



California's Workers Compensation

This page is intended to provide general information about the California workers' compensation system. It is not intended to answer all of your potential questions.

Workers' compensation is a no fault system which began in California in 1917. Other states have similar systems. The basic idea is that a worker is entitled to certain benefits for injuries on the job regardless of fault. With few exceptions, the employer cannot be sued for a work related injury.

In California an injury can be specific or cumulative. A specific injury is one which happens at a particular time. A cumulative injury is one which occurs over a period of time. Carpal tunnel syndrome from repetitive data entry is an example of a cumulative injury. An injured back caused by repetitive bending and lifting is another. It is important to remember that even though the injury or disease may not be related to a specific date, it may be cumulative.

There are four types of benefits provided in workers' compensation. They are temporary disability, medical treatment, permanent disability and vocational rehabilitation.

1. **Temporary Disability.** Temporary disability (TTD) can vary from zero to \$490 a week depending upon earnings. Earnings are to be based upon what you are earning at the time of the injury taking into account any overtime, bonuses, housing, or other benefits received from the employer.
2. **Medical Treatment.** The employer has the right to control medical treatment for the first thirty (30) days unless the employee has previously designated a physician. Many employers will allow the employee to seek medical treatment of their choice. Thirty days after the injury, the injured worker is entitled to choose a treating physician.
3. **Permanent Disability.** Permanent disability is the amount of compensation you receive when your condition becomes permanent and stationary. This amount is based upon the opinions of the treating physician or medical/legal evaluator. Permanent disability varies depending upon the factors of disability stated by the examining doctor and based upon previous earning history. There is compensation for subjective pain, but there is not compensation for pain and suffering or lost future wages in the workers' compensation system.
4. **Vocational Rehabilitation.** As a result of an industrial injury, a worker may be entitled to vocational rehabilitation if the injured worker cannot return to the job the worker was doing at the time of the injury and if the employer does not provide suitable modified work.