

● WORKERS' COMPENSATION ACT

STATUTORY CITATION: 77 Pa. Stat. §§ 1 – 2708

GENERAL SUMMARY: The Workers' Compensation Act makes most employers in the state — regardless of payroll volume or number of employees — liable for the payment of compensation in the event an employee is accidentally injured, or dies as a result of an accidental injury, in the course of employment. Workers injured on the job are entitled to reasonable medical and surgical services, medicines and supplies, at the employer's expense, and if injury leads to the disablement or death of the worker, the employer is responsible for payment of cash benefits to the worker or the worker's dependents to compensate for lost wages.

To meet liability under the Act, an employer must purchase workers' compensation insurance, either through the State Workers' Insurance Fund or through a commercial insurance carrier, or, with proof of financial ability to pay compensation directly, may apply to the state for an annual insurance exemption. Employers who insure their liability for compensation generally are protected from further liability for work-related injury to their employees, and the workers are assured prompt medical attention and monetary compensation without need of litigation. On the other hand, an employer who fails to comply may be sued for damages by an injured employee and forfeits the right to claim as a defense that the injury was caused by the negligence of a co-worker or by the worker's own negligence, or that the worker had assumed the risk that led to the injury. Moreover, non-complying employers are subject to criminal fines and imprisonment.

PROVISIONS APPLICABLE TO AGRICULTURE: A farm operator or other agricultural establishment which (1) pays wages of \$1,200 or more to any one worker during the calendar year for agricultural labor, or (2) employs any one worker for 30 or more days of farm labor during the year, must provide workers' compensation coverage for all the establishment's employees.

SPECIAL NOTES OR ADVISORIES

LIABILITY OF CREW LEADERS AND LABOR CONTRACTORS — A farm operator or other agricultural establishment subject to the Workers' Compensation Act that uses the services of workers hired by a farm labor contractor to perform labor on the establishment's premises is liable for compensation if such a worker is injured in the course of the job, unless the contractor is liable for compensation and has already secured coverage.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Workers' Compensation, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17104 (717-886-9035; toll-free 800-482-2383).* It is the Department's duty to enforce employer compliance with the obligation to secure workers' compensation insurance or obtain an exemption permit, and to assure prompt processing of injury cases and payment of compensation by employers and insurers. In general, notice of the occurrence of a worker's injury must be given to the employer within 120 days after the date of injury, or no compensation is allowed. The Department may respond to a petition by an employee or an employee's dependents requesting a hearing and determination in any case in which compensation has been denied or has not been paid in accordance with prescribed time standards.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*