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I've been released from care with permanent restrictions and I can't go back to work in my previous job. Do I still get paid weekly checks?

November 15th, 2011 by [jliace](#)

If your employer cannot accommodate your restrictions, then yes you would continue to be entitled to benefits under the Act. These benefits are called Maintenance benefits. These are different than [temporary total disability benefits](#), which are received while an injured worker is treating with a physician and unable to work due to his injury. The requirements that an injured worker would need to meet and prove to an Arbitrator are different for these two different types of benefits even though they are paid at the same rate and in the same manner.

An employer is required to provide a [vocational rehabilitation plan](#) to assist an injured worker to find a new position that is within their restrictions. In order to continue to be entitled to maintenance benefits, the injured worker will have to cooperate in this program and look for work within their restrictions. Failure to cooperate or to look for work could lead the injured worker to no longer be entitled to benefits.

In a recent case, the Respondent for a variety of reasons did not provide vocational rehabilitation but the injured worker also did not conduct any form of job search or provide any evidence that they were attempting to look for work. The Commission found that the injured worker's entitlement to maintenance benefit ended because he did not attempt to find a job within his restrictions. The Commission was also concerned that he may have been able to perform his pre-injury job and he provided no evidence showing that he could not. Therefore they found that his right to benefits ended.

It is important for an injured worker who has been given permanent restrictions to know his or her rights and responsibilities in regards to job searches and benefits as failure to do what is required can cause a termination of benefits.