

## ● WORKERS' COMPENSATION LAW

*STATUTORY CITATION:* N.J. Rev. Stat. §§ 34:15-1 – 34:15-128.5

*GENERAL SUMMARY:* New Jersey's workers' compensation law provides that in all pursuits other than casual labor, an employee who suffers accidental personal injury on the job or is disabled by an occupational disease is entitled to receive compensation for such injury from the employer, provided the employee was not willfully negligent at the time of the injury or disease. Furthermore, the right to compensation cannot be denied on the grounds that the injury was caused by the negligence of a co-worker or that the injured worker had assumed the risks inherent to the job.

To satisfy the liability for compensation, at the same time averting litigation in which these defenses could not be raised, an employer must have workers' compensation coverage, which entails either purchasing a prescribed policy of workers' compensation insurance or applying to the state for exemption as a self-insurer. An employer is presumed to have coverage at the time of hiring, but with or without coverage, the employer remains liable for payment of each injured worker's medical expenses, as well as regular cash disability or death benefits for the worker or the worker's surviving dependents.

*PROVISIONS APPLICABLE TO AGRICULTURE:* The workers' compensation law applies to all farm operators and other agricultural establishments in New Jersey with one or more employees, to the same extent as employers in covered non-agricultural industries.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — It is illegal for an employer to discharge or discriminate in any other manner against an employee because the employee has made or attempted to make a claim for workers' compensation benefits.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Workers' Compensation, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2515).* This agency is responsible for assuring compliance with the workers' compensation law by subject employers. In general, a claim for compensation is not payable unless the employer is notified of the injury involved within 14 days of its occurrence. If a disagreement should arise over a claim for benefits, the worker or the worker's dependents must submit the claim to the Division, which is the appropriate forum for adjudicating disputes concerning questions of fact, the nature and effect of the injury, and the amount of compensation payable.

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

**PRIVATE CIVIL ACTION** — Enforcement of a claim against an employer who is subject to the law but does not have workers' compensation coverage requires legal action by the worker in the workers' compensation court, through a private attorney or public legal service provider. A worker in that situation may apply for benefits through the Uninsured Employer's Fund.