

- pay the expenses directly;
- Pays all of the hospital/doctor bills directly;
- Tells you to pay for the medical treatment and he will reimburse you;
- Offers to have you treated outside of the area;
- Makes promises or assurances that you will not lose your job if you cooperate;
- Makes promises or assurances that they will pay you for the injuries if you cooperate;
- Does not give you information or forms necessary to file a claim; or
- Threatens to fire you (See Retaliation/Discrimination below).

## WHAT TO DO

If your supervisor, foreman, or employer refuses to provide medical care, refuses to provide assistance with the necessary claim paperwork following a work-related injury or offers you incentives not to report the injury as work related:

- Follow the posted procedure, if possible;
- Seek medical help and tell the doctor and/or hospital that the injury is work-related;
- Write down how, when and where the injury occurred;
- Be sure to get information identifying the employer, such as CSLB license number and name and address;
- If there are witnesses to your injury, write down who they are and get their contact information;
- If there are witnesses to your employer's refusal to provide assistance or offers of incentives, write down who they are and get their contact information; and
- Notify the Santa Clara County District Attorney's Office immediately.

## RETALIATION/DISCRIMINATION

It is illegal for an employer to discharge, threaten to discharge, or in any way discriminate or retaliate against a worker because:

- The worker stated his/her intention to file a workers' compensation claim; or
- The worker filed a workers' compensation claim; or
- The worker received a rating, award or settlement from the Workers' Compensation Appeals Board.

(California Labor Code Section 132)

If your employer retaliates or discriminates against you because you filed a workers' compensation claim, document it and call the Santa Clara County District Attorney's Office, immediately.

## HOW TO REACH US

If you see a crime, call 9-1-1 immediately. If you wish to report or to discuss possible workers' compensation abuses by your employer, call

**The Santa Clara County  
Office of the District Attorney  
Workers' Compensation Insurance  
Fraud Unit at (408) 792-2466**

Or e-mail us at [workerscomp@da.sccgov.org](mailto:workerscomp@da.sccgov.org)

Or visit us at [www.santaclara-da.org](http://www.santaclara-da.org)

A member of the District Attorney's Office will help you promptly.



County of Santa Clara  
Office of the District Attorney



**Workers' Compensation  
Insurance**

# ABUSES BY EMPLOYERS

Prepared by the Santa Clara County  
District Attorney's Office Workers'  
Compensation Insurance Fraud Unit

**Dear Santa Clara  
County Resident:**

This pamphlet provides an overview of various laws regarding California workers' compensation insurance. The District Attorney's Office is committed to serve our community by pursuing criminal cases related to workers' compensation insurance fraud. By doing so, Santa Clara County will continue to be a place where employees are treated in accordance with the law, and honest business can compete fairly.



*Dolores Carr*

Dolores Carr, District Attorney

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Office of The District Attorney  
Workers' Compensation Insurance, Fraud Unit  
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(408)792-2466  
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www.santaclara-da.org

Our purpose is to provide basic information to assist injured workers in recognizing areas of potential criminal abuse by employers. This pamphlet is not meant to be a definitive guide on criminal violations by employers. Please contact the Santa Clara County District Attorney's Office Workers' Compensation Insurance Fraud Unit for further information.

**WORKERS' COMPENSATION COVERAGE**

Whether you are a citizen, a legal resident, or an undocumented alien regularly employed, or a day laborer receiving cash, you may be entitled to workers' compensation benefits if you are injured on the job.

Workers' compensation is a benefit provided to employees who are injured on the job. Employers must provide this compensation either by obtaining workers' compensation insurance coverage or by certifying to the State of California that they are self-insured.

**It is illegal for an employer to operate without workers' compensation coverage for their workers. (California Labor Code Section 3700.5)**

Even if your employer does not have workers' compensation insurance, you may still be entitled to benefits from the Unemployed Employers Benefits Trust Fund.

**LEGALLY REQUIRED POSTING OF  
WORKERS' COMPENSATION INSURANCE  
INFORMATION**

An employer must post in a conspicuous place, the following information in English, and in Spanish, if there are Spanish speaking workers:

- How to get emergency treatment;
- The kinds of events, illnesses and injuries covered by workers' compensation;
- Injured worker's right to receive medical care;
- Worker's right to select a treating physician;
- Worker's rights to receive temporary disability, permanent disability, indemnity, rehabilitation and death benefits;
- To whom to report injuries;
- Time limits for reporting injuries;
- Protections against discrimination; and
- Location and telephone number of assistance officer.

**Failure by an employer to post the above information is illegal. (California Labor Code Section 3550)**

**DISCOURAGEMENT OF CLAIM ILLEGAL**

**It is illegal for an employer or his agents, such as supervisors or foremen, to make misrepresentations to deny or discourage an injured worker from receiving workers' compensation benefits. (California Insurance Code Section 1871.4)**

An employer may offer incentives or threaten and discourage workers from claiming a work-related injury. This is **ILLEGAL**.

If your employer does any of the following after you have been injured at work, notify the District Attorney's Office:

- Asks or tells you to tell the hospital or doctor the injury did not happen at work;
- Asks or tells you to use your health care insurance to cover the work-related injury;
- Asks you to tell the hospital or the doctor that the employer is self-insured and will