



STATE OF TENNESSEE  
BUREAU OF WORKERS' COMPENSATION  
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## Notice of Employer Rights and Responsibilities in a Workers' Compensation Claim

Your workers' compensation insurance policy covers medical and partial wage-replacement benefits for any covered employee who sustains a compensable work-related injury or illness. This document, produced by the Tennessee Bureau of Workers' Compensation and provided by your insurance carrier or TPA, is designed to give you a better understanding of your role and responsibilities under the workers' compensation system.

Your workers' compensation adjusting entity is \_\_\_\_\_  
(Printed name of carrier, self-insured or TPA)

and your primary contact there is \_\_\_\_\_  
(Printed name, title and contact information of primary contact)

### • Notice of a work-related injury or illness

Your employees have the right to report workplace injuries or illnesses. Their violation of your company's policy regarding how quickly it must be reported is not sufficient grounds to prevent an injured worker from receiving worker's compensation benefits. Employers must refrain from denying a claim or refusing to acknowledge an employee's report of an injury because of how quickly it was reported. The insurance carrier must be notified of all alleged workplace injuries to allow the carrier to assign an adjuster to investigate the claim. If an injury is not reported within the timeframes defined in the workers' compensation act, the adjuster will take the steps it believes is appropriate to protect the employer's rights.

- Employees injured at work are entitled to receive medical treatment at no expense to them. Employers are entitled to guide treatment by providing the injured employee with a panel of at least three physicians who are willing and able to treat the injury and located within his/her community. The panel must be provided on an **Employee Choice of Physician Form C-42**, available on the "Forms" link on the Bureau's website [www.tn.gov/workerscomp](http://www.tn.gov/workerscomp). Employers must provide the panel within three (3) business days of the employee notifying his/her employer of their injury. The employee should indicate the physician selected, sign the form and return it to the employer. Failure to timely provide a valid panel of physicians may subject the employer to a penalty assessed by the Bureau.
- Employers should provide the injured employee with a copy of the **Beginner's Guide to Tennessee Workers' Compensation**, available on the Bureau's website. This document provides important basic information to the employee and answers several commonly asked questions.
- Employers should immediately notify their insurance carrier after an injury is reported. Employers should report the injury to their insurance adjuster even if the injury is unwitnessed or suspicious. The adjuster will determine the claim's compensability. Failure to immediately report the injury to the adjuster may subject an employer to a penalty assessed by the Bureau.
- Employers are allowed to request a written statement from the employee reporting the injury. Having this statement will assist the insurance adjuster if an investigation is necessary.
- Employers should immediately work to eliminate the likelihood of someone else being injured in the same manner.
- If the injured employee is disabled and unable to work his/her normal job or usual number of hours, the employee may be entitled to receive temporary disability (partial wage replacement) benefits. The insurance adjuster will need the employer to provide a wage history for the injured employee on a **Wage Statement Form C-41**, available on the Bureau's website.

- **Notice to your employees**

The Tennessee workers' compensation law requires all covered employers to display the **Posting Notice** available on the "Forms" link on the Bureau's website. This notice provides your staff with the name and title of the person designated by the employer as the primary contact to receive reports of workplace injuries and illnesses. Your workers' compensation insurance carrier should also provide you with a copy of this form when you purchase or renew your policy.

- **Best Practices to Consider Implementing**

Employers can create a positive workers' compensation culture and help build a relationship of trust and mutual aid with employees. Here are some practices that you should consider.

- If one of your employees is injured at work, reinforce his/her value to you by becoming an advocate rather than an adversary. Be a resource when injured employees have questions or concerns.
- Encourage your employees to report their injuries as soon as possible. Delays in reporting injuries negatively affect recovery.
- Let your staff know how much you rely on them and want them to return. Stay in contact with injured employees during their recovery period if they are unable to work. Call them, email them, text them— even consider sending a "Get Well" card to them. It will be one of the best investments you can make in improving your workers' compensation culture and outcomes.
- Focus your workers' compensation goals on "workers' recovery". Provide work to your injured employees that comply with a treating physician's restrictions, if possible. If an employer considers an employee as disabled, the employee will view themselves as disabled, too. And, studies prove that the longer an injured worker stays off work, the less likely they are to return to work. Work to help your injured employees return to their health and to their jobs as quickly as possible. It is good for everyone!
- Provide the employee with a copy of the signed Form C-42 and assist the employee with making the appointment with the chosen physician.
- Remember, it is the responsibility of the insurance adjuster to "accept" or "deny" a workers' compensation claim, but he/she will need your assistance. Assist the insurance adjuster in investigating any claim in which you have doubts. Obtain witness statements. Take photos of the site of the injury. Do not automatically deny your employees their rights to report a claim just because you have doubts. Failure to timely provide appropriate benefits may subject an employer to a penalty assessed by the Bureau.
- Injured employees will often have questions about their benefits, their rights and what to expect. The Bureau has an Ombudsman Program designed to assist employees with these, and other questions if they are not represented by an attorney. Ombudsmen can be reached by calling 800-332-2667 or by emailing [wc.info@tn.gov](mailto:wc.info@tn.gov). The Bureau's website has information helpful to employers and injured employees. Share these resources with your supervisors before someone is injured and with injured employees after a claim is made.
- Perform an analysis concerning how injured employees have been treated in the past. If your employees routinely hire attorneys to obtain their workers' compensation benefits, work to discover why they believe that they need legal representation. Is it a reflection of their fears that can be overcome by improving the workplace culture or is it a misconception that can be overcome by training and education?
- Create a culture of safety. Stress job safety in staff meetings and new hire orientations. Recruit a Safety Committee. Work to eliminate potential injuries before they occur.
- Consider participating in the Tennessee Drug Free Workplace Program. The program is designed to increase productivity for Tennessee employers and promote safe worksites for employees by promoting drug- and alcohol-free workplaces. There are financial benefits available to employers for participating and additional information is available on the Bureau's website.
- Lead by example. Don't complain about the process. Encourage your employees to keep you informed about any changes to their ability to work. Let them know that you want them, and will help them, to recover and return to work as quickly as possible.

Visit the Bureau's website at: [www.tn.gov/workerscomp](http://www.tn.gov/workerscomp)