

Can a Contractor Receive Pennsylvania Workers' Compensation?

Injured workers know how difficult it can be to make ends meet while they recover from their injuries. Every day out of work leads to more uncertainty. Workers may feel that if they miss too much time their employment may be in jeopardy. A recent Pennsylvania workers' compensation decision could have a major impact on workers who will be eligible to receive benefits after being injured while working.

In the case, a man was employed by a trucking company to be a driver. The trucking company was hired by a produce company to transport its goods from its warehouse to a processing facility. During the trip, while the truck was traveling on a Pennsylvania highway, the driver was involved in an accident. He filed a workers' compensation claim against his employers, the trucking company.

However, the trucking company did not carry workers' compensation insurance. The driver then filed a request for workers' compensation benefits with the produce company, on the basis that the produce company could be considered as his employer.

The produce company contended that the driver was an independent contractor, and therefore, the company did not have to cover the driver under their workers' compensation insurance.

The case finally made its way up to the Pennsylvania Supreme Court, which issued the same ruling as the other bodies that had heard the case. The ruling stated that anyone who was performing work for a company that was a "regular or recurrent part of their businesses" should be granted contractor status

and covered by workers' compensation, even if they were an independent contractor.

This decision will mean that many more employers could be held to pay workers' compensation benefits. This could allow many more workers to get the care they need to allow them to recover after being injured on the job.

Source: Pittsburgh Post-Gazette "[Contractor's hirer found to be statutory employer](#)" Ben Present, June 11, 2012.