

Bill of Rights for Injured Workers in New York State

The current New York State workers' compensation system denies the fundamental human rights of injured workers. We demand that the workers' compensation system meet all workers' rights by following six key principles:

Human rights for all injured and ill workers: The workers' compensation system must, above all else, prioritize the needs and rights of injured workers and ensure that every worker is treated with dignity and respect. The system must assume that workers are entitled to benefits. Budgetary considerations and the cost-cutting agenda of the corporate lobby can never preempt injured workers' fundamental human rights.

Just and timely compensation: All injured or ill workers, regardless of employment classification or immigration status, must receive timely and adequate income replacement payments that replace a substantial portion of their wages and meet their fundamental needs

Quality and timely health care: All injured and ill workers must have access to quality, timely, patient-oriented, needed health care. Workers must be permitted to choose their own doctor without interference from employers, insurers or any other party, and must be permitted the freedom to make their own medical decisions.

Accessible and accountable process: The workers' compensation system must be fully accessible to all workers and all workers have a right to a fair hearing. The system must take actions to create accessibility for low wage workers, those with varied literacy levels, and those with limited English proficiency. The system must be visible to injured workers, must be proactive in delivering information to them and helping to secure their benefits, must include meaningful prohibitions against practices that discourage workers from reporting accidents and filing claims, and must institute effective safeguards to protect workers from retaliation. All parties to the system, including employers and insurers, must be held accountable and responsible. The system's function and data must be transparent and readily available to the public.

Justice for low-wage workers: Low-wage injured workers have been systematically cut out of the workers' compensation system. The rights of low-wage earners must become a focus of the system, ensuring that they are granted equivalent compensation to higher-wage workers.

Right to return to work without retaliation: Injured and ill workers who are physically and psychologically able to work, regardless of immigration status, must have open access to appropriate subsequent employment, and must be protected from any retaliation, discrimination, or harassment. The workers' compensation system must create a culture in which employers enable return to light duty or limited work without stigmatizing the injured worker; create effective systems to ensure that employers who retaliate against workers are penalized; and use a whole-person approach that supports the physical, psychological, and vocational rehabilitation of workers.