

## Reporting a work injury

This document contains general information. It is not legal advice. Every situation is different and other laws might apply to your situation. If you have questions, contact an attorney, visit the Department of Labor and Industry website at [www.dli.mn.gov/WorkComp.asp](http://www.dli.mn.gov/WorkComp.asp) or call the Workers' Compensation Hotline at 1-800-342-5354 and press 3.

Note: This information sheet is about reporting work-related injuries, not occupational diseases. Call the Workers' Compensation Hotline at the number above if you have a question about reporting an occupational disease.

### **When you are injured tell your employer right away.**

If you are injured on the job, you must report the injury to your employer as soon as possible. The workers' compensation law has deadlines for reporting your injury to your employer. If you do not tell your employer about the injury by these deadlines your claim might be denied.<sup>1</sup>

### **What are the deadlines for telling my employer about the injury?**

**If you tell your employer within 14 days after your injury**, your notice is on time. The employer cannot deny your workers' compensation claim because you gave late notice of the injury.

**If you tell your employer between 15 and 30 days after your injury**, your employer is allowed to deny your claim because of late notice *only* if your employer shows it has been prejudiced (harmed) by the delay.

**If you tell your employer between 31 and 180 days after your injury**, your employer is allowed to deny your claim for late notice *unless* the delay in telling your employer about the injury is due to:

- your mistake, inadvertence, ignorance of fact or law or your inability to give notice; or
- fraud, misrepresentation or deceit (dishonesty) by your employer or your employer's agent.

If you delayed reporting the injury for one of the reasons listed above, your employer is allowed to deny workers' compensation benefits because of late notice *only* if your employer shows it has been prejudiced (harmed) by the delay.

**If you tell your employer more than 180 days after your injury**, no workers' compensation benefits are allowed *unless* you did not give notice because you were mentally or physically incapacitated. But you must notify your employer within 180 days after you are no longer incapacitated.

### **What if I didn't notify my employer because my supervisor already knew about it?**

If your employer has actual knowledge of your injury, you are not required to give additional notice. For example, if your supervisor saw you get injured, your employer can't deny workers' compensation benefits because you did not give notice on time. But your employer does not have to see an injury happen to have actual knowledge of it. Under the law, an employer also has actual knowledge of an injury if it knows facts and circumstances that would make a reasonable person ask whether the disability or injury is work-related. If you

are not sure whether your employer actually knows about your injury, it is best to notify your employer in writing to be sure.

### **What if I didn't notify my employer because I didn't know I had a workers' compensation claim?**

Sometimes injuries are not the result of a sudden accident at work, but instead happen gradually over time. An example of this is where repetitive work activities cause an injury over weeks, months or years, eventually resulting in disability. Under the law, if an injury happens gradually over time, you must notify your employer of the injury within 180 days after it becomes reasonably apparent to you that the injury has resulted in, or is likely to cause, a compensable work injury.<sup>2</sup> Another example is where your injury is initially so minor that you do not recognize it as a compensable work injury. In these cases, the courts will look at when the employee should have recognized the seriousness of the injury and that it is probably payable as workers' compensation.

The date that an employee has enough information to trigger the duty to notify the employer of a possible work injury will depend on the facts of each case. If you suspect your injury may have been caused by or worsened by your work activities, it is best to talk to your doctor and notify your employer as soon as possible.

### **Can my employer fire me for reporting a work injury?**

No. Minnesota law allows an employee to sue an employer for damages if the employer fires, threatens to fire or intentionally obstructs (blocks) an employee from seeking workers' compensation benefits.

If you have an injury covered by workers' compensation and your employer is unable to find work for you within any restrictions your doctor has given, workers' compensation benefits (including vocational rehabilitation) are available. If your employer is unwilling to make any accommodations, you may have legal rights under the Americans with Disabilities Act or the Minnesota Human Rights law.

### **What if my employer does not report the injury to the insurance company?**

It is the employer's responsibility to report injuries to the insurance company, but there are steps an employee can take if the reporting is not done. The first step is to make sure you give your employer notice of the injury in writing; keep a copy of the written notice. Also keep a record of the dates you discussed your injury with your employer. If your employer does not complete a report and does not tell you the name of its workers' compensation insurer, you can find out the insurer by checking the area in your workplace where employee information is posted.

