

Can Seasonal or Temporary Workers Receive Workers' Compensation in New York?

A Brooklyn workers' compensation lawyer explains how the system works

Injured workers in [Brooklyn](#) or employees who become sick due to a work-related illness can often receive [workers' compensation](#) benefits in New York. But what about seasonal workers or temporary workers? Are they eligible to receive workers' compensation in New York?

The short answer is yes. All seasonal or temporary workers in New York should be eligible to receive workers' compensation benefits, which can provide financial compensation for medical care and lost wages. However, actually getting those benefits can often be a lot more difficult than many people might realize, especially for temporary or seasonal workers.

Our Brooklyn workers' compensation attorneys at [Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP](#) understand the obstacles injured workers often face in New York. That's why we want to help. Below, you can find more information about the options available to seasonal or temporary workers and how our experienced lawyers can help.

What is a seasonal or temporary worker?

As the name suggests, seasonal or temporary employees work for a specific, limited amount of time. However, in order to be legally classified a seasonal or temporary worker in New York, employers must abide by New York Labor Laws that apply to such employees.

Temporary workers "were hired with the understanding that their employment was limited to the duration of the project or undertaking," according to [N.Y. Comp. Codes R. & Regs. Tit. 12 §§ 921-5.1 \(Temporary Employment\)](#). The same New York Labor Law states that an employee is not a temporary worker "if the employee was hired to perform a variety of jobs and tasks continuously through most of the calendar year."

As for seasonal workers in New York, "the employer must demonstrate that it informed each employee at the time of hire that the job was seasonal," according to [N.Y. Comp. Codes R. & Regs. Tit. 12 §§ 921-5.2 \(Seasonal Employment\)](#). In addition, the same law states that an employee is not a seasonal worker "if the employee was hired to perform a variety of jobs and tasks continuously through most of the calendar year."

Common seasonal or temporary jobs in Brooklyn

Seasonal and temporary jobs in Brooklyn can cover a wide range. Depending on the time of year and industry the employee works, common temporary or seasonal jobs may include:

- Landscaping workers.
- Event staff hired to work at a concert, festival or fair.
- Construction workers hired for a specific project.

- Outdoor seasonal maintenance workers.
- Lifeguards and swimming pool attendants.
- Snow removal workers hired to clear sidewalks, parking lots or roads.

Temporary seasonal workers are especially common during the busy holiday season. Such season workers may include:

- Retail workers who work in department stores and other businesses.
- Delivery truck drivers hired during the holiday season.
- Warehouse employees due to the large volume of packages delivered this time of year.
- Gift wrappers in department stores and specialty shops.
- Santa's helpers and holiday performers in shopping malls and event spaces.

Can seasonal or temporary workers receive workers' compensation in New York?

The short answer – yes. No matter what an employer says, seasonal and temporary workers in Brooklyn can receive workers' compensation benefits if they sustain a work-related injury or illness on the job. That's how New York's workers' compensation system works.

Unfortunately, seasonal and temporary workers in Brooklyn often face uncertainties about whether they qualify for workers' compensation after sustaining a work-related injury or illness. The most important thing is sick or injured workers must provide evidence that they sustained their injury or illness while performing work duties.

What evidence is needed to prove a workplace injury or illness?

As briefly explained, you often need evidence that your injury or illness took place at work in order to receive workers' compensation benefits, especially if you're a seasonal or temporary worker in Brooklyn. Often, employers will try to claim that your injury occurred outside of work.

Common evidence of workplace injury or illness often includes:

- Doctor's diagnosis of your injury. This is why it's critical that you seek immediate medical attention after a workplace injury or illness.
- Accident report at work filled out by your supervisor or another employee.
- Security camera footage of your workplace injury.
- Eyewitness statement from someone who saw your workplace injury.

Requirements for workers' compensation for seasonal or temporary workers

Under New York Workers' Compensation Law (WCL) § 2 and related statutes, seasonal and temporary workers are generally eligible for workers' compensation benefits. The critical requirement is that the worker must have sustained the injury or developed an illness during

the course of employment, regardless of the worker's job classification or how long they have been employed.

For example, even if it's your first day of seasonal or temporary work, if you sustain a work-related injury, you should still receive workers' compensation benefits, according to the rules outlined under the [New York State Workers' Compensation Board](#).

