

The background of the slide is a dark gray silhouette of a world map, centered on the Atlantic Ocean. The continents are outlined in a slightly lighter shade of gray.

# **The ABCs of Workers' Compensation**

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## Workers' Compensation in Maine

- Mission
  - “to serve the employees and employers of the State fairly and expeditiously by ensuring compliance with the workers’ compensation laws, ensuring the prompt delivery of the benefits legally due, promoting the prevention of disputes, utilizing dispute resolution to reduce litigation, and facilitating labor-management cooperation.” 39-A M.R.S.A. §151-A
- Origin
- Generally, “No Fault”
  - Two exceptions

## Structure of the Board and Offices

- Board of Directors
  - Executive Director
  - Labor
  - Management
- Hearing Officers
  - Regional Offices
- Workers' Compensation Board Staff and functions



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## The Basics



- Who is covered?
  - Employer
  - Employee
  - Independent Contractor
- What benefits are available?
- How long do benefits last?

## The Basics (continued)

- Injury or illness
- Notice or Knowledge
- Arising out of and in the course of
  - Time
  - Place
  - Circumstance
    - Coming and going
    - Travel
    - Outings/events

## Uncontested Claim Process

- FROI
- Injured Worker Statement
- Investigation
- Preferred Medical Provider
- FMLA/Accommodation process
- Return to work
- Document retention



## Contested Claim Process

- Mandatory ADR/Mediation
- Limited Discovery
- Unitary Hearing
- Final Written Argument
- Decree

## Appeal Process

- Appellate Division
- Law Court





# The Hidden Costs of Accidents & Illnesses

## DIRECT or INSURED COSTS

- Time lost from work due to injury
- Overtime to make production
- Continued payment of fringe benefits
- Loss of efficiency due to break up of crew
- Decreased morale
- Cost of selecting, training & breaking in new workers
- Damage to tools and equipment
- Time damaged equipment is out of service
- Spoilage
- Cost to clean up/repair damage
- Loss of production
- Failure to fill orders
- Overhead cost (when work was disrupted)
- OSHA penalties
- Miscellaneous – there are at least 100 other items of cost that appear one or more times with every accident

## INDIRECT or UNINSURED COSTS

## WORKER

- Loss in earning power
- Psychological stress to injured employee & family
- Pain and suffering
- Substance Abuse Risk

Disability: Medical/ Legal

## Employer's Rights and Duties

- Root Cause Investigation
- Early Collection of Witness Statements
- Direction and Support of Medical Treatment
- Contact/Communication
- Set Expectations
- Transitional Duty Program
- Vocational Rehabilitation
- Utilize Insurer's Tools/Benefits
  - Ergonomic Evaluation
  - Team Meeting

## Questions?

## Thank You!



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