



WORKERS' COMPENSATION

Workers' compensation laws are intended to prevent litigation and provide prompt and predictable relief for workplace injuries. In exchange for purchasing workers' compensation insurance (or self-insuring in accordance with the law), employers are protected from lawsuits based on injuries and diseases arising out of and in the course of employment. Employers are required to provide workers' compensation benefits to employees who are injured on the job (*CA Labor Code Section 3600*).

Eligibility

In general, workers' compensation insurance covers those who are defined as employees (*CA Labor Code Section 3600*). Students engaging in work-based activities who are not required to be paid may still be covered by workers' compensation insurance, usually provided by the sponsoring school district (*CA Education Code Section 51769, CA Labor Code Section 3368*).

Workers receive benefits:

- Even if they are younger than 18;
- No matter who was at fault for the job injury; and
- Even if the worker is not a U.S. citizen.

Workers' compensation covers injuries resulting from one event such as a fall or repeated exposures such as constant loud noise or repetitive movements.

Relationship to School-to-Career

Students placed by a school program in workplaces where they participate in work-based learning or receive on-the-job training are eligible for workers' compensation (*CA Education Code Section 51769*).

Payment Responsibility

- If students are paid wages or a salary by a private employer, that employer is required to pay for workers' compensation (*CA Labor Code Section 3600*). Similarly, if students are participating in a subsidized work-based learning experience, the sponsoring program, school or organization is responsible for workers' compensation coverage even if students are placed somewhere other than the host agency.
- If students participate in unpaid work-based learning including exploratory work experience, service learning, cooperative career technical education, community classroom, service learning, career mentoring or job shadowing, the school district under whose supervision the activities occur is responsible for workers' compensation coverage (*CA Education Code Section 51769, CA Labor Code Section 3368*). If students are volunteering for a public agency or private, non-profit organization in exchange for on-the-job training, that agency or organization is responsible for workers' compensation coverage.



Claims for Injuries

A claim for workers' compensation benefits is the exclusive remedy available to workers under most workers' compensation laws (*CA Labor Code Section 4208*). In the event of an injury, students should:

- Immediately report the injury to their worksite supervisor;
- Tell their parents or guardians;
- Get emergency medical treatment if needed;
- Get a claim form from the employer. The form must be completed and returned to the employer to request benefits; and
- Tell their School-to-Career or work experience coordinator what happened.

Pre-Designation of Physician

If students want to choose the doctor who will treat them, they must write a letter requesting that they would like to be seen by their physician if they get injured and provide the doctor's name and address. The letter must be given to their employer before they are injured. This is called pre-designating your personal physician. If students have pre-designated, they can see their own doctor right away. If they have not, the employer usually can choose whom they see for the first 30 days after their injury (*CA Labor Code Section 4600*).

Regulatory Authority

Workers' compensation is overseen by the California Department of Industrial Relations.

For more information visit:

Commission on Safety and Health and
Workers' Compensation

<http://www.dir.ca.gov/chswc/chswc.html>

California Law, Education and Labor Code

<http://www.leginfo.ca.gov/calaw.html>

Or contact:

State workers' compensation information and assistance officers at 1-800-736-7401 or check the government pages of the phone book under "California State of/Industrial Relations Department/Workers' Compensation/Information and Assistance" for a nearby office.

Make sure to contact your local school district to determine local policies.