

# Your Responsibilities as an Employer

## Reporting Injury and Illness

When a workplace injury or illness occurs, employers are required under **Section 110** of the **New York State Workers' Compensation Law** to report the incident to their insurance carrier (insurer) in a timely manner.

Timely reporting of a workplace injury or illness:

- Allows the injured worker to receive treatment and benefits promptly,
- Has been shown to reduce the costs of a claim,
- Helps the insurer monitor and administer the claim, and
- Ultimately leads to the injured worker returning to work faster.

### How soon must employers report a workplace injury or illness?

Employers should notify their insurer immediately if the injury or illness:

- Caused (or will cause) the worker to lose time from regular duties beyond the working day or shift on which the injury occurred.
- Required (or will require) the worker to receive medical treatment beyond ordinary first aid, or more than two treatments of first aid.

Insurers or claims administrators must report a work-place injury or illness to the New York State Workers' Compensation Board on or before the 18<sup>th</sup> day after the workplace injury or illness occurred, or within 10 days after the employer learns of the event — whichever period is greater.

If an employer does not notify the insurer/claims administrators within this timeframe, it can prevent timely reporting to the Board — causing a delay in the injured worker's claim.

### How do employers report a workplace injury or illness?

Employers should notify their workers' compensation insurer or claims administrator immediately of any work-related injury or illness. The Board must

also be notified. The employer's insurer or claims administrator may report the injury to the Board, or the employer can notify the Board directly by filing the *Employer's Report of Work-Related Injury/Illness (Form C-2F)*. However, this is not required if your claim administrator or insurer reports on your behalf.

### Is there a penalty for untimely reporting?

**YES.** Employers should notify their insurer or claim administrator immediately of a workplace injury or illness as penalties of up to \$2,500 for late or missing reports are possible.

### Can employers challenge a claim?

Employers can request that the insurer challenge the compensability of a claim, where appropriate. An employer can challenge a claim for a variety of reasons including:

- The injury did not occur at work
- The employer did not employ the worker
- The claim is fraudulent

### Questions?

To learn more, call **(877) 632-4996** or visit **wcb.ny.gov**.