

Worker's Compensation

The purpose of worker's compensation insurance is to give greater protection and security to the worker against injury, illness, and death occurring in the course of employment. Worker's compensation provides, as a matter of right, for the payment of benefits to employees injured on the job. The amounts paid are set by state law for covered occupational injuries or disease. No determination of fault is made. The compensation award is, in nearly all situations, the covered employee's exclusive remedy against the employer. The laws in most states provide for fixed awards to employees or their dependents upon a showing of employment-related injury without requiring proof of negligence on the part of the employer. Some states go beyond simple establishment of the right to worker's compensation and provide insurance systems, either under state supervision or otherwise. Under these laws, methods are usually prescribed which allow employers and worker's to accept or reject the compensation system. Several states have provided worker's compensation funds which coincide with the coverage required by law. In most states, the employers who refuse to come within the provisions of the compensation law are denied the customary defenses to actions for injury by the injured employee.

It is not the purpose of this manual to compare the laws of various jurisdictions as to dissimilarities regarding worker's compensation, other than to point out that these laws differ not only in detail but in major features as well. In considering worker's compensation coverage, the following are particularly important:

1. Persons covered and type of employment
2. Injuries and diseases covered
3. Benefits provided
4. Civil law and administrative requirements and options-including

limitations on the ability of injured parties to sue the employer for damages

5. Method of securing benefits.

The worker's compensation law of every jurisdiction requires the employer to secure payment of compensation benefits. Jurisdictions may require either the purchase of insurance with a state fund or private insurer, or may provide for qualifying as a self-insurer. Worker's compensation insurance is provided through a "Worker's Compensation and Employer's Liability Policy." Two types of basic coverages are afforded by this type of policy: one provides actual worker's compensation benefits, and the other insures the employer for liability when employees are able to sue for such problems as employer negligence, unsafe working conditions, etc. The combination of these two coverages is intended to provide the employer with maximum protection against all liability that may arise out of the employee-employer relationship due to occupational injury and disease. Supplementary coverages are available to cover the needs of employers that are not satisfied by the basic coverage.

The district superintendent should ensure that each of the churches of his or her district has complied fully with the applicable worker's compensation law of that state. Information concerning the existence of the policy and of coverage limits should be available from the charge conference and the board of trustees of the local church.