



Workers' Compensation in New York

AMSIS Guide WCS1

Summary

This guide explains the structure and process of the New York State Workers' Compensation system. It outlines the responsibilities of workers, employers, insurers (NYSIF and private carriers), and the Workers' Compensation Board (WCB). It highlights how claims move from reporting through hearings and appeals, the role of advocates, and protections for both employees and employers.

The guide is intended as a **plain-language roadmap** for injured workers, families, and small employers. It emphasizes timely reporting, standardized communication, and fair access to wage and medical benefits.

Highlights

- **Immediate Reporting:** Worker must notify employer within 30 days; employer must file a report with insurer/WCB within 10 days.
- **Claim Filing:** Workers file Form C-3 with WCB; doctors submit Form C-4 medical reports.
- **Insurer Response:** NYSIF/private insurers must accept or dispute claims promptly. Accepted claims → benefits; disputed claims → WCLJ hearing.
- **Roles & Responsibilities:**
 - **Worker:** Report injury, file claim, follow medical advice.
 - **Employer:** Maintain insurance, file reports, cooperate, no retaliation, support return-to-work.
 - **Insurer:** Pay benefits if accepted; defend/contest claims if disputed.
 - **WCB:** Regulator, judge, and appeals body.
- **Dispute Resolution:**
 - First level: Workers' Compensation Law Judge (WCLJ).
 - Appeals: Board Commissioners → Full Board → Appellate Division → Court of Appeals (rare).

- **Advocacy & Fees:** Workers may use attorneys or licensed non-attorney reps. No upfront fees — WCLJ approves payment from awards only.
 - **Common Pitfalls:** Delayed reporting, incomplete forms, missed deadlines, retaliation by employers, failure to attend Independent Medical Exams (IMEs).
 - **Best Practices:** Keep written records, confirm filings, communicate clearly, and seek advocacy early in complex or disputed cases.
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Key Message

Navigating Workers' Compensation in New York is not just a legal process but a matter of **timely access to medical care and income protection**. With standardized communication and fair representation, workers avoid unnecessary stress, employers remain compliant, and insurers reduce errors and liability.

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