

## About FloridaLawHelp.org

**FloridaLawHelp.org** is administered by Florida Legal Services, Inc. and is produced in cooperation with Pro Bono Net and the legal services organizations and government agencies throughout Florida and the United States.



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***This brochure is for general education only. It is not intended to be used to solve individual problems.***

## FloridaLawHelp.org

To locate your local legal aid or legal services office, please visit us on the web at

[www.floridalawhelp.org](http://www.floridalawhelp.org)

Your local legal aid or legal services office can be located through either the “Find Local Help” or “Directory” links at the top of the page.

If you don't have access to the internet, consult your local Directory Assistance for the number of the legal aid or legal services office nearest to you.

## FloridaLawHelp.org

**What if I have an accident on the job and cannot perform the job as a result?**



**Your Rights When Illness or Injury Prevents You From Working**

## **What Should I Do If I Am Injured At Work?**

You should consult a worker's compensation attorney immediately. You can call the Florida Bar Attorney Referral Service for an attorney near where you live. The telephone number is 1-800-342-8011.

## **I am afraid I'll get fired if I file a worker's compensation claim**

While this is a common fear and may be justified with some employers, an employer who fires an employee under such circumstances may be subject to a lawsuit. There is a presumption that attaches once a worker's compensation claim is filed to protect claimants from such conduct. You are not protected unless you file a claim. If you have a valid claim, you should file same to protect your interests.

Also, just because you do not file a claim, does not mean the employer will not take action against you. Remember, you were still hurt and the employer knows it. Some employers will start taking action to get rid of employees they believe are "accident prone" even though no claim was filed. You have no protection unless you file a claim.

## **What if I become sick or have an accident which prevents me from working my job or any job?**

If you become unable to work at any job, you should ask your employer about any short term disability and long term disability insurance that the employer may be providing. If there is no such insurance, you should ask about the Family Medical Leave Act, which will allow you to stay out of work for up to 6 weeks without losing your job. Unfortunately, this leave is unpaid leave and you still would be required to pay your

share (if any) of the health insurance to keep it in place.

If you become permanently disabled or you expect to remain unable to work for at least 12 months, you should consider filing for Social Security Disability and/or Supplemental Security Income benefits. You can do this on line at [www.ssa.gov](http://www.ssa.gov) or at any local Social Security office. If you are denied, you should call the National Organization of Social Security Claimant's Representatives (1-800-431-2804) for an attorney to represent you. You may also request a copy of our brochure: [You Have Been Denied Social Security Disability: What You Must Know.](#)

## **How will my being disabled affect my claim for unemployment compensation benefits?**

When you file for unemployment compensation benefits, you must state that you are able and available for work. If you are not able and available, you will be disqualified from receiving unemployment compensation benefits until you are released from a doctor for work. Being disabled from all work is the same as being **unable** and **unavailable** for work.

## **What do I do when I get better and want to return to work?**

If you are let go because you are out of work for an extended period of time due to illness or injury, you should still return to that employer upon the doctor releasing you for work. Bring your doctor's note with you and advise your employer that you are now able to return to work. If the employer states that your job is no longer available, you should file for unemployment compensation benefits.

## **What if my employer offers me a different job than what I had before I was sick?**

Be careful in taking a different job because if you take a job and decide that you do not like the job or cannot afford to keep the job (it is much less pay) and you quit, you may not have good cause anymore and may not be entitled to unemployment compensation benefits.

## **What if I am just unable to do some work?**

If your doctor states that you can work but with restrictions, you should present that doctor's note to the employer. If the employer cannot give you work under those restrictions, you can file for unemployment compensation benefits as long as you are seeking work within your restricted ability. For example: if you are a bus driver and your doctor states that you can no longer drive. Your employer has no other work available for you. If you look only for work that involves driving, you are not doing a good work search because you are looking for work that you already know you cannot do. You may be denied unemployment because of your failure to do an adequate work search. You must look for work that does not require driving. You should look for work that you are able to do within your work background and skill level.

## **What do I do when my unemployment compensation claim is denied?**

You have very little time to appeal an unfavorable Notice of Determination. You must appeal the notice within twenty (20) days. You should seek legal advice and possible representation as soon as possible. We assist clients in these matters, including even representation at the Appeals Referee hearings.

**Call our office closest to you for help.**