

You Can Sue Your Employer if They Don't Have Workers' Compensation Insurance

Both PA and NJ are no-fault states for workers' compensation. Attorney Craig A. Altman outlines PA and NJ workers' compensation law.

PHILADELPHIA, PENNSYLVANIA, UNITED STATES, June 29, 2018 /EINPresswire.com/ -- Employers in New Jersey and Pennsylvania are required to have workers' compensation insurance.

Those requirements don't necessarily make it so in all cases. If you get injured on the job and find out your employer doesn't have workers' compensation insurance that will compensate you for your medical bills and lost wages during recuperation, you may be able to sue the company.



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In New Jersey, failure to carry insurance is actually a disorderly person's offense. If you've suffered an injury while working in Philadelphia, PA, Cherry Hill, NJ, or any surrounding counties, talk with an experienced [workers' compensation lawyer](#) at the Law Firm of Craig A. Altman who can determine if you have a lawsuit and, if so, will help you file suit against your employer.

WHEN CAN YOU SUE YOUR EMPLOYER FOR A WORK-RELATED INJURY IN PENNSYLVANIA OR NEW JERSEY?

Under NJ and PA workers' compensation law, you are typically not allowed to sue your employer for negligence. This is because no-fault coverage works both ways. You are eligible for workers' compensation benefits regardless of your own culpability in the accident that caused your injuries. The flip side of this is that in exchange for your employer providing you with coverage for injuries caused on the job, you agree not to sue your employer for negligence — regardless of whether the injuries were permanent or temporary.

As a result of the nature of workers' compensation law in New Jersey and Pennsylvania, workers' comp is usually the only option available for injured workers. If you work for an uninsured employer, you are allowed to file a lawsuit against them. Additionally, there are a few other exceptions to the “no-fault” law prohibiting employees from suing employers when they are injured. These include:

Intentional Acts – Although workers' comp generally prohibits you from filing a negligence claim against your employer, there is an exception if your employer intentionally caused your injury. For example, you may be able to sue your employer if they removed safety guards on heavy machinery.

This small exception exists for public policy reasons; employers must make every effort to keep workers safe on the job.

Products Liability – Another major exception exists when an employee is injured due to a defective product. In a products liability case, an injured worker may be entitled to compensation far beyond workers' compensation benefits.

"Off the Job" Accidents – Additionally, if you were not "on the job" when you suffered your injury, you may be able to sue your employer in a civil action. Sometimes employers argue that the employee was not covered by workers' compensation because he or she was hurt while driving to work. However, this may expose the employer to third-party liability for negligence.

Sexual Harassment and Defamation Cases – You can also potentially sue your employer in sexual harassment and defamation cases.

Retaliation – You may also sue your employer if they fire you for filing a workers' comp claim. This is because workers' compensation law explicitly protects employees against retaliation for filing claims.

EVEN IF YOUR EMPLOYER IS UNINSURED, YOU MAY STILL BE ABLE TO RECOVER WORKERS' COMPENSATION BENEFITS IN NEW JERSEY

If you've been injured while working for an employer who failed to provide workmans' comp insurance coverage, you can still potentially receive compensation through the New Jersey Uninsured Employer's Fund (UEF). The UEF provides temporary disability benefits and medical expenses to workers injured on the job. An experienced workers' compensation lawyer can help you explore your options and navigate this complicated process.

CAN I FILE CLAIMS AGAINST THIRD PARTIES WHO CAUSE WORK-RELATED INJURIES?

Although workers' compensation typically prevents you from suing your employer, you may have a personal injury claim against a third party, such as a manufacturer, property owner, or subcontractor. Importantly, you can potentially seek compensation for pain and suffering through claims against third parties, which means that the compensation may be greater. You may have a viable claim against a third party in certain instances:

Defective products – You may have a products liability claim against the manufacturer of a defective product that caused your injury.

Slip & Fall accidents – If the accident was caused by a negligent property owner, you might have a valid premises liability claim.

Motor vehicle accidents – If you were injured by a negligent motorist while driving to or from your place of employment, you may have a valid claim against the negligent driver.

Violent assaults – In some circumstances, you may be able to sue a co-worker who assaulted you if the assault stemmed from a personal matter.

REQUEST YOUR FREE CONSULTATION WITH AN EXPERIENCED SOUTH JERSEY & PA
PERSONAL INJURY LAWYER

The experienced personal injury and workers' compensation lawyers at the Law Offices of Craig A. Altman are here for you. We've been fighting for the rights of injured workers in New Jersey and Pennsylvania for many years. We focus a large part of our practice on workers' compensation and personal injury law, so we know how to maximize your potential recovery. If you've been injured while working, contact one of our skilled attorneys today, or use our online contact form to schedule an appointment.

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