

Workers' Comp for Restaurant and Food Service Injuries in New York

Burns, Cuts, Falls, and Lifting Injuries Can Put a Food Service Worker Out of Work

A fryer splash, a deep cut from a slicer, or a fall on a wet kitchen floor can turn one restaurant shift into weeks or months of treatment. For workers hurt in [restaurant and food service accidents](#), New York workers' compensation may cover medical care and part of the wages lost because of the injury.

Restaurant claims can also raise issues that are easy to miss in the first few days, including whether the worker was properly classified as an employee, whether repetitive work contributed to the condition, whether the employer reported the accident, and whether the insurance carrier disputes treatment or disability.

At [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#), our New York workers' compensation attorneys have represented cooks, servers, dishwashers, delivery workers, bartenders, prep workers, and other food service employees injured across New York City and the state. We look at how the injury happened, what medical treatment is needed, what the worker was earning, and whether any dispute could interfere with benefits.

Quick Facts for Injured Restaurant Workers in New York

Issue	What To Know
Fault	Workers' compensation is generally no-fault. A worker usually does not need to prove the employer was negligent, but the injury or illness must arise out of and in the course of employment.
Notice	The New York Workers' Compensation Board says an injured worker should notify the employer in writing as soon as possible and generally within 30 days.
Claim Filing	A Form C-3 should be filed promptly. In many injury cases, the filing deadline is two years from the accident.
Medical Care	Except in emergencies, treatment generally must be provided by a Board-authorized provider, subject to rules that may apply when an employer or carrier uses a PPO.
Retaliation	An employer may not discriminate against a worker because the worker filed or planned to file a workers' compensation claim.

Official claim guidance: [New York State Workers' Compensation Board](#).

The Most Common Injuries in New York's Restaurant Industry

Commercial kitchens combine heat, sharp equipment, wet surfaces, repetitive motion, heavy deliveries, chemicals, and tight work areas. The same environment that allows a kitchen to move quickly can produce very different types of work injuries.

- **Thermal Burns From Fryers, Grills, Steam, and Hot Liquids** – Serious [burn injuries in restaurant and food service jobs](#) can involve hot grease, boiling liquids, steam, hot pans, and cleaning chemicals. Deeper burns may require wound care, surgery, skin grafting, or rehabilitation, and burns to the hands can interfere with the fine motor skills kitchen work requires.
- **Lacerations and Tendon or Nerve Injuries** – Knives, mandoline slicers, meat grinders, and deli slicers can cause deep cuts that damage tendons or nerves. When numbness, weakness, or loss of function continues after the wound closes, the claim may also involve [work-related nerve damage](#) and longer-term treatment.
- **Slip and Fall Injuries on Wet or Greasy Floors** – Spilled liquids, cooking oils, melting ice, dishwashing areas, and rushed cleanup can contribute to falls that cause fractures, knee injuries, shoulder injuries, or back injuries.
- **Musculoskeletal Injuries From Lifting and Repetitive Tasks** – Prep cooks, dishwashers, delivery workers, and other food service employees may repeatedly lift boxes, kegs, pots, trays, or supplies. Repetitive cutting, chopping, reaching, and gripping can also contribute to occupational conditions when medical evidence connects the condition to the work.
- **Chemical Exposure Injuries** – Degreasers, sanitizers, oven cleaners, and other concentrated products can cause skin, eye, or respiratory injuries when workers are splashed, exposed to fumes, or asked to use products without adequate protection.
- **Struck-By and Caught-Between Injuries** – Receiving areas, walk-in coolers, storage rooms, loading areas, carts, pallet jacks, and moving equipment can create crush, pinch-point, and impact hazards behind the scenes.

How Workers' Compensation Applies to Restaurant and Food Service Workers

New York workers' compensation is generally a no-fault system. An injured restaurant worker usually does not need to prove the employer caused the accident. The key questions are whether the person was an employee covered by the system and whether the injury or illness arose out of and in the course of the job.

Full-time status is not the dividing line. Part-time and seasonal employees can be covered as well. Questions can become more difficult when a restaurant labels someone an independent contractor or pays the worker on a 1099. The label alone does not decide the issue. New York looks at the actual working relationship, which is why a worker who has been told they are a

contractor may need to review the factors used to determine [whether an independent contractor can receive workers' compensation](#).

Work-related conditions also do not have to come from one dramatic event. A burn, cut, or fall may be tied to a specific shift, while carpal tunnel syndrome, tendinitis, or another repetitive-use condition may develop over time. Occupational disease claims have their own proof and timing issues, so the medical record should identify how the job duties contributed to the condition.

Employer Pressure Does Not Decide Whether a Claim Is Valid

Restaurant workers sometimes worry that reporting an injury will cost them hours, upset a manager, or put their job at risk. An employer may also prefer to handle a minor injury informally by paying for an urgent-care visit or telling the worker to take a few days off. None of that replaces the formal workers' compensation process when a claim is needed.

