

What should if upon returning to work my boss will not pay me?

If you are unable to earn as much as you were earning prior to your injury you may have a right to receive a percentage of the difference between your average weekly salary prior to the accident and your average weekly salary afterwards.

• How Should I Protect Myself?

- 1-Give written notice of the accident to your employer and keep a copy for yourself
- 2-File a lawsuit within three years from the date of the accident or within two years from the date in which you received your last payment.

¿Do I still have a right to these benefits if I am undocumented?

Yes! The procted ever worker without any consideration to immigriton status.

REMEMBER! THESE RIGHTS AND BENEFITS APPLY REGARDLESS OF IMMIGRATION STATUS.



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***ABOGADOS PARA CAMPESINOS Y
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Workers' Compensation

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What is Workers' Compensation?

The law on workers' compensation relates to personal injuries in the work place. The states that one somebody suffers injury while engages in work, s/he has the right to certain benefits.

If I get hurt in the workplace, what benefits can I receive?

- **Medical benefits:** Your employer must provide you with all the assistance that is reasonably necessary to cure your injuries.
- **Complete Temporary Disability:** If you cannot work while you are recovering from your injury, you have the right receive an amount of compensation based upon your average weekly salary prior to your injury. There is no limit to the amount of time that you can receive this compensation
- **Partial Permanent Disability:** If you loose use of a part of your body either partially or completely in a permanent fashion, you have the right to receive an amount determined by the law and based on your average weekly and the specific part of your body, the use of which you lost

What kind of accidents are covered under the law?

The law covers all kinds of accidents so long as they occur while you are engaged in work.

The law also covers any kind of disease that you may have developed as a result of your pursuit of your work duties.

What should I do if I get hurt at work?

First, you should inform your supervisor and file a report about our wound.

Afterwards, you should obtain a note from your doctor which verifies the need for you to abstain from work and obtain permission to miss work from you employer.

What must I do to have the right to these benefits?

Under Illinois law you must report your injury to your employer within 45 days from the day it occurred.

Failing to report your injury within the 45 day time limit can result in the loss of all your right to benefits under Illinois workers' compensation laws.

To be safe, don't take any chances. Simply report your injury immediately and keep a copy of your report.

Must I use my vacation or sick days if I am hurt at work and have to miss work afterwards?

No. Employers frequently tell their employees when they are hurt that they have to use up all of their sick and vacation days before they can start getting any workers' compensation benefits. This is not true.

How long should I be getting these benefits?

You should receive disability payments as long as you are physically unable to work as a result of your accident.

When should I speak to an attorney?

You should obtain immediate legal counsel

whenever your employer refuses to pay you your benefits or provide you with necessary medical treatment.

Can I demand that my employer give me my old job back after I have spent time away from work due to my injury?

Yes. Once you have recovered from your injury, your employer is obligated to reinstate you in the next proximate position for which you are most qualified. (This does not mean that you can force your employer to fire the person that was hired to replace you. You may have to wait until there is an open position for which you are qualified.)

Can I still obtain benefits even if the accident was my fault?

Probably. The purpose of the law is to provide benefits for workers who hurt on the job without much consideration for their blame in causing the injury. (Still, the law does not cover accidents caused by alcoholic intoxication or drug use by the worker. Nor does the law cover accidents caused in pursuit of criminal activity.)

Can the employer retaliate against me for demanding benefits?

No. The law prohibits retaliation by your employer for filing a complaint related to workers compensation. If you are retaliated against you should immediately contact an attorney.

Last Updated 2012