

SB 5443-S - DIGEST

(DIGEST AS ENACTED)

Provides that employers shall not engage in the suppression of industrial insurance claims for their employees.

Provides that, for the purposes of this act, claim suppression is defined as expressly or repeatedly inducing employees to fail to report injuries, inducing employees to treat injuries in the course of employment as off-the-job injuries, or otherwise acting to suppress legitimate industrial insurance claims.

Provides that, in determining whether an employer has engaged in claim suppression, the department shall consider the employer's history of compliance with industrial insurance reporting requirements, and whether there are employment-related incentives to discourage employees from reporting injuries or filing claims. The department will have the burden of proving claims suppression by a preponderance of the evidence.

Provides that an employer found to have engaged in claim suppression shall be subject to a penalty of at least two hundred fifty dollars, not to exceed two thousand five hundred dollars, for each offense. The penalty shall be payable to the supplemental pension fund.