

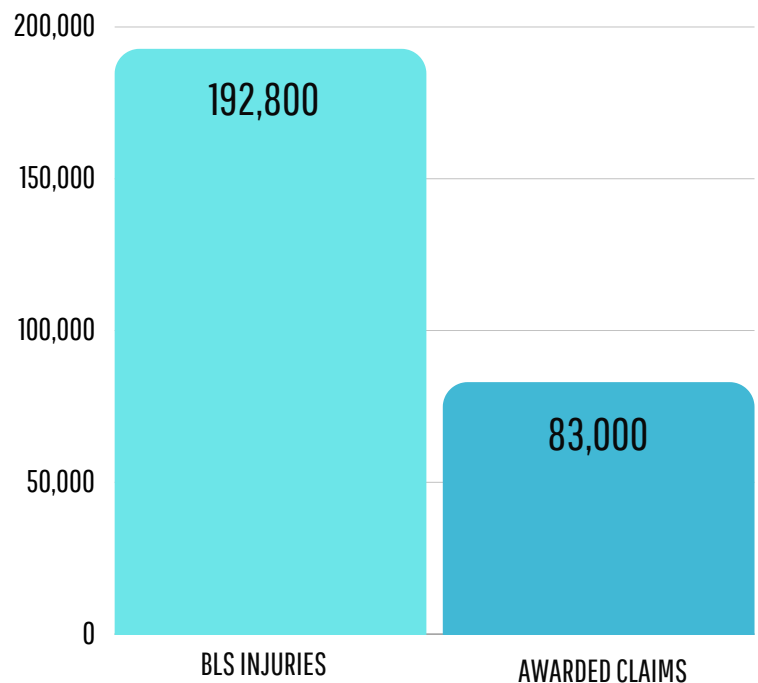
# BARRIERS TO ACCESSING THE NYS WORKERS' COMPENSATION SYSTEM

New York State (NYS) Workers' Compensation (WC) is a no-fault system enshrined in the NYS Constitution. It was initially established as a compromise between business and labor that was designed to help workers recover from injury and illness caused by their jobs. Since 1914, workers who get injured, fall ill, or die on the job have relied on this system to provide wages and benefits for themselves and their families. More than 100 years later, too few workers are able to access and use the system.

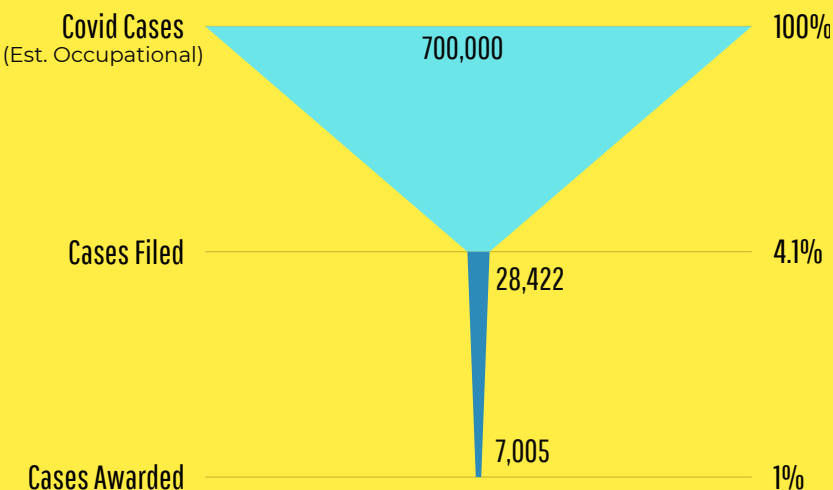
## FEWER THAN HALF OF REPORTED NON-FATAL WORK-RELATED INJURIES AND ILLNESSES RESULT IN WORKERS' COMPENSATION CLAIMS WITH AWARDED BENEFITS.

In 2022, there were an estimated 192,800 non-fatal work-related injuries and illnesses recorded by the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII) in NYS. During the same year, NYS provided WC benefits to approximately 83,000 workers.

BLS INJURIES RECORDED VS. WORKERS' COMPENSATION CLAIMS FILED (2022)



## UNDER-FILING OF COVID CASES WAS A SERIOUS ISSUE.



Only 4% of workers who contracted work-related COVID filed for workers' compensation in NYS during 2020 and 2021, and only 1% were awarded benefits. This occurred despite the fact that 85% of the workers who filed a COVID-19 WC claim worked in an essential industry.

# CLAIMANTS WHO HAVE ACCESS TO AN ATTORNEY OR OTHER FORM OF REPRESENTATION ARE MORE THAN TWICE AS LIKELY TO RECEIVE WC BENEFITS THAN THOSE THAT DON'T.

Over the past several years, NYS has awarded benefits to approximately 35% of all initiated claims and to over 80% of claimants with some form of representation. Representation can improve access to WC benefits by helping injured workers overcome legal, technical and administrative barriers that impede their ability to obtain proper and adequate compensation.

## MAKING THE WORKERS' COMP SYSTEM MORE ACCESSIBLE IS POSSIBLE.

Washington State provides an important case study on ways to improve access to the workers' compensation system. Project HELP (a department of the Washington State Labor Council, AFL-CIO) provides educational and one-on-one claims assistance to all interested persons. The project's goal is to provide "sure and certain relief for workers" injured on the job and their families and dependents.

## RECOMMENDATIONS:

- Increase Hazard Abatement Board funding, which is based on workers' compensation assessments and has remained stagnant for decades, to allow for outreach to workers about the system.
- Launch a pilot program to facilitate filing of claims.
- Develop and fund a navigator program to train union representatives, CBOs, and other community representatives to help people apply for benefits.



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*All data analyzed by the Barry Commoner Center at Queens College, CUNY.*