

Workers' Compensation Immunity

Thursday, September 19, 2024

A fundamental principle of workers' compensation laws is that an employer who provides compensation to an injured employee (pursuant to the applicable state statute) is entitled to immunity from civil actions by that employee or his/her representatives (i.e., an employee's exclusive remedy is workers' compensation benefits). In some states, this immunity is extended to upstream parties, such as a project owner or general contractor under certain circumstances. This survey is intended to examine several key issues with respect to the scope and extent of workers' compensation requirements and immunity across the 50 states. Below is an explanation of each column in the survey:

Type of Workers' Compensation Insurance

This column addresses whether workers' compensation insurance is provided through: (1) private insurers, (2) a monopolistic state fund (i.e., only the state provides workers' compensation benefits), or (3) competitive state funds (where state owned and operated entities compete with private commercial insurers to write workers' compensation insurance).

Workers' Compensation Exclusive Remedy Statute

This column references the state statutes which address the extent to which workers' compensation benefits constitute an injured employee's exclusive legal remedy against its direct employer.

Principal/Statutory Employer Doctrine

This column identifies the state statute or common law obligation that requires certain employers, predominantly contractors, to provide or secure workers' compensation benefits if an entity with which they subcontracted fails to provide benefits to its injured employees. Each state's statute has specific nuances and qualifications and the relevant statute should be consulted to determine whether an employer is potentially affected.

Illustrative Example: ABC General Contractor hires XYZ Subcontractor to perform plumbing services for a project. XYZ Subcontractor's employee is injured while lifting materials and the employee learns that its direct employer, XYZ Subcontractor, failed to procure workers' compensation insurance and cannot compensate him for his injuries. The principal/statutory employer doctrine requires ABC General Contractor to provide workers' compensation benefits to XYZ Subcontractor's employee because ABC General Contractor is considered the employee's "statutory employer."

Application of Exclusive Remedy Statute to Principal/Statutory Employers

This column identifies case law applying the exclusive remedy statute to principal/statutory employers and analyzes whether a principal/statutory employer is entitled to the same immunity from civil actions as a direct employer. States typically adopt one of four approaches:

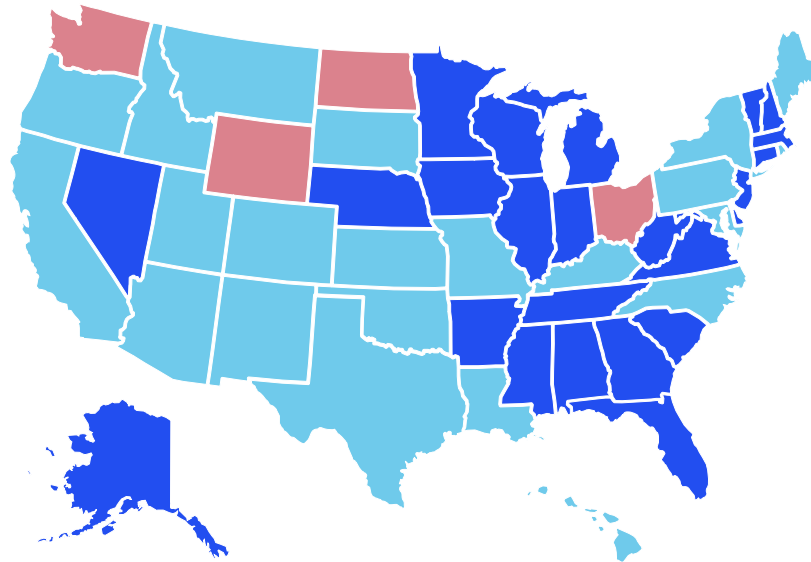
- 1. Principal/Statutory Employer not entitled to immunity regardless of whether the principal/statutory employer pays for injured employee's workers' compensation benefits.
- 2. Principal/Statutory Employer entitled to immunity only if the principal/statutory employer pays for injured employee's workers' compensation benefits.
- 3. Principal/Statutory Employer entitled to immunity regardless of whether the principal/statutory employer pays for injured employee's workers' compensation benefits.
- 4. The law is unclear/there is no applicable precedent

Application of Exclusive Remedy Statute to Wrap-Ups

This column identifies available case law applying the exclusive remedy statute to wrap-up insurance schemes (i.e., owner-controlled insurance programs, "OCIPs", or contractor-controlled insurance programs, "CCIPs") and analyzes whether an owner (who provides an OCIP) or a contractor (who provides a CCIP) is entitled to the same immunity from civil actions as a direct employer.

Subrogation Waiver Prohibited by Statute

This column identifies states that have expressly prohibited waivers of subrogation in workers' compensation insurance policies.



