

STATE WORKERS' COMPENSATION OVERVIEW – MASSACHUSETTS

I s s u e	R e g u l a t i o n	C o m m e n t s
Employee's Notice to Employer	As soon as practicable ⁱ	The notice must be in writing. ⁱⁱ Inaccuracies in the description of the injury are excusable.
Employee's Claim Filing Requirements	Within four years ⁱⁱⁱ	After injury, death or onset of disability.
Employer's Report of Accident	Within seven business days ^{iv}	Employers must report claims that prevent an employee from working for five days or more.
Employee's Waiting Period	Five days	If incapacity extends for 21 days or more, compensation is paid from the date of onset of the incapacity. If incapacity extends for a period of at least five but less than 21 days, compensation is paid from the sixth day of incapacity. ^v
Temporary Total Disability (TTD) Benefits	<p><u>Oct. 1, 2018 to Sept. 30, 2019</u>^{vi}</p> <p>Max: \$1,383.41 per week Min: \$276.68 per week</p> <p><u>Oct. 1, 2017 to Sept. 30, 2018</u></p> <p>Max: \$1,338.05 per week^{vii} Min: \$267.61 per week^{viii}</p>	An employee's benefit rate is 60 percent of his or her average weekly wage (AWW), subject to the limits in effect on the date of injury. New limits become effective as of Oct. 1 each year. TTD benefits may be payable for up to 156 weeks. ^{ix}
Death Benefits		Weekly death benefits are two-thirds of the deceased employee's AWW, subject to the limits in effect on the date of injury. A surviving spouse may receive an additional \$6 per child, per week (but no more than \$150). Children qualify for death benefits if they are less than 18 years of age, incapacitated or qualify as dependents under the federal tax code. Employers must also pay up to \$4,000 for a deceased employee's burial expenses. ^x
Permanent Partial Disability (PPD) Benefits		An employee's PPD benefit rate is 60 percent of the difference between his or her pre- and post-injury wages, ^{xi} subject to a maximum of 75 percent of the employee's TTD rate. PPD benefits may be payable for up to 260 weeks. Benefit amount and pay period maximums may be extended for severe injuries or incapacity.
Coverage of Minors	Yes ^{xii}	A minor's future earning capacity is considered when determining his or her benefit amounts. Compensation may double if the minor was illegally employed.
Coverage of Occupational Disease	All Diseases ^{xiii}	Follow same notice, reporting and filing requirements are other injuries.
Occupational Hearing Loss	Yes ^{xiv}	

State OSHA Program	No	
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ADDITIONAL INFORMATION

Massachusetts Department of Industrial Accidents [website](#)

Required Workplace [Poster](#)

Mailing Address:

Dept. of Industrial Accidents
600 Washington St, 7th Floor
Boston, MA 02111
617.727.4900

Heffernan Insurance Brokers

<http://www.heffins.com>
CA, MO, NY, OR 94596
800-234-6787

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- i [C Mass. Gen. Laws Ann. ch. 152, § 41 \(West\)](#)
 - ii [C Mass. Gen. Laws Ann. ch. 152, § 42 \(West\)](#)
 - iii [C Mass. Gen. Laws Ann. ch. 152, § 41 \(West\)](#)
 - iv [P Mass. Gen. Laws Ann. ch. 152, § 6 \(West\)](#)
 - v [C Mass. Gen. Laws Ann. ch. 152, § 29 \(West\)](#)
 - vi https://www.wcribma.org/mass/ToolsAndServices/UnderwritingToolsandForms/DocumentRepository/CircularsBulletinsNotices/2016/c12296_10-03-2016_Legislative%20Activity.pdf
 - vii <http://www.mass.gov/lwd/workers-compensation/injured-workers/wc-min-and-max-rates.html>
 - viii <http://www.mass.gov/lwd/workers-compensation/injured-workers/wc-min-and-max-rates.html>
 - ix [C Mass. Gen. Laws Ann. ch. 152, § 34 \(West\)](#)
 - x [P Mass. Gen. Laws Ann. ch. 152, § 33 \(West\)](#)
 - xi [C Mass. Gen. Laws Ann. ch. 152, § 35 \(West\)](#)
 - xii [C Mass. Gen. Laws Ann. ch. 152, § 28 \(West\)](#)
 - xiii [P Mass. Gen. Laws Ann. ch. 152, § 1 \(West\)](#)
 - xiv [P Mass. Gen. Laws Ann. ch. 152, § 36](#)