

Regular Session, 2012

SENATE BILL NO. 471

BY SENATOR MURRAY

WORKERS' COMPENSATION. To provide for civil liability of employers who remove or fail to provide or install adequate safeguards or security measures designed for an employee's protection. (8/1/12)

1 AN ACT

2 To enact R.S. 23:1032(C)(3), relative to the exclusivity of remedies under the workers'
3 compensation system; to provide for civil liability; to provide for employers who fail
4 to provide certain employee protections; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1032(C)(3) is hereby enacted to read as follows:

7 §1032. Exclusiveness of rights and remedies; employer's liability to prosecution
8 under other laws

9 * * *

10 C. The immunity from civil liability provided by this Section shall not
11 extend to:

12 * * *

13 (3) Any employer, or any officer, director, stockholder, partner or
14 principal who intentionally removes or fails to provide or install adequate
15 safeguards, security equipment, or security measures designed for an
16 employee's protection, where the employer knew or should have known of the
17 danger to the employee and the security equipment and measures were designed

1 **to prevent the injuries that occurred, thereby failing to provide a workplace free**
2 **from serious recognized hazards.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Present law provides that the immunity from civil liability which is provided under the workers' compensation provisions is not extended to certain persons.

Proposed law retains present law and provides that immunity from civil liability does not extend to an employer who intentionally removes or fails to provide adequate safeguards and security measures, thereby failing to provide a workplace free from serious recognized hazards.

Effective August 1, 2012.

(Adds R.S. 23:1032(C)(3))