Type of Workers' Compensation Insurance

- Private
- Competitive State Fund
- Monopolistic State Fund

Disclaimer: This survey is current as of 5/2018. This material is made available for general informational purposes only. The field of insurance law is ever-evolving, and courts may change their views at any time. Readers are advised to independently verify the information contained herein. This material is not intended to, and does not constitute, legal advice, nor is it intended to constitute a solicitation for the formation of an attorney-client relationship. For more information or questions on workers' compensation immunity strategies, please contact us at coverage@sdvllaw.com.

STATE	Type of WC Insurance	WC Exclusive Remedy Statute	Principal/Statutory Employer Doctrine	Application of Exclusive Remedy Statute to Principal/Statutory Employers	Application of Exclusive Remedy Statute to Wrap-Ups	Subrogation Waiver Prohibited by Statute
 Alabama	Private	Ala. Code § 25-5-53	No statute	Not applicable	No precedent	No
 Alaska	Private	Alaska Stat. § 23.30.055	Alaska Stat. § 23.30.045	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Anderson v. Alyeska Pipeline Serv. Co.</i> , 234 P.3d 1282 (Alaska 2010).	No precedent	No
 Arizona	Competitive State Fund	Ariz. Rev. Stat. § 23-1022	Ariz. Rev. Stat. § 23-902	Statutory employers are entitled to immunity. Actual Payment of benefits is not required. See <i>Wagner v. State</i> , 393 P.3d 156 (Ariz. Ct. App. 2017).	No precedent	No
 Arkansas	Private	Ark. Code § 11-9-105	Ark. Code § 11-9-402	Statutory employers likely entitled to immunity only if employee's employer fails to provide benefits and statutory employer subsequently provides benefits. See <i>Stapleton v. M.D. Limbaugh Constr. Co.</i> , 333 Ark. 381 (Ark. 1998).	No precedent	No, but see <i>General Accident Insurance Company v. Jaynes</i> , 33 S.W.3d 161 (Ark. 2000) (Insured's settlement with a third-party defendant is not necessarily absolute; rather, the settlement is subject to a court's approval).
 California	Competitive State Fund	Cal. Lab. Code §§ 3601 and 3602	No Statute, but see <i>Moehring v. Thomas</i> , 126 Cal. App. 4th 1515, 1519 (2005)	Not applicable	No precedent	No
 Colorado	Competitive State Fund	Colo. Rev. Stat. § 8-41-102	Colo. Rev. Stat. § 8-41-401	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Buzard v. Super Walls, Inc.</i> , 681 P.2d 520 (Colo. 1984)	No precedent	No
 Connecticut	Private	Conn. Gen. Stat. § 31-284	Conn. Gen. Stat. § 31-291	Statute requires principal employer to pay benefits in order to obtain immunity.	Exclusivity applicable to OCIP and CCIP. However, the statutory employer must actually pay the premiums and cannot simply pass these costs off to subcontractor. See <i>Gonzalez v. O & G Indus., Inc.</i> , 140 A.3d 950 (Conn. 2016)	No
 Delaware	Private	Del. Code tit. 19, § 2304	19 Del. Code § 2311	No immunity for upstream parties. See <i>Dickinson v. Eastern Railroad Builders, Inc.</i> , 403A.2d 717 (Del. 1979).	No precedent	No

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 Florida	Private	Fla. Stat. § 440.11	Fla. Stat. § 440.10	Statutory employers are entitled to immunity if liable for securing workers' compensation benefits. See <i>Ramos by v. Univision Holdings</i> , 655 So. 2d 89 (FLA. 1995).	Exclusivity may not be applicable to an owner providing an OCIP, because an owner is not statutorily required to purchase insurance for its contractors' employees: <i>Wenzel v. Boyles Galvanizing Co.</i> , 920F.2d 778 (11th Cir. 1991) (apply-ing Florida law).	No
 Georgia	Private	Ga. Code § 34-9-11	Ga. Code § 34-9-8	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Eng. v. Beers Constr. Co.</i> , 224 Ga. App. 44 (Ga. Ct. App. 1996).	Exclusivity not applicable to OCIP: See <i>Pogue v. Oglethorpe Power Corp.</i> , 477 S.E.2d 107 (Ga. 1996).	No
 Hawaii	Competitive State Fund	Haw. Rev. Stat. § 386-5	Haw. Rev. Stat. §§ 386-1 (see "employee") and 386-4 (voluntary coverage)	Immunity for upstream party if subcontractor fails to pay benefits and upstream party becomes liable and pays. See <i>Jordan v. Rita</i> , 66 Haw. 568 (Haw. 1983).	No precedent	No
 Idaho	Competitive State Fund	Idaho Code § 72-209	Idaho Code § 72-216	Statutory employers entitled to immunity regardless of actual payment of benefits. <i>Fuhrman v. State</i> , 153 P.3d 480 (Idaho 2007).	No precedent	No
 Illinois	Private	820 Ill. Comp. Stat. § 305/11	820 Ill. Comp. Stat. 305/1	No immunity for statutory employers. See <i>Statewide Ins. Co. v. Brendan Constr. Co.</i> , 578 N.E.2d 1264 (Ill.App. Ct. 1991).	No precedent	No
 Indiana	Private	Ind. Code § 22-3-2-6	Ind. Code § 22-3-2-14	No immunity for statutory employers. <i>Wolf v. Kajima Int'l Inc.</i> , 621 N.E.2d 1128 (Ind. Ct. App. 1993) opinion adopted, 629 N.E.2d 1237 (Ind. 1994).	Exclusivity not applicable to OCIP: See <i>Wolf v. Kajima Int'l Inc.</i> , 621 N.E.2d 1128 (Ind. Ct. App. 1993) opinion adopted, 629 N.E.2d 1237 (Ind. 1994).	No
 Iowa	Private	Iowa Code § 85.20	No statute	Not applicable	No precedent	No
 Kansas	Private	Kan. Stat. § 44-501b	Kan. Stat. § 44-503	Statutory employers entitled to immunity regardless of actual payment of benefits. See <i>Robinett v. Haskell Co.</i> , 12 P.3d 411 (Kan. 2000).	No precedent	Yes, but see Kan. Stat. § 16-1803 for exceptions.

