

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Workers' Compensation

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JAN'S Accommodation and Compliance Series

Introduction

Workers' compensation provides wages and medical benefits for an employee who is injured on the job in exchange for the employee's right to sue the employer for compensation for the injury under state negligence laws.

Many injured workers are also covered under the Americans with Disabilities Act (ADA) and may be entitled to accommodations when they are ready to return to work. The following publications provide information and resources related to workers' compensation laws and their overlap with the ADA.

- For more information on return-to work, see JAN's [Job Accommodations for Return-to-Work](#).

Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

After making a job offer to an applicant for a manual labor job, an employer finds out that the applicant had a prior workers' compensation injury.

The employer cannot automatically rescind the job offer, but can gather more information about the injury and current limitations in order to determine whether the individual can safely perform the job.

An employee who is injured on the job can no longer perform his current job.

Under his state workers' compensation rules he is not guaranteed another job. However, the employee has a disability under the ADA so his employer must consider reassignment as an accommodation.

An employee who is injured on the job wants to return to work instead of staying out on leave while receiving workers' compensation.

He can perform most, but not all of his job, but cannot work as fast as required. He asks to be held to a lower production standard until he can work back up to full capacity. Although not required as an accommodation under the ADA, an employer is allowed to lower production standards for an occupationally injured employee as a way of returning him to work faster.

An employee with multiple sclerosis sustained a workplace injury to her leg.

Her employer required her to be examined by a workers' compensation doctor for the injury instead of going to her regular doctor. The employer is allowed to do this as long as the scope of the examination is limited to the specific occupational injury, its impact on the individual, and determining eligibility for workers' compensation benefits.

An employee is injured on the job and needs a light duty position.

The employer does not have any light duty positions available, but after getting information about the employee's limitations the employer is able to provide accommodations that enable the employee to perform her current job.

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