



U.S. Longshore & Harbor Workers' Compensation Act

October 20, 2021



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- Impact on you
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- Who to contact for help
- Q & A

Background

Passed by Congress in 1927.

Expanded the Act via amendments in 1972 and 1984.

Situs: Location of work. (PSNS or Coast Guard Air Station, Port Angeles)

Status: Type of work you are doing. (A production facility for vessels)

The Act provides for compensation, medical treatment, and vocational rehabilitation

Coverage

The Act applies to all covered contractor employees regardless of federal, state, county, city, ports, private industry, etc.

Insurance Requirements

LHWCA covers employees in traditional maritime occupations such as longshore workers, ship repairers, shipbuilders or ship breakers, and harbor construction workers. Not vessel crews, which is covered under the Jones Act.

LHWCA covers non-maritime workers, not covered by State workman's compensation benefits, that perform work on, over, under, and next to navigable waterways. Examples in WA are: Strait of Juan de Fuca, Puget Sound, Lake Washington, Columbia River, Chehalis River. For western U.S., it also includes work inland that supports vessels on navigable waterways. There are 103 navigable waterways in WA.

A web site for navigable waterways in WA, use may use:

<https://www.nws.usace.army.mil/Portals/27/docs/regulatory2/FormsEtc/NavigableSec10List-v20200212.pdf?ver=2020-02-12-191659-707>.

WA Labor & Industries

What relatively few workers in Washington State are aware of is if they work on or over a navigable waterway and are hurt on or made ill by their job, they may not be covered by Washington's worker's compensation system. Instead, they may be covered by the Federal Longshore and Harbor Workers Compensation Act (LHWCA)

Impact on you

If the Act applies to you and you do not have the insurance, and there is a claim due to injury or loss of life, your company is liable to pay the claim and if the company has insufficient funds, then the principles are personally liable.

Applicability

Some examples that are Applicable:

- Production buildings supporting vessels.
- The installation of utility systems which will provide service to a vessel.
- Demolition of a facility which is replaced with a production facility.

Some examples that are Not Applicable:

- Administrative buildings,
- Facilities providing retail services,
- BEQs and family housing,
- Garages and parking lots,
- Repairs to utility systems even if they provide service to a vessel,
- Facilities for Unions,
- Demolition of a facility that is not replaced,
- Delivery drivers, and
- Aquaculture

Applicability continued

The western U.S. courts have a wider interpretation of the Act, which includes work inland that supports the vessels on navigable waterways.

Examples:

1. If a production building at Sand Point, Idaho, repairs vessel components for ships at Puget Sound Naval Shipyard, Bremerton, WA, then the workers may be covered by the Act.
2. A production building on upper base at Bangor, WA, supports the ships tied up at the pier on Hood Canal, then the workers may be covered by the Act.

Who to contact for help

When in doubt of coverage under the Act, contact the U.S. Dept. of Labor, OWCP/DLHWC, Seattle, WA. Phone # 415-241-3476 or 206-504-5290.
E-mail: Bruininks.todd@dol.gov.

They can also refer you to insurance policy providers.

West coast offices are located in Seattle, San Francisco, and Honolulu.

The three offices are managed by the same director, Mr. Todd Bruininks.



QUESTIONS ??



Summary

Companies go bankrupt because they didn't have the insurance.
Don't go out of business because you didn't have the insurance.

See your local PTAC for assistance

For the WA Olympic Peninsula it is:

Kathy Cocus at 360-377-9499

Kitsap@washingtonptac.org

To find your local WA PTAC office go to

Kitsap@washingtonptac.org