

● WORKERS' COMPENSATION ACT

STATUTORY CITATION: Mont. Code §§ 39-71-101 – 39-71-4004

GENERAL SUMMARY: The Workers' Compensation Act requires most employers in Montana to enroll in one of three compensation plans, all of which guarantee the payment of medical costs and wage compensation benefits in the event of a worker's accidental job-related injury or death. Plan 1 provides for payment of compensation directly by the employer, who must furnish the state administering agency with proof of solvency and financial ability to pay claims as a self-insurer. Under Plan 2, the employer insures the liability to pay benefits by purchasing a standard workers' compensation insurance policy from a commercial insurance carrier. Plan 3 requires the employer to pay premiums into a state compensation insurance fund, which in turn pays benefits to the employees of participating employers for compensable personal injury or death.

Any employer subject to the Act who has not properly complied with the requirement to enroll in a workers' compensation plan will be ordered to cease operations until coverage is secured. An injured worker who is employed by an uninsured employer, and who is otherwise eligible for compensation, is entitled to benefits through the state uninsured employer's fund, but if the worker or the worker's beneficiaries elect to take civil action to recover damages for the injury, the uninsured employer may generally not plead as a defense that the worker was negligent, that the injury was caused by the negligence of a co-worker, or that the worker had assumed the risks inherent in the employment.

PROVISIONS APPLICABLE TO AGRICULTURE: The Workers' Compensation Act applies to agricultural employers and protects agricultural workers in Montana to the same extent as their counterparts in other covered industries.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — Workers' Compensation Regulation Bureau, Employer Relations Division, Montana Department of Labor and Industry, Helena, Montana 59604 (406-444-1555). The Department is responsible for enforcement of the employer's obligation to enroll in a workers' compensation plan, and for assuring the timely processing of claims and payment of benefits. A worker who is injured on the job generally must file a report of the accident with the employer within 30 days thereafter in order to realize benefits. A claim for compensation based on such an injury must be filed with the Department, the employer, or the employer's insurer, depending on the compensation plan involved, but as a rule, a decision on the claim must be made within 30 days of receipt. A claimant who has a dispute concerning benefits may petition a workers' compensation judge for a determination.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — None.