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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

BP Oil and Massey Coal Mine Explosions—Workplace disasters: Knowing your rights if injured on the job

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By Howard Ankin

With major workplace disasters in the news – like the disastrous Gulf of Mexico oil spill and tragic coal mining explosion in West Virginia – it's all the more important to understand the legal rights of injured workers and their families.

Workers compensation laws protect workers injured on the job, regardless of who is at fault. Each state has their own rules, but in general workers and their families are reimbursed for lost wages, medical expenses and any permanent injuries. In Illinois, for example, the benefits provided by the Illinois Workers' Compensation Act include repayment of medical bills, a lost wage benefit equal to two-thirds of your gross average weekly wage, and compensation for any disfigurement or permanent disability.

Funding for workers compensation benefits comes from insurance purchased by employers. Sometimes workers get into disputes with their employers and the insurance companies about the amount of benefits they receive. Attorneys specializing in workers' compensation law can help injured workers fight to obtain what they are properly owed.

If a party other than an employer is responsible for causing the workplace injuries, they can be sued for negligence or wrongful death. Or if you are injured because of a defective machine or equipment,



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you might be able to sue the manufacturer of the machine or equipment. Damages in a negligence suit can include pain and suffering, medical bills, loss of earnings, permanent injuries and scarring.

Workplace safety is an ever-present issue. The Occupational Safety and Health Administration (OSHA) (www.osha.gov) is the federal agency responsible for monitoring worksites and ensuring safety laws and regulations are enforced. The Occupational Safety and Health Act of 1970 requires employers to provide safe working conditions free of known dangers. Many states have their own workplace safety agency as well.

OSHA is authorized to regulate health and safety conditions for most employers. The job safety agency, which is part of the U.S. Department of Labor, provides information, training and assistance to workers and employers. Employers are required to monitor hazards and keep records of [workplace injuries and illnesses](#).

OSHA is empowered to conduct workplace inspections (often unannounced) to enforce its standards, as well as conduct investigations when workers perish on the job site, or when workers are hospitalized because of work injuries. If companies violate workplace safety regulations, OSHA can issue citations and fines against them. Unfortunately, companies violate health and safety rules and workplace injuries occur regularly. In fact, in 2008 over 5,000 workplace deaths occurred in the U.S., and millions of working men and women are injured on the job each year. Workers may anonymously request OSHA to inspect their workplace if they believe their employers are not following OSHA standards or there are serious hazards.

If you've been injured on the job, it's important to consult with an experienced [Illinois workers' compensation attorney](#) to fully assess your legal rights.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) specializes in [Illinois workers' compensation](#) and [Illinois personal injury law](#). Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com. Reprinted from <http://www.ankinlaw.com/workplace-disasters.html>