Your employer is required to post your workers' compensation rights and responsibilities and the name of its insurer. You can also look up the name of your employer's insurance company online at [www.inslookup.doli.state.mn.us](http://www.inslookup.doli.state.mn.us) or call the Insurance Verification Request Line at the Department of Labor and Industry at (651) 284-5170 for the insurer's name (you will need to supply your employer's name and address and the date of your injury). Then you can contact the insurer to make sure the report has been completed.

### **What happens after I report a work injury to my employer?**

Your employer must report a work injury that requires medical treatment or that involves lost time from work to its workers' compensation insurer. If your employer is self-insured for workers' compensation, the injury must be reported to the employer's workers' compensation administrator. If, due to the injury, you are wholly or partially unable to work for more than three calendar days, or if you have permanent loss of use or function of part of your body, your employer's workers' compensation insurance company is required to report your injury on a "First Report of Injury" form to the Workers' Compensation Division of the Department of Labor and Industry within 14 days of its occurrence. (There are shorter reporting times for serious injuries and fatalities.) If you are part of a union, your employer must also send a copy of the First Report of Injury form to your local union office. Your employer (or its insurer) must give you a copy of the First Report of Injury form, along with a workers' compensation employee information sheet.

### **How will I know if my workers' compensation claim is accepted?**

If, due to the injury, you have been wholly or partially disabled for more than three calendar days, or if you have permanent loss of use or function of part of your body, the insurer or administrator must file with the Department of Labor and Industry another form, called the Notice of Insurer's Primary Liability Determination. Your insurer must send you a copy of this form as well. This form will tell you whether your claim is accepted or denied. If the insurer accepts liability for your claim and you have been disabled for more than three calendar days, the insurer must start paying any wage-loss benefits within 14 days of the date your employer knew about your work injury and lost wages. The insurer must pay wage-loss benefits at the same intervals as your work paychecks.

### **What if my claim is denied?**

If your claim is denied, the insurer must send you a Notice of Insurer's Primary Liability Determination form. This form must explain the facts and reasons why the insurer is denying your claim. If it is easily available, you may provide the insurer with more information that will assist in resolving the issue. Otherwise, you may file a Claim Petition form with the department or contact an attorney for assistance. Your Claim Petition form must be filed within three years of when the First Report of Injury form was filed with the department or within six years of the date of injury if no report was filed with the department. Otherwise, the law will probably not allow your claim because of the statute of limitations. A call to the Workers' Compensation Hotline at (651) 284-5032 or 1-800-342-5354 (press 3) will put you in touch with a workers' compensation specialist who can answer questions.

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<sup>1</sup>There is a form for notifying your employer of a work injury, but you do not have to use this form. This optional form is online at [www.revisor.mn.gov/statutes/?id=176.145](http://www.revisor.mn.gov/statutes/?id=176.145).

<sup>2</sup>The notice requirements described in this paragraph were decided by the Minnesota Supreme Court in a case called Anderson v. Frontier Communications, 819 N.W.2d 143 (Minn. 2012).

### **Other resources**

- An employee's guide to the Minnesota workers' compensation system  
[www.dli.mn.gov/WC/EmpGuide.asp](http://www.dli.mn.gov/WC/EmpGuide.asp)
- Minnesota Statutes section 176.141 (Notice of Injury)  
[www.revisor.mn.gov/statutes/?id=176.141](http://www.revisor.mn.gov/statutes/?id=176.141)
- Minnesota Statutes section 176.151 (Time Limitations)  
[www.revisor.mn.gov/statutes/?id=176.151](http://www.revisor.mn.gov/statutes/?id=176.151)
- Minnesota Statutes section 176.231 (Reports of Injury)  
[www.revisor.mn.gov/statutes/?id=176.231](http://www.revisor.mn.gov/statutes/?id=176.231)
- Minnesota Statutes section 176.82 (Obstructing employee from filing a workers' compensation claim)  
[www.revisor.mn.gov/statutes/?id=176.82](http://www.revisor.mn.gov/statutes/?id=176.82)
- Americans with Disabilities Act information  
[www.eeoc.gov/facts/ada18.html](http://www.eeoc.gov/facts/ada18.html)
- Minnesota Human Rights law information  
[http://mn.gov/mdhr/yourrights/PDF/02yourRights\\_ENG.pdf](http://mn.gov/mdhr/yourrights/PDF/02yourRights_ENG.pdf)

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