

## Workers' Compensation

Workers' compensation laws were enacted to provide medical and cash benefits to employees (or their dependents) who incurred a work-related injury or illness through no fault of their own, and to relieve employers of liability from lawsuits involving negligence. Unlike other laws discussed in this report, workers' compensation laws are not Federal laws (except those covering Federal employees and certain maritime employees) and coverage varies from State to State. Readers seeking detailed information should contact their State workers' compensation office. Fifty-four jurisdictions (50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and the U.S. Government) have workers' compensation laws (19). Employers should be aware of the laws that apply to the jurisdiction(s) in

which their workplace is located, especially if an employer is an H-2A employer or is covered under the Migrant and Seasonal Agricultural Worker Protection Act discussed earlier in this report.

Agricultural workers may be covered by workers' compensation in all States or jurisdictions (the U.S. Government is not included), but coverage is voluntary in 13 States (19). In 15 of these jurisdictions, laws specifically state that agricultural employers are covered on the same basis as other employers (18). There are small employer exemptions available in 25 of them, but in most cases, employers may participate voluntarily to limit their liability (table 7).

**Table 7--Type of workers' compensation for agricultural workers by jurisdiction, 1997<sup>1</sup>**

Agricultural workers covered the same as all other workers	Limitations on coverage for agricultural workers	Voluntary coverage only available for workers <sup>2</sup>
Arizona	Alaska	Alabama
California	Delaware	Arkansas
Colorado	Florida	Indiana
Connecticut	Georgia	Kansas
District of Columbia	Illinois	Kentucky
Hawaii	Iowa	Mississippi
Idaho	Louisiana	Nebraska
Massachusetts	Maine	Nevada
Montana	Maryland	New Mexico
New Hampshire	Michigan	North Dakota
New Jersey	Minnesota	Rhode Island
Ohio	Missouri	South Carolina
Oregon	New York	Tennessee
Puerto Rico <sup>3</sup>	North Carolina	
Virgin Islands	Oklahoma	
	Pennsylvania	
	South Dakota	
	Texas	
	Utah	
	Vermont	
	Virginia	
	Washington	
	West Virginia	
	Wisconsin	
	Wyoming	

<sup>1</sup>U.S. Government is excluded.

<sup>2</sup>Employers may volunteer to participate in the program but are not required by law to do so.

<sup>3</sup>Puerto Rico's law has no provision exempting farmworkers. Therefore, farmworkers are covered in the same way as other workers.

Source: U.S. Department of Labor, Employment Standards Administration, *State Workers' Compensation Laws*.