



ALFA International
THE GLOBAL LEGAL NETWORK

Heave Ho Mateys!

**Don't Let Your Claims Get Pillaged—
Origins of Workers' Compensation in Piracy**

2025 Workers' Compensation Practice Group Seminar

**April 2-4, 2025
The Omni Amelia Island
Amelia Island, Florida**

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ART OF THE GLOBAL SETTLEMENT



Speakers



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Accident occurs . . .



Often, RTW issues surface immediately . . .



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Return to Work Issues . . .



- Can we accommodate applicable work restrictions?
- Can we change the claimant's pre-accident work hours?
- Can we change the claimant's pre-accident shift?
- Can we change the nature of the claimant's job?
- Can we pay the claimant less if he/she is doing a different job?
- Can we move the claimant's post-accident job to a different location further away from home?



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Delaying RTW . . .



If settlement is imminent, can bringing the claimant back to work be delayed in hopes that a global settlement will solve all of my problems?



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The nuclear option





If termination becomes necessary . . .



What steps are recommended?

- Documentation – what is needed?
- How many warnings/chances must I give the claimant first?
- Do I have to treat a WC claimant any different than any other employee?



Do I need to consult with an employment attorney before a decision is made on termination?

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WC considerations with termination



Does termination increase the value of my WC case?



- Increased indemnity exposure b/c no light duty work is available
- Possible increased PTD exposure



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Resignation as a settlement term



To achieve a complete divorce with an injured worker, often a resignation and covenant not to re-apply is a necessary ingredient.



How and when should this settlement term be raised?

- In writing?
- Verbal communications with the injured worker's attorney?
- In mediation where confidentiality applies?



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Subsequent refusal to sign general release



Enforceability of agreements to resign and sign a general release by the WC Judge?



How to handle such a refusal?



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Vested benefits



Is the injured worker's demand that "vested benefits" not be impacted by WC settlement a problem?



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Unemployment benefits



Can unemployment benefits be settled in a WC settlement?



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Statute of Limitations



Will the statute of limitations protect us from subsequent employment claims?



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Amount of Consideration



Is the amount of consideration in a general release an issue?



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Questions?



Thank you!



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