

**Representative Ken Ivory** proposes the following substitute bill:

**WORKERS' COMPENSATION CLAIMS AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ken Ivory**

Senate Sponsor: \_\_\_\_\_

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**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

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*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.