

Injured on the Job in Colorado? What You Need to Know About Workers' Compensation

What is Worker's Compensation?

Workers' Compensation, also known as Workmans' Compensation or Workers' Comp., is a state-mandated program that provides compensation to employees who suffer injuries and illnesses on the job. It acts a safety net for employees. In Colorado, businesses must have workers' compensation insurance to cover employee injuries.

Workers' compensation laws are designed to ensure that employees who are injured on the job receive fixed monetary compensation, without having to litigate their claims against their employers. Thus, filing a workers' compensation claim is similar to filing an insurance claim; it isn't a lawsuit against an employer, but rather a request for benefits.

What Types of Injuries are Covered by Workers Compensation in Colorado?

Here are some types of injuries covered by worker's compensation:

- Injuries resulting from mental and physical strain brought on by increased work duties or work-related stress
- Injuries caused during breaks, lunch hours, and work-sponsored activities, and at-work injuries caused by company facilities
- Pre-existing conditions that the workplace accelerates or aggravates
- Diseases contracted by exposure to toxins at work as a result of normal working conditions

Some types of injuries may not be covered by workers' compensation, such as injuries that result from horseplay, intoxication, or are deliberately caused by the employee.

Does it Matter who is at Fault in a Colorado Workers' Compensation Claim?

Workers' compensation is a no-fault system, where an injured worker's own negligence, or the negligence of his or her employer or co-workers, is not at issue. Instead, the employee is covered for all work related injuries, regardless of who was responsible for the injury. The employer's workers compensation insurance simply compensates the employee for his or her workman's comp claim.

This also means that the employee is generally not eligible to take legal action against his or her employer for injuries sustained on the job. In Colorado, workers' compensation is considered a substitute for a lawsuit against an employer. In exchange for not suing the employer in court, an employee who is injured at work is entitled to workers' compensation benefits

Many workers' compensation claimants are still eligible to take legal action if their injuries were caused by someone other than their employer. For example, employees injured by a defective

product or defective equipment while on the job can take legal action against the manufacturer of the product or piece of equipment.

This action takes place within the civil court system, rather than through the worker's compensation system. However, if a claimant for worker's compensation does win monetary compensation in a civil court from a third party, the claimant's employer and his employer's insurance company are eligible to recover some or all of any worker's compensation paid to the claimant.

Should I Hire a Colorado Workers' Compensation Attorney?

Due to the rigid procedural requirements of filing a workers' compensation claim and the probability that your employer's insurance company will pursue every legal avenue possible to **not** pay the benefits they owe you, it is highly recommended that you contact a Colorado attorney experienced in personal injury and/or workers' compensation if you are injured at work in Colorado.

If you are unhappy with the decision in a hearing that was held to determine some aspect of your workers' compensation claim, procedures exist for you to appeal the unfavorable result. For more information about filing worker's compensation claims and/or workers comp information in Colorado, please visit the worker's compensation section of the Colorado Department of Labor.

An experienced Colorado workmans comp attorney can guide you through this sometimes complex and confusing process and get you the compensation and treatment that you deserve. If you've been injured on the job in Colorado, don't take on the insurance companies alone - contact an experienced in Colorado worker's compensation attorney today!