

○ WORKERS' COMPENSATION LAW

STATUTORY CITATION: N.D. Cent. Code §§ 65-01-01 – 65-10-03

GENERAL SUMMARY: Every employer subject to North Dakota's workers' compensation law is required to pay premiums to the Workforce Safety and Insurance Fund, the assets of which are used to pay for medical, surgical and hospital services and supplies required by covered employees who are accidentally injured in the course of employment with a subject employer. If an accident results in death, or a disability of 5 days or more, the Fund will also pay cash benefits to protect the worker's dependents against loss of income.

Provided the employer is duly insured, the payment of compensation by the state for an employee's work-related injury generally relieves the employer of all further liability. On the other hand, an employer who fails to secure workers' compensation coverage is subject to criminal penalties and is liable to each employee for damages suffered by reason of injury sustained in the course of employment. In a damage suit by a worker or a worker's dependents against an uninsured employer, the employer may not claim as a defense that the injury was caused by the worker's own negligence or the negligence of a co-worker, or that the worker had assumed the risks involved in the job.

PROVISIONS APPLICABLE TO AGRICULTURE: North Dakota's workers' compensation law applies only to "hazardous employment," the statutory definition of which explicitly excludes agricultural service. Hence, the law **does not apply** to agricultural employers or workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *North Dakota Workforce Safety and Insurance, Bismarck, North Dakota 58503.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*