Workers' Compensation (United States):

In the United States, workers' compensation (formerly known as workmen's compensation before being renamed to make it gender-neutral) is primarily a state-based program.

Almost all employers are required to carry workers' compensation insurance in most states (depending on the characteristics of the organization), with the notable exception of Texas as of 2018. A business may purchase insurance voluntarily regardless of mandatory requirements, and in the United States, policies usually include a Part One component that provides compulsory coverage, as well as a Part Two component that provides non-compulsory coverage.

Modern Workers' Compensation Practice:

Types of jobs that involve hazardous tasks. An oil rig worker, a firefighter, a crab fisherman, and a construction worker are pictured in a clockwise direction from the upper left.

In the United States, most workers who suffer a workplace injury receive medical care, and in some cases, compensation to compensate for the resulting disabilities. Workers' compensation benefits are generally not available for injuries that occur on the way to or from work; however, if your responsibilities require you to be at multiple locations or remain in the course of your employment after working hours, you are entitled to some exceptions.

Employers are required to provide workers' compensation insurance to their employees in two ways. There are some large organizations and governments that opt to self-insure, which means that they obtain permission from the workers' compensation agency to pay claims directly without having to purchase insurance coverage.

Organizations with fewer than fifty employees are required to purchase workers' compensation insurance, and self-insured organizations may also do so. It is not uncommon for self-insured organizations to use a "hybrid" approach to workers' compensation claims, in which an insurance company investigates the claim, but the organization pays for workers' compensation out of its pocket.

It is important to note that self-insurance is not the same as being uninsured. As long as an organization is large enough and has sufficient assets to cover workers' compensation claims on its own, it is permitted by a state agency not to carry workers' compensation insurance. It is a serious crime, punishable by fines and imprisonment, to have employees without authorized self-insurance or workers' compensation coverage.

Commercial insurance companies offer insurance policies to employers: if the employer is deemed an excessive risk for insurance at market rates, it may be able to obtain coverage through an assigned-risk program. Public uninsured employer funds are available in many states to compensate workers employed by companies that fail to purchase insurance to receive benefits.

The workers' compensation administration and adjudication systems of various states and countries are governed by a variety of organizations that focus on providing education and guidance to these individuals.

An example of these organizations is the American Bar Association (ABA), the International Association of Industrial Accident Boards and Commissions (IAIABC), the National Association of Workers' Compensation Judiciary (NAWCJ), and the Workers Compensation Research Institute.

Based on the 2010 National Compensation Survey conducted by the Bureau of Labor Statistics, workers' compensation costs accounted for 1.6% of employer spending overall, although rates varied significantly across industries. The construction industry spent 4.4% of employer dollars on workers' compensation, manufacturing spent 1.8%, and services spent 1.3%.

When patients with workers' compensation undergo upper extremity surgeries, clinical outcomes tend to be poorer than for non-workers' compensation patients. They have also been found to take longer to return to their jobs and return to work at a lower rate than those with non-workers' compensation. These patients may have been subjected to strenuous upper extremity physical demands, and there may have been a financial gain from reporting significant post-operative disability.

Workers' Compensation Fraud:

The most common forms of workers' compensation fraud by workers are:

- Remote injury. Workers get injured away from work but say they were hurt on the job so that their workers' compensation policy will cover the medical bills.
- Inflating injuries. A worker has a fairly minor job injury but lies about the magnitude of the injury to collect more workers' compensation money and stay away from work longer.
- Faking injuries. Workers fabricate an injury that never took place, and claims it for workers' compensation benefits.
- Old injury. A worker with an old injury that never quite healed claims it as a recent work injury to get medical care covered.
- Malingering. A worker stays home by pretending the disability is ongoing when it is healed.
- Failure to Disclose. A worker knowingly, or unknowingly makes a false statement or representation about their injury.

The most common forms of workers' compensation fraud by employers are:

- Underreporting payroll. An employer reports that workers are paid less than they are to lower their premiums.
- Inflating experience. An employer claims workers are more experienced than they are to make them seem less risky and therefore less expensive to cover.
- Evasion. An employer fails to obtain workers' compensation for their employees when it is required by law. Workers are often deceived into thinking they are covered when they are not.

- Through the introduction of "opt-out plans" that are governed by the federal Employee Retirement Income Security Act, or ERISA, which is regulated by the Labor Department.
- The "opt-out plans" provide lower and fewer payments, make it more difficult to qualify for benefits, control access to doctors, and limit independent appeals of benefits decisions.

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