

## ● WORKERS' COMPENSATION ACT

*STATUTORY CITATION:* Utah Code §§ 34A-2-101 – 34A-10-1005

*GENERAL SUMMARY:* Every employee covered by the state workers' compensation law who is injured in an employment-related accident is entitled to cash compensation for any loss in connection with the injury, as well as medical, nursing and hospital services, and medicines; if the accident results in death, cash benefits and funeral expenses are generally payable to the worker's surviving dependents. The responsibility for payment of compensation and related costs for on-the-job injury or death is on the employer, who must meet that liability by (1) paying premiums to the state worker's compensation fund, (2) purchasing and keeping current a workers' compensation insurance policy through a private insurance carrier, or (3) furnishing the state administering agency with proof of financial ability to pay compensation directly.

Employers who comply with the duty to secure compensation are generally protected against any further liability with respect to a worker's injury on the job, and the worker or worker's dependents are assured of benefits without the need for litigation. On the other hand, an employer who fails to provide for the payment of benefits may be sued for damages by an injured worker or an injured worker's dependents, and such an 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 risk that led to the injury. Furthermore, the state agency has authority to file suit to enjoin any uninsured employer from further business operations in Utah.

With some exceptions, the Act applies to employers who regularly employ one or more workers in the same business or establishment.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Under considerably more restrictive conditions than those in most other industries, the Workers' Compensation Act applies only to those farmworkers covered by the state unemployment insurance program, described in the previous entry. Consequently, only those 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, are required to have workers' compensation coverage. Farmworkers who are injured while performing labor for such an establishment are generally entitled to compensation benefits, medical treatment, and related services at the employer's expense.

### *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).* It is the responsibility of the Division to assure that employers subject to the workers' compensation law meet their liability to provide coverage, and to see that each eligible claimant receives full and timely benefits, either from the state fund, the employer's private insurance carrier, or the self-insured employer. In general, an employee who suffers injury on the job should notify the employer promptly; compensation is barred altogether unless notice of injury is given to the employer within 180 days of the accident that led to the injury.

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