

# **Work injuries and your rights**

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If you're injured on the job or suffer an occupational disease, you have the right to receive workers' compensation for your injury or illness. This is also true for undocumented workers and workers who don't have legal work documents.

## **What if I get sick or injured on the job?**

Washington is a "no-fault" state for workers' compensation. That means that it doesn't matter who or what may have caused the injury or disease. If you were working while you were hurt, you're entitled to benefits.

Injured workers can get:

- Payment for medical expenses
- Compensation for some wages lost while you recover
- Payments for partial or total disabilities
- Vocational counseling and/or training
- Transitional work opportunities

## **What steps should I take if I got hurt on the job?**

If you're hurt on the job or have an occupational disease:

- **Get medical attention right away.** Tell the doctor you were hurt at work.
- **Tell your employer.** If your employer is self-insured, fill out a "self-insured accident report" form.
- **Get the names and phone numbers** of any co-workers who witnessed your injury.
- **Tell your union,** if you're a union member.

### **When should I apply for workers comp?**

You generally must apply within 1 year of injury or 2 years from discovery of an occupational disease. We recommend you **apply as soon as possible**.

### **Where can I get the forms to file for workers comp?**

**If your employer isn't self-insured,** you can usually get the appropriate forms online, or at hospitals, clinics or doctors' offices. You can also get them at your local Department of Labor and Industries (L&I) field office (<https://www.lni.wa.gov/agency/contact/#office-locations>).

**If your employer is self-insured,** you should get a Report of Accident form from the employer.

### **Do you have any tips for filing a claim?**

You must include all dependents, including your children and spouse, when filing a claim. The number of dependents you list on the claim form determines "time-loss" benefits.

You can also [call free hotlines for more information](#) and help.

## **Does my doctor have to fill out any paperwork?**

Yes. Your doctor (or physician's assistant) fills out the "Physician's Initial Report" part of the Report of Accident form. Make sure the doctor submits this form to your employer or their service company.

## **What other rights do I have?**

You have many. They include:

- Right to choose or change doctors
- Right to get medical care needed for treatment at no cost
- Right to get time loss benefit payment if you're unable to work for more than 3 days
- Right to turn down (decline) "light duty" work offer unless approved by your doctor
- Right to get a permanent partial disability payment if your injury is permanent
- Right to be free from retaliation for asserting your rights under worker compensation law
- Right to get **all** letters, notices, and other communications from the Department of Labor and Industries in your native language

## **What do I do after filing my claim?**

- While L&I is deciding your eligibility, a medical provider may send you a bill. Keep one copy. Send one to L&I. The bill will be paid if L&I approves your claim.
- Continue to contact coworkers or other people who may have witnessed your injury, and collect their names and phone numbers.

- If your employer offers you light duty and you believe the work is making your injury worse, immediately contact your doctor. If the doctor agrees with you, you may go back to time-loss benefits. To do so, notify your claim manager you're no longer able to perform light duty work. If only part-time light duty work is available, you may still get additional time-loss benefits.
- **Make sure you know your protest or appeal deadline.** If L&I denies your claim, you can protest or appeal, but only for a limited time.

### **L&I said I can work despite my injury, or they sent me a notice of decision that I disagree with. What can I do?**

You can protest or appeal that decision

([https://www.projecthelpwa.com/\\_files/ugd/7e2fff\\_453784e629754ef599051712a47b5d7c.pdf](https://www.projecthelpwa.com/_files/ugd/7e2fff_453784e629754ef599051712a47b5d7c.pdf))

. In general, you must do so within **60** days or less of getting the decision.

If you don't protest or appeal within the time allowed, you lose your right to do so. The decision becomes final.

### **Can I get help with my claim?**

Yes. Call your **claims manager with the Department of Labor and Industries'** service location or call toll free 1-800-LISTENS (1-800-547-8367). Spanish-speaking staff and other services are available on the toll-free number.

You can also contact **PROJECT HELP** (<https://www.projecthelpwa.com/>). They provide free information and help. They have Spanish/English bilingual staff, but you should provide your own interpreter if needed.

You should try to get legal help

(<https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536&ShowSearchResults=>

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if your employer fires you, cuts your hours, doesn't schedule your usual shifts, or otherwise retaliates against you because of your injury or because you've filed (or intend to file) a worker's comp claim.

If you're a farmworker and your injury is the result of pesticide exposure, you can contact Northwest Justice Project's Farmworker Unit, La Unidad Campesina de NJP, at (509) 225-0026 for free legal help.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.