New York prohibits an employer from discriminating against a worker because the worker filed, or planned to file, a workers' compensation claim. That protection does not mean an employer must hold a position open indefinitely for a worker who cannot return, but the employer cannot lawfully punish the employee for exercising workers' compensation rights. The [Workers' Compensation Board explains those anti-discrimination protections](#) and provides a separate process for discrimination claims.

Medical restrictions can create a separate issue. A worker who is still healing may be able to perform modified duties, or may be unable to return to the same kitchen job at all. The answer should come from the medical evidence, not simply from a manager's preferred schedule. Romano has also addressed what can happen when an injured worker [cannot return to work after a work injury](#).

A Kitchen Injury Can Become More Serious When It Is Not Properly Reported

Consider a prep cook whose hand contacts a commercial deli slicer after a guard fails. The worker receives stitches at urgent care, but the manager pays the bill directly and no formal workers' compensation claim is opened. A few weeks later, the worker still cannot bend a finger normally and a hand specialist diagnoses a tendon injury that requires surgery.

At that point, the case is no longer about a single clinic bill. The worker may need surgery, therapy, wage benefits, and documentation connecting the ongoing condition to the original accident. Prompt reporting, a consistent medical history, and a properly filed claim can become especially important when the employer or carrier later disputes what happened or how serious the injury is.

What To Do After a Restaurant Injury

The New York Workers' Compensation Board separates notice to the employer from filing a claim with the Board. Both matter.

1. **Report the Injury Promptly and in Writing** – The Board advises workers to notify the employer as soon as possible and generally within 30 days. An email or other written document is easier to preserve than relying only on a conversation. The Board's filing guidance is available on its official website.
2. **Get Appropriate Medical Treatment** – Except in an emergency, the treating provider generally must be authorized by the Workers' Compensation Board. Workers may have additional network requirements if a PPO applies. The Board maintains a searchable list of authorized providers.
3. **File Form C-3** – A worker should file the Employee Claim, Form C-3, promptly. In many accident cases, it must be filed within two years. Filing with the Board is separate from telling the employer about the injury.
4. **Keep Work and Medical Records** – Save schedules, wage information, incident reports, photos, medical records, work restrictions, and communications with the employer or carrier. Those records can help establish what happened, how much work was missed, and what treatment has been recommended.
5. **Pay Attention to Disputes** – [appealing a denied workers' comp claim in New York City](#) explains how disputed claims can move through the Board process.

For a broader look at the filing stages, read our guide on [how the workers' compensation claim process works in New York](#).

For official treatment rules, the [New York Workers' Compensation Board health care page](#) explains provider authorization and PPO requirements.

What Benefits May Be Available to an Injured Food Service Worker

The benefits available depend on the medical evidence, disability status, wages, and whether the claim is accepted. Workers' compensation does not pay pain and suffering, but it can provide important medical and wage-related benefits.

- **Medical Care** – Medically necessary care for an accepted work injury may include physician visits, surgery, therapy, medication, and other covered treatment, subject to workers' compensation rules and treatment guidelines.
- **Temporary Wage Benefits** – A worker who cannot work, or who returns at reduced earnings because of the work injury, may qualify for wage-loss benefits based on the rules that apply to the disability and earnings.
- **Permanency Benefits** – If the injury causes permanent loss of function to a scheduled body part, the worker may qualify for a [Schedule Loss of Use award](#). Other permanent conditions are evaluated under different rules.
- **Disfigurement Benefits in Qualifying Cases** – New York's schedule also recognizes certain serious disfigurement involving the face, neck, or scalp. A burn that leaves scarring

elsewhere does not automatically create a separate disfigurement award, although permanent functional loss from the burn may still affect the claim.

The Workers' Compensation Board's [Schedule Loss of Use guidance](#) identifies the body parts covered by the schedule and the medical findings needed for an SLU award.

Be Careful With a Settlement That Closes Future Benefits

A restaurant worker with a serious hand injury, burn, or back condition may eventually receive a settlement proposal. A Section 32 waiver agreement can resolve indemnity benefits, medical benefits, or both, depending on the agreement. Closing medical benefits can have lasting consequences when future surgery, therapy, medication, or scar treatment may still be needed.

That's why the headline number should not be the only consideration. Before signing, the worker should understand what's being closed, what benefits remain open, and what future care may cost. A [Section 32 workers' compensation settlement](#) may resolve some or all parts of a claim, but the terms can affect future medical treatment and benefits.

Get Help With a New York Restaurant Workers' Compensation Claim

A kitchen injury can affect more than one shift. A hand injury may prevent a cook from safely using knives. A burn may require repeated treatment. A back injury may make it impossible to lift deliveries or stand through a full service. The workers' compensation claim should reflect the medical and wage consequences that can actually be proven.

Pasternack Tilker Ziegler Walsh Stanton & Romano LLP represents injured workers throughout New York. If you were hurt while working in a restaurant, bar, cafeteria, catering operation, or another food service setting, contact us for a free consultation. Attorney fees in New York workers' compensation cases are subject to Workers' Compensation Board approval and are paid from compensation awarded, rather than billed directly to the injured worker.