



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.

Eligibility

In general, workers' compensation insurance covers those who are defined as employees. Students engaging in work-based activities who are not required to be paid are not covered by the employer's workers' compensation insurance. For liability purposes they are considered students on field trips, and liability is assumed by the parents when they sign the *Work-Based Learning Permission* form.

As employees, students engaged in paid work-based learning experiences are covered and they 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.

Payment Responsibility

If students are paid wages or a salary by a private employer, that employer is required to pay for workers' compensation. 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 service learning, unpaid internships, work sample, career mentoring, job shadowing or workplace tours, the parents assume liability when they sign the *Work-Based Learning Permission* form. 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. 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 teacher/coordinator what happened.

Regulatory Authority

Workers' compensation is overseen by the Kansas Department of Human Resources. The Kansas Division of Workers Compensation provides information on compensation, providing immediate access to information.

<http://www.hr.state.ks.us/wc/html/wc.htm>

Federal Worker's Compensation Laws

http://www.dol.gov/esa/owcp_org.htm

State Worker's Compensation Laws

<http://www.dol.gov/esa/regs/statutes/owcp/stwclaw/stwclaw.htm>