

Representative Ken Ivory proposes the following substitute bill:

WORKERS' COMPENSATION CLAIMS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill enacts provisions related to claiming workers' compensation benefits.

Highlighted Provisions:

This bill:

- ▶ makes it unlawful for an employer to:
 - interfere with an employee's ability to seek workers' compensation benefits; or
 - retaliate against an employee for seeking workers' compensation benefits; and
- ▶ provides penalties for violating a provision of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34A-2-114, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34A-2-114** is enacted to read:



26 34A-2-114. Unlawful interference -- Penalties.

27 (1) An employer may not knowingly or intentionally:

28 (a) impede or diminish an employee's efforts to make a claim or receive workers'
29 compensation benefits under this chapter or Chapter 3, Utah Occupational Disease Act; or

30 (b) intimidate, coerce, or harass an employee with the intent of preventing the
31 employee from making a claim or receiving workers' compensation benefits under this chapter
32 or Chapter 3, Utah Occupational Disease Act.

33 (2) An employer may not suspend, discharge, discipline, threaten to discharge or
34 discipline, or otherwise retaliate against an employee solely because the employee:

35 (a) claims or attempts to claim workers' compensation benefits under this chapter or
36 Chapter 3, Utah Occupational Disease Act;

37 (b) reports an employer's noncompliance with a provision of this chapter or Chapter 3,
38 Utah Occupational Disease Act; or

39 (c) testifies or intends to testify in a workers' compensation proceeding.

40 (3) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
41 division may impose a fine of up to ~~10,000~~ \$5,000 against an employer for
41a each violation of
42 Subsection (1) or (2).

43 (4) The division shall deposit any money collected under this section into the
44 Uninsured Employers' Fund created in Section [34A-2-704](#).

45 (5) This section does not affect the rights or obligations of an employee or employer
46 under common law.