

## ● MARYLAND WORKERS' COMPENSATION ACT

*STATUTORY CITATION:* Md. Code, Lab. & Empl. §§ 9-101 – 9-1201

*GENERAL SUMMARY:* The Workers' Compensation Act requires most employers who have one or more employees in Maryland to pay or provide monetary compensation for the job-related disability or death of an employee, without regard to fault. Such compensation encompasses, among related benefits, regular cash payments in lieu of lost wages, payment of medical and medically related expenses, and funeral costs.

An employer subject to the Act must meet this obligation by (1) maintaining insurance with an authorized insurer, (2) furnishing the state with satisfactory proof of the employer's financial ability to pay compensation as a self-insurer, or (3) participating in an approved self-insurance group plan. If an employer fails to exercise one of these three options, an injured employee or a legal representative may elect to claim compensation under the Act anyway, or may file a civil action in the courts for damages on account of such injury. In any such action, the employer may not plead as a defense that the injury was caused by the negligence of a fellow worker, that the worker had assumed the risk of employment, or that the injury was due to the worker's own negligence.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Farm operators and other agricultural establishments that have 3 or more full-time employees, or have a yearly payroll for full-time employees amounting to at least \$15,000, are subject to the Workers' Compensation Act. In general, a farmworker who receives pay from such a farm employer is entitled to workers' compensation in the event of a job-related accident, or disablement due to an occupational disease, which occurs while the worker is so employed. The Act does not, however, cover farmworkers (other than those operating machinery or equipment) who are employed within 25 miles of their permanent place of residence and for only 13 weeks or less during the year.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — An employer may not discharge an employee because the employee has filed a workers' compensation claim. Violation of the ban on retaliation may result in criminal prosecution and, upon conviction, a fine, imprisonment, or both.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Insurance, Reporting and Compliance Division, Maryland Workers' Compensation Commission, Baltimore, Maryland 21202 (410-864-5297)*. The Commission is responsible for assuring employer compliance with the obligation to secure required compensation. Notice of injury must generally be given to the employer within 10 days after the accident (or within 30 days after a death resulting from such an accident), and failure to do so will usually bar any claim for compensation. A subsequent claim for benefits must generally be filed with the Commission within 60 days after the date of the accidental injury (or, when death results from the injury, within 18 months from the date of death). The Commission must investigate each claim filed, order a hearing upon the request of either the employer or the worker, and grant or deny an award within 30 days after the claim is filed or the hearing is concluded.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.