how to handle the aftermath of a work injury.

### What to Do before an Employee Injury

Some of the most important steps you can take to protect your business and your employees happen long before an accident. For instance, getting Workers Compensation, which is [required by law in most states](#), is almost a no-brainer. Without it, you would probably have to dip into your savings to pay for an injured worker's medical bills.

But [Terese Connolly](#), a labor and employment law partner with [Culhane Meadows PLLC \(@CulhaneMeadows\)](#), says that's just the beginning. First, she says small-business owners should have policies and procedures in place so the people responsible for responding to an accident know what to do.

"One thing I like to give my clients is an investigation checklist," says Connolly. "If you don't have a list, important steps are more likely to get skipped."

You also want to have the appropriate forms on hand. Connolly says these may include...

- Medical treatment consent forms.
- A return-to-work release form that the physician completes.
- The employee's job description.
- Your company's light duty policies.

A light duty policy explains your plan for dealing with a workplace injury that limits an employee's ability to do their job. Alden Byrd, litigation attorney with the [Washington Law Center \(@WALawCenter\)](#), says employers should try their best to accommodate injured workers with light duty work while they are recovering.

"This will help maintain that employment relationship until the worker is fully recovered," he says.

Finally, Connolly recommends being vigilant about employee training.

"Get your policies and procedures in place and train, train, train," says Connolly. "That in and of itself will alleviate some risk because it puts safety on the top of people's brains."

## Step 1: Help Your Employee Get Medical Care

Despite your best efforts, a workplace injury can still happen. When it does, Connolly says the first thing you want to do is to assess the injury and get your employee medical attention. The tips in "[The 5 Best Safety Practices in Case of a Workplace Accident](#)" can help you manage the situation.

However, an employee injury might take place when you're not around. In that case, owner of [Alexander Shunnarah Personal Injury Attorneys, PC](#) Alexander Shunnarah (@ShunnarahInjury) says, "It is the responsibility of an employee to notify their employer, HR department, etc. of an injury obtained on the job."

Once your injured employee is under the care of a physician, it's a good idea to follow up with them. Shunnarah says that as a small-business owner, he always wants to have his employee's best interest at heart. Monitoring their recovery and their claim is one way to do that.

## Step 2: Investigate the Accident

Whether an employee notifies you of a workplace injury or you're onsite when it happens, Shunnarah says employers have a duty to investigate the incident. In some circumstances, he says that may mean getting written accounts from the injured employee and any witnesses.

Firsthand information from all witnesses can be invaluable to figuring out what happened. As Connolly says, "Everybody's view is different. If a ladder is falling on me, I may not remember I kicked a bucket right before it happened."

Additionally, Connolly recommends taking photos at the scene of the incident. You may find wet floors or misplaced equipment that contributed to the accident. Plus, Byrd says these can document damage to your business property.

Perhaps most importantly, Connolly says you should investigate the accident even if there is no resulting injury. You can use the information to see if your safety processes are sufficient and improve them where they fall short. And if you do take actions to fix unsafe conditions, she reminds you to "document, document, document."

## Step 3: File the Claim

The final step is to file a Workers' Compensation claim. Shunnarah says your insurance company should guide you through every step of the process to correctly file and document the claim. However, it couldn't hurt to look into your state's work injury reporting rules, too.

But whatever you do, don't try to avoid filing a claim by offering to pay your injured worker's medical bill directly.

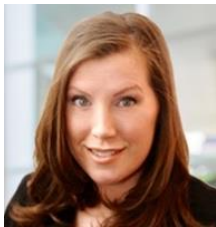
"It's difficult to know if an injury is going to turn out to be something much more serious than you'd expect," says Byrd. He says the best way to protect your rights and your employee's is by filing a claim – even if the injury appears to be minor.

For more insight on the claims process, read "[How Do I File a Workers' Comp Claim?](#)"

## About the Contributors



**Alden Byrd** grew up in Ohio, but moved to Seattle in 2009 to attend law school at the Seattle University School of Law where he graduated cum laude. Upon graduation, Byrd clerked for United States District Court Judge Thomas S. Zilly in the Western District of Washington. Byrd is currently a litigation attorney at [Washington Law Center](#) located in Tacoma and Seattle where he focuses on workers' compensation claims for individuals who have suffered workplace injuries.



**Terese Connolly** is an experienced employment and labor law partner in the Chicago office of [Culhane Meadows PLLC](#), where she provides advice and counsel to domestic and multinational corporations managing diverse and global workforces. Connolly conducts enterprise risk assessments, compliance audits, internal investigations, and trains management and employees on employment law, leave laws, anti-discrimination and harassment, diversity, and domestic and international labor and employment law compliance.



**Alexander Shunnarah** is the owner of [Alexander Shunnarah Personal Injury Attorneys, P.C.](#), a premier southeastern personal injury law firm. Headquartered in Birmingham, Alabama, the firm boasts over 27 practice areas served by 80 attorneys and 200 support staff in 19 offices across five states. Alexander Shunnarah has successfully led his team of expert litigators to represent more than 25,000 clients since the firm's inception in 2001.