

## ● WORKER'S DISABILITY COMPENSATION ACT OF 1969

*STATUTORY CITATION:* Mich. Comp. Laws §§ 418.101 – 418.941

*GENERAL SUMMARY:* The Worker's Disability Compensation Act provides generally that an employee who receives a personal injury (including a disabling occupational disease) in the course of employment with an employer subject to the Act must be paid compensation. Among the benefits to which covered employees are entitled are (1) weekly wage-loss payments, (2) medical, surgical and hospital services, medicines, and related medical care, (3) vocational rehabilitation services, and (4) death benefits.

With some exceptions, every Michigan employer who regularly employs 3 or more workers at one time is required to secure the payment of compensation by (1) obtaining authorization from the state as a self-insurer or part of a self-insurance group, which may involve the posting of a surety bond or other security, or (2) purchasing a workers' compensation insurance policy from a commercial insurer. An employer who fails to comply with the obligation to secure compensation under one of these two options is subject to a \$1,000 fine, a jail sentence of up to 6 months, or both, each day's failure being a separate offense. Moreover, an injured worker whose employer has not secured workers' compensation coverage is entitled to recover damages from the employer in a civil action, and the employer may not plead as a defense in any such action that the worker's injury was due to the worker's negligence or the negligence of a co-worker, or that the worker had assumed the risks inherent in the employment.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**FULL COVERAGE** — A farm operator or other agricultural establishment which has 3 or more regular workers who (1) are paid hourly wages or salaries, but not on a piecework basis, and (2) worked for the employer at least 35 hours a week for 13 or more consecutive weeks during the preceding 52 weeks, is subject to all provisions of the Worker's Disability Compensation Act, but coverage applies only to such regularly employed workers.

**PARTIAL COVERAGE** — All agricultural employers who employ at least one worker for 35 or more hours a week for at least 5 consecutive weeks must provide such workers with medical and hospital coverage (including medical, surgical and hospital services, medicines, and related medical care) for job-connected personal injuries. Such workers are not, however, entitled to weekly wage-loss payments, vocational rehabilitation services, or the other benefits payable to eligible employees fully covered under the Act.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Workers' Compensation Agency, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (toll-free 888-396-5041)*. This agency is responsible for assuring compliance with the employer's obligation to provide compensation, and for resolving disputes regarding eligibility for and payment of workers' compensation benefits. A worker who is injured on the job, or disabled by an illness that was caused or aggravated by conditions at the workplace, should notify the employer as soon after the accident or onset of disability as possible. In general, compensation is due and payable on the 14th day after the employer receives such notice. Any disagreement over the compensability of an injury or disability, or any dispute concerning the continuation of benefits, should be reported to the agency for investigation and resolution.

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