

ASSEMBLY, No. 2005

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1996

By Assemblyman BATEMAN

1 AN ACT concerning workers' compensation and amending
2 R.S.34:15-8.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. R.S.34:15-8 is amended to read as follows:

8 34:15-8. Such agreement shall be a surrender by the parties thereto
9 of their rights to any other method, form or amount of compensation
10 or determination thereof than as provided in this article and an
11 acceptance of all the provisions of this article, and shall bind the
12 employee and for compensation for the employee's death shall bind the
13 employee's personal representatives, surviving spouse and next of kin,
14 as well as the employer, and those conducting the employer's business
15 during bankruptcy or insolvency.

16 If an injury or death is compensable under this article, a person shall
17 not be liable to anyone at common law or otherwise on account of
18 such injury or death for any act or omission occurring while such
19 person was in the same employ as the person injured or killed, except
20 for intentional wrong.

21 For purposes of this section, the intentional failure of an employer
22 to follow applicable safety or health standards or to correct health or
23 safety hazards or violations, when the employer has knowledge of such
24 standards, hazards or violations, shall be considered an intentional
25 wrong.

26 (cf: P.L.1979, c.283, s.2)

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28 2. This act shall take effect immediately.

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STATEMENT

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33 This bill amends the workers' compensation law, R.S.34:15-1 et
34 seq., to provide an additional private cause of action for an employee's

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 injury or death resulting from a work-related accident due to the
2 intentional failure of an employer to follow applicable safety or health
3 standards or to correct health or safety hazards and violations when
4 the employer has knowledge of such hazards, violations or
5 compromised standards. This bill provides that such a failure on the
6 part of an employer would be considered an intentional wrong, thereby
7 establishing an additional exception to the exclusive provisions of the
8 workers' compensation law.

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13 Establishes a cause of action for intentional failure of employer to
14 follow or correct known health or safety violations or standards.