

● **WORKERS' COMPENSATION ACT (*PROTECTION OF LIFE, HEALTH, AND SAFETY*)**

*STATUTORY CITATION:* Utah Code § 34A-2-301

*GENERAL SUMMARY:* Apart from its primary purpose of providing economic compensation for workers injured in job-related accidents, the Workers' Compensation Act includes language prohibiting most employers in the state from (1) maintaining any workplace that is not safe, (2) requiring or knowingly permitting an employee to be in a workplace that is not safe, (3) failing to provide and use safety devices and safeguards, (4) failing to adopt and use methods and processes reasonably adequate to render the job and workplace safe, or (5) failing or neglecting to do every other thing reasonably necessary to protect the life, health and safety of their employees.

When a job-related injury is found to have been caused by the employer's willful failure to comply with the Act or its associated regulations, whatever monetary compensation is otherwise payable to the worker will be increased by 15 percent.

With some exceptions, the Act applies to every employer who regularly employs one or more workers in the same business or establishment.

*PROVISIONS APPLICABLE TO AGRICULTURE:* In the agricultural sector, the Workers' Compensation Act — and thus the employer's legal obligation to assure a safe place of employment — applies only to farm operators and other agricultural establishments that (1) paid \$20,000 or more in cash wages for agricultural labor in any calendar quarter of the current or preceding calendar year, or (2) employed 10 or more workers in agricultural labor for some part of a day in each of 20 different calendar weeks in the current or preceding calendar year.

*SPECIAL NOTES OR ADVISORIES*

**LIABILITY OF CREW LEADERS AND LABOR CONTRACTORS** — In cases where farmworkers performing agricultural labor are furnished to a farm operator by a crew leader who (1) is registered under the Migrant and Seasonal Agricultural Worker Protection Act, (2) pays members of the crew their earnings, and (3) has not entered into a written agreement with the farm operator under which the crew leader is designated as an employee of the farm operator, the crew leader is treated as the workers' employer. Under any other circumstances, crew members are considered employees of the farm operator, and wages paid to the workers by the crew leader are deemed to be wages paid by the farm operator.

*ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Industrial Accidents Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6800; toll-free 800-530-5090).*

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