

MMA Workers' Compensation Fund

What is Proper Notice of a Work-Related Injury?

Proper notice is a critical facet of the Workers' Compensation Process, but many are unsure as to what constitutes notice. Therefore, we have created this fun quiz to help define notice.

1. When has an employer considered to have received notice of a work-related injury?

- When they witness an employee fall off a ladder and they clearly sustained an injury.
- When an employee tells a supervisor or department head that they were injured at work.
- When a spouse calls a supervisor or department head and informs them that their employee sustained a work-related injury.
- When an employer receives a letter from an Attorney stating that an employee received a work-related injury.
- All of the above

2. Under the Maine WC Statute, What is an employees' obligation with regard to reporting a work related injury?

- They must complete an internal accident report and return it to their supervisor?
- They must verbally, or in writing, tell a supervisor or department head that they sustained an injury?
- They must complete a First Report of Injury?
- They must provide all relevant information before a FROI needs to be completed where, when, how, etc.

3. What are the consequences of not filing a FROI timely?

- If there is time missed from work and a FROI is not filed with the WCB within 7 days a \$100 reporting violation will be imposed.
- If incapacity (in ability to work) is not denied within 14 days of notice the employer/insurer has lost the ability to deny the claimed lost time
- The WCB will give an employer a reminder about reporting for the first time a FROI is filed late.
- A & B

4. What excuses not filing a FROI or denial timely?

- The person who usually completes the FROI was on vacation.
- The employer didn't have a medical record indicating that the injury was work related.
- The notice being given is highly unusual i.e. claim that a death is related to condition caused by employment, but this employee hasn't worked for you for over 15 years.
- None of the above

True or False

- If the employee does not report a work-related injury within 90 days an Employer has no obligation to file a FROI.
- If an employer suspects that how an employee states that injury occurred is not accurate, they do not need to file a FROI.
- If the employee does not complete or return an internal accident report the employer has no obligation to file a FROI
- If a former employee, or someone on their behalf, gives notice of a work-related injury, it must be within 5 years of employment or there is no obligation to file a FROI.
- Work related injuries can include medical conditions and stress claims that involve no physical injury.

This issue:

- Special Edition on Notice



MAINE MUNICIPAL ASSOCIATION
RISK MANAGEMENT SERVICES

PROPERTY & CASUALTY • UNEMPLOYMENT COMPENSATION • WORKERS' COMPENSATION

Answers: Let's see how we did.

- E – All of the above** * Notice can come from people other than the employee.
- B** – They must verbally, or in writing, tell a supervisor or department head that they sustained an injury ***Notice** can be done in an e-mail, text, letter or a conversation. Remember that the employee has no obligation to complete any paperwork.
- D – A&B** – If there is time missed from work and a FROI is not filed within 7 days a \$100 reporting violation will be imposed. If incapacity (in ability to work) is not denied within 14 days of notice the employer / insurer has lost the ability to deny the claimed lost time.
- D** – none of the above – the WCB will accept no excuse for the late filing of a FROI. Keep in mind that the 7 days include weekends and holidays. Your obligation is to respond to the allegation of a work injury, even if you suspect that the claim is not valid, appears to be untrue or questionable.
- False** – late notice is a defense to a claim, it does not negate your obligation to file a FROI.
- False** – you are obligated to respond to what is being claimed, even if you have concerns about the validity of the claim.
- False** – Even if you have an internal policy requiring that an accident report be completed, an employee has no obligation to complete any paperwork when providing notice of a work-related injury.
- False** – there is no limit to when a claim can be brought, we have seen claims being brought by employees that have not worked for employers for 20 years or more. Your obligation to report after being given notice is always the same regardless of the current employer / employee relationship.
- True** – an employee can claim that a medical condition i.e. cancer, cardiac conditions, mental stress, PTSD etc. are work related. Injuries are not just physical.