

## ● WORKERS' COMPENSATION ACT

*STATUTORY CITATION:* 28 R.I. Gen. Laws §§ 28-29-1 – 28-38-25

*GENERAL SUMMARY:* Under the Workers' Compensation Act, an employee who receives a personal injury, or suffers disablement from an occupational disease, arising out of and in the course of employment is generally entitled to cash compensation from the employer. Moreover, if the injury or illness should result in death, the worker's surviving dependents are normally eligible for death benefits. The Act requires, also, that subject employers promptly provide for reasonable medical and surgical services, hospital care, medicines, and related benefits necessary to cure, rehabilitate or relieve their employees from the effects of job-related injuries or disease.

To meet their liability, every employer subject to the Act must (1) purchase a policy of workers' compensation insurance from a licensed carrier, (2) enroll in a group self-insurance fund, or (3) furnish the state enforcement agency with proof of financial ability to pay workers' compensation benefits directly. Failure by an employer to secure payment of compensation under one of these options is a criminal offense. Furthermore, a worker injured while in the employ of a non-complying employer may sue the employer for damages, and in any such suit the employer is barred from claiming as a defense that the injury resulted from the negligence of the worker or a co-worker, or that the worker had assumed the risks that led to the injury.

The Workers' Compensation Act generally applies to all individuals, partnerships and corporations with one or more employees.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Farmers and other agricultural employers who employ 25 or more farmworkers for 13 or more consecutive weeks are generally required to provide workers' compensation coverage to their employees. Employers who meet this workforce threshold, however, have the option of purchasing health and disability insurance covering their farm employees, thereby exempting themselves from the requirements of workers' compensation, provided the health and disability insurance premium exceeds the premium for workers' compensation insurance.

### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY — *Division of Workers' Compensation, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*