WORKERS’ COMPENSATION APPLICANTS’ ATTORNEYS
You don’t have to pay an applicants’ attorney when you hire him or her: the attorney’s fee is taken out of some of your benefits later, if and when you get a judgment or settlement. Choose an attorney with experience in workers’ compensation, preferably one who is certified by the State Bar of California as a workers’ compensation specialist. You can get names of certified applicants’ attorneys from the following sources:
- State Bar of California
  1-415-538-2120 • http://www.calbar.ca.gov
- Local Bar Association referral service
  1-866-442-2529 • LRS@calbar.ca.gov
- California Applicants’ Attorneys Association
  1-800-648-3132 • http://www.caaa.org
- Your union, if you have one
- Other injured workers

INFORMATION AND ASSISTANCE OFFICERS
“IT & A” officers of the state Division of Workers’ Compensation answer questions and help injured workers. Their services are free. Call toll-free 1-800-736-7401 to find the phone number and location of the nearest Information and Assistance Office, learn about free workshops for injured workers, and hear recorded information about the workers’ compensation system.

ADDITIONAL BROCHURES
Worksafe has also published “How to Obtain Workers Compensation Benefits in California” and “Facts for Workers Whose Employers are Illegally Uninsured.”
What are my rights?

Disability rights. The California Fair Employment and Housing Act (FEHA) requires employers with five or more employees to provide a reasonable accommodation to an injured worker. FEHA also requires the employer to engage in a “timely, good faith, interactive process” with the worker to find a reasonable accommodation. This means the employer must communicate openly with you and share important information about possible accommodations, and the interaction must be genuine.

Workers’ compensation anti-discrimination law. California workers’ compensation law (Labor Code section 132a) makes it illegal for your employer to discriminate against you because of your injury. This means your employer may not fire, threaten to fire, demote, or otherwise treat you differently from other employees solely because you requested workers’ compensation benefits or got injured at work. To defend against a claim of discrimination, your employer must prove there was a valid business reason for the action taken against you. If you believe that you have been discriminated against, contact an attorney.

To request benefits or if you have a problem, contact your employer or your employer’s workers compensation insurer. If this does not work, contact the California Division of Workers’ Compensation, consult an applicants’ attorney, contact your union (if you have one), or visit a legal services provider (legal aid).

If you feel your employer has discriminated against you because you are disabled, you can also contact the California Department of Fair Employment and Housing or an employment law attorney. You can look for an employment law attorney who represents workers by contacting your local Bar Association’s referral service, looking at the list of attorneys on the California Employment Lawyers Association’s website (www.cela.org), or asking other workers.

IF YOU GET HURT ON THE JOB

RETURN TO WORK?

Your employer may offer you regular, modified, or alternative work that accommodates your disability.

- **Regular work** must pay the same as you were earning before injury.

- **Modified or alternative work** must pay 85% of what you were earning before injury. The work must meet the restrictions in your doctor’s report, last at least 12 months, and be within a reasonable commuting distance of where you lived at the time of injury.

- If your employer does not make this offer, you are eligible for a supplemental job displacement benefit (voucher) to help pay for educational retraining or skill enhancement at a state-approved or state-accredited school. The amount of the voucher depends on how disabled you are.

TITLE

If your treating doctor says you will never recover completely from a work injury, you may be eligible for workers’ compensation benefits for your disability and benefits to help you return to work. Your employer may not discriminate against you for requesting workers’ compensation benefits, getting injured at work, or having a permanent disability.

Permanent disability (PD) benefits. These are paid if your job-related disability permanently limits the work you can do. Even if you are working at the same job or being paid the same amount, you still may be eligible for permanent disability benefits.

The amount paid depends on how disabled you are and the wages you were earning before the injury. If you can no longer do your usual job, these benefits may not replace all the income you lose.

If you believe you have a permanent disability, it is probably worth talking to a workers’ compensation attorney who represents employees (called an “applicants’ attorney”). Most applicants’ attorneys offer a free consultation.

You can look for an employment law attorney who represents workers by contacting your local Bar Association’s referral service, looking at the list of attorneys on the California Employment Lawyers Association’s website (www.cela.org), or asking other workers.