



OUT OF WORK

VS

LIGHT DUTY

Understanding your doctor's restrictions and the difference between being on restricted duty vs. being completely out of work



- **Completely unable to work or totally out of work** means just that. You are unable to work, in any capacity, at any job, at this time.
- **Restricted duty or light duty** means that you are still able to work. However, you may not be physically able to perform any or some of the tasks that you did before you were injured. If you are not under an open award and your employer will not accommodate your light duty restrictions, you have an obligation to document job search efforts to continue to get a weekly check.
- Restrictions on driving abilities **DOES NOT** render you totally unable to work. Transportation to and from your place of employment is your responsibility. This may be inconvenient but is not a justifiable reason for missing work.
- If you are put on Light Duty or Restricted Duty, make sure your doctor's restrictions are **very clear** so that you, and your employer, are not unsure as to the tasks you may and may not perform. Always keep an extra copy of these restrictions with you while you are at work.
- Working on light duty or restricted duty **does not always mean that you will be performing the same job you did before you were injured.** For workers' compensation purposes, if your employer is willing to let you work within the restrictions your doctor has given, **regardless of the job title or tasks**, you are expected to be working. Refusing light duty work is generally considered to be **voluntary abandonment** of your job and can do significant damage to your workers' compensation case.

If the doctor puts you on light duty or takes you completely out of work, **ALWAYS get these instructions **in writing**. Verbal restrictions or directions to stay out of work are not recognized by workers' compensation insurance and could cost you your job.

- It is the **injured worker's responsibility** to stay within the restrictions given to them by the doctor. If you are asked to perform a task that violates these restrictions, politely inform your employer that because of the doctor's restrictions, you are unable to perform the task at this time but you are willing to do work that does not conflict with your doctor's orders. Violating your doctor's restrictions can severely harm your workers' compensation case because **you** will be penalized—**NOT** your employer. Even if your employer "demands" that you violate your doctor's work restrictions and you are "forced" to comply.
- If the doctor puts you on light duty or takes you completely out of work, **ALWAYS** get these instructions **in writing**. Verbal restrictions or directions to stay out of work are not recognized by workers' compensation and could cost you your job.
- If you are on light duty and your employer says they cannot accommodate the doctor's work restrictions, then you will have to look for **ANY job** that complies with the doctor's restrictions (this is called "marketing" or "job searching"), or comply with vocational rehabilitation—depending on the legal status of your workers' compensation claim.

Information provided by:
INJURED WORKERS' LAW FIRM



INJURED WORKERS

LAWFIRM

7826 Shrader Road
Richmond, VA 23294
(804) 755-7755 phone