Key points to remember in any New York workers' compensation claim include:

- **Eligibility applies to all employees:** Temporary and seasonal workers, including those hired through staffing agencies, qualify for benefits if injured while working.
- **Employment status doesn't affect coverage:** New York law treats temporary workers the same as permanent employees concerning workers' compensation eligibility.
- **Coverage through the employer or staffing agency:** The responsibility for providing workers' compensation may lie with the staffing agency or the employer, depending on the employment arrangement.

Common injuries sustained by seasonal and temporary workers in Brooklyn

According to data from the [Bureau of Labor Statistics \(BLS\)](#) and the [New York Department of Labor](#), temporary and seasonal workers face a high risk for certain workplace injuries, often due to inadequate training, lack of experience, or working in high-risk environments. Common injuries include:

- **Strains and sprains:** Soft tissue injuries are the most frequent among temporary workers, especially those in manual labor roles such as warehouse or delivery work.
- **Fractures and cuts:** Temporary workers involved in construction, retail, or food service often sustain fractures or cuts from slips, falls, or mishandling tools and equipment.
- **Heat-related illnesses:** Seasonal workers performing outdoor jobs, such as construction or landscaping, face risks from heat exhaustion and dehydration.
- **Repetitive strain injuries:** Temporary office workers or those assigned to repetitive tasks experience tendonitis, carpal tunnel syndrome, or other musculoskeletal disorders.

Challenges faced by seasonal and temporary workers filing claims

Seasonal and temporary workers often encounter specific obstacles when filing workers' compensation claims in Brooklyn or another part of New York, including:

- **Disputes over employment status:** Some employers might attempt to classify workers as independent contractors, which would make them ineligible for workers' compensation.

- **Responsibility confusion:** In cases where staffing agencies place workers with other employers, it can be unclear which business is responsible for providing benefits, causing delays in the claims process.
- **Lack of awareness:** Many temporary workers are unfamiliar with their rights under New York workers' compensation laws and may delay filing claims, risking denial for late reporting.

Filing a workers' compensation claim in New York

To qualify for workers' compensation benefits in New York, injured workers must follow the necessary steps promptly, regardless of whether they're temporary or seasonal employees. It's important to:

- **Report the injury immediately:** Workers should notify their employer or staffing agency as soon as possible, ideally within 30 days, as required by WCL § 18.
- **File a claim within two years:** Injured employees must submit Form C-3 to the New York State Workers' Compensation Board within two years of the injury or illness to avoid forfeiting benefits.
- **Seek medical care:** Injured workers must visit a healthcare provider authorized by the Workers' Compensation Board to receive treatment and provide necessary medical documentation. Failure to do so could result in the denial of a claim since the employer's workers' compensation insurance provider might insist that there's no evidence of a work-related injury or illness since there are no medical records documenting the incident.

What benefits can seasonal and temporary workers receive?

Like full-time employees, workers' compensation in New York provides various benefits to injured workers classified as seasonal or temporary workers. Such benefits often include:

- **Medical care:** Coverage includes hospital bills, medical treatments, and necessary rehabilitation services.
- **Temporary disability payments:** Workers receive two-thirds of their average weekly wage if they cannot work temporarily due to the injury.
- **Permanent disability benefits:** If the injury leads to permanent impairment, workers may qualify for additional compensation based on the extent of the disability.
- **Death benefits:** In fatal cases, the worker's dependents may receive death benefits, including funeral expenses and ongoing financial support.

Why should I hire a Brooklyn workers' compensation attorney?

Seasonal and temporary workers in Brooklyn, NY, have the same legal right to workers' compensation benefits as permanent employees, provided the injury or illness occurred while performing work-related duties.

However, these workers often face unique challenges, including confusion over which employer is responsible for their benefits or disputes about employment classification. Navigating these complexities can be difficult, making it essential for injured workers to seek guidance from an experienced Brooklyn workers' compensation lawyer to protect their rights and pursue the benefits they deserve.

Our Brooklyn workers' compensation lawyers at the [Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP](#) have years of experience handling such complex legal cases. As a result, we thoroughly understand the state and federal laws that apply to seasonal and temporary workers in Brooklyn and throughout New York.

Learn more about your legal options. [Contact us](#) and schedule an appointment with a Brooklyn workers' compensation attorney who puts your best interests first. We have 12 offices conveniently located in New York, including one on Flatbush Avenue in Brooklyn.