

Pain & Suffering in Workers' Compensation Claims

Q. Can I Sue Workers' Compensation for Pain and Suffering?

A. This is a question that we receive at least once per month.

First, we must remember that if you are collecting workers' compensation, you are not allowed to sue your employer. In the legal work, pain and suffering is a type of damage that pretty much includes everything that affected your quality of life.

Pain and suffering is something we collect in a personal injury lawsuit, but not in a workers compensation case because Georgia workers compensation is a "limited benefit system".

The workers' compensation system was trying to simplify the process of an injured workers being compensated by his or her employer. So, this came with a tradeoff. Employees do not have to prove that the employer was at fault for their injury. But this usually limits the payments for medical bills and wage laws.

