

## ● EMPLOYER'S LIABILITY AND WORKERS' COMPENSATION LAW

*STATUTORY CITATION:* Vt. Stat. Title 21, §§ 601 – 711

*GENERAL SUMMARY:* Under the state workers' compensation law, if a worker receives a personal injury by accident arising out of and in the course of employment, the employer or the employer's insurance carrier must pay compensation for the injury. In addition to cash payments to compensate for the worker's lost earning capacity, the employer or insurer is also responsible for furnishing the job-related accident victim with medical, surgical, hospital and nursing services and supplies necessary for treatment of or recovery from the injury.

To meet their liability under the law, employers are required to either maintain a policy of workers' compensation or equivalent insurance, or provide the state with evidence of their financial ability to pay compensation directly. In the event a worker is injured in an accident while working for an employer who has failed to comply with this requirement, the worker may elect either to claim workers' compensation or to sue the employer for full damages; in any such lawsuit, the employer loses the right to claim that the injury was caused by the negligence of another employee, or that the employee assumed the risk inherent in the employment.

The law applies, with some exceptions, to any worker employed by any employer.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Each farm operator or other agricultural establishment whose aggregate payroll in a calendar year is \$10,000 or more is subject to the workers' compensation law, and any worker engaged in agricultural services for such an employer is entitled to compensation and medical care in the event of injury on the job. If the injury contributes to the worker's death, benefits are payable to the worker's surviving dependents.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — No person may discharge or discriminate against an employee because the employee has asserted a claim for workers' compensation benefits, and it is similarly unlawful for an employer to refuse to employ a job applicant on grounds that the applicant has filed a claim. Any such act of retaliation or discrimination should be reported to the state attorney general.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Workers' Compensation Division, Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-2286)*. It is the duty of the Department to assure that employers subject to the workers' compensation law comply with the obligation to secure coverage for their employees, and to see that benefits are dispensed in accordance with prescribed standards. A worker who is injured on the job (or the dependents of a worker who dies from a job-related accident) must promptly notify the employer of the occurrence of the accident. In general, no claim for compensation is valid unless it is filed with the employer within 6 months after the injury or death of the worker. Any dispute regarding the eligibility of an individual for workers' compensation benefits, or the amount or duration of such benefits, may be referred to the Department for hearing and resolution.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *Civil Rights Unit, Vermont Attorney General's Office, Montpelier, Vermont 05609 (802-828-3657, toll-free 888-745-9195)*. This agency enforces the anti-retaliation provision in the workers' compensation law.