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 Kentucky	Competitive State Fund	Ky. Rev. Stat. Ann. § 342.690	Ky. Rev. Stat. Ann. § 342.610	Statutory employers entitled to immunity regardless of actual payment of benefits. See <i>Pennington v. Jenkins-Essex Constr., Inc.</i> , 238 S.W.3d 660 (Ky. Ct.App. 2006).	Exclusivity applicable to OCIP. See <i>Casey v. Vanderlande Indus.</i> , No. CIV.A. 301CV413S, 2002 WL1496815 (W.D. Ky. June 28, 2002)(direct employer entitled to immunity, where workers' compensation insurance was purchased under an OCIP).	Yes, but see Ky. Rev. Stat Ann. § 342.700 for applicability
 Louisiana	Competitive State Fund	La. Rev. Stat. Ann. § 23:1032	La. Rev. Stat. Ann. § 23:1061	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Sibert v. Nat'l Oilwell Varco, L.P.</i> , 136 So. 3d 283 (La. App. 2 Cir. 2014); see also La. Rev. Stat. § 23:1061(a).	Exclusivity likely applicable to OCIP. See <i>Paxton v. Kirk Key Interlock Co., LLC</i> , No. CIV.A. 08-583-D-M2, 2008 WL 4977299 (M.D. La. Oct. 21, 2008), report and recommendation adopted in part, rejected in part, No. CIV.A. 08-583-JB, 2008 WL 5043428 (M.D. La. Nov. 21, 2008)	No
 Maine	Competitive State Fund	Me. Rev. Stat. tit. 39-A § 104	Me. Stat. tit. 39-A § 102(11)(A)(8)	Not applicable	No precedent	No, but see Me. Stat. tit. 39-A, § 107 and <i>Fowler v. Boise Cascade Corp.</i> , 948 F.2d 49 (1st Cir. 1991)(applying Maine Law).
 Maryland	Competitive State Fund	Md. Code, Lab. & Empl. § 9-509	Md. Code, Lab. & Empl. § 9-508	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Para v. Richards Group of Wash. Ltd. Partnership</i> , 661 A.2d 737 (Md. 1995).	Exclusivity applicable to OCIP: See <i>Rodriguez-Novo v. Recchi Am., Inc.</i> , 846 A.2d 1048 (Md. 2004).	No
 Massachusetts	Private	Mass. Gen. Laws ch. 152, § 24	Mass. Gen. Laws ch. 152, § 18	No immunity for statutory employers. See <i>Wentworth v. Henry C. Becker Custom Bldg. LTD</i> , 459 Mass. 768 (Mass. 2011).	No precedent	No
 Michigan	Private	Mich. Comp. Laws § 418.131	Mich. Comp. Laws § 418.171	Immunity only if principal employer becomes liable for contractor's failure to provide benefits. See <i>Drewes v. Grand Valley State Colleges</i> , 308 N.W.2d 642 (Mich.Ct. App. 1981).	Exclusivity not applicable: See <i>Burger v. Midland Cogeneration Venture</i> , 507 N.W.2d 827 (Mich.Ct. App. 1993); but cf. <i>Stevenson v. HH & N/ Turner</i> , No. 01-CV71705-DT, 2002 U.S. Dist. LEXIS 26831 (E.D. Mich. Apr. 22, 2002); <i>Harmer v. R.E. Dailey & Co.</i> , No. 202137, 1998 WL 1988612 (Mich.Ct. App. Dec. 18, 1998)	No

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 Minnesota	Competitive State Fund	Minn. Stat. § 176.031	Minn. Stat. §§ 176.061, 176.215	No immunity for statutory employers. See <i>Klemetsen v. Stenberg Constr. Co.</i> , 424 N.W.2d 70 (Minn. 1988); <i>Hallas v. Naegele Outdoor Advertising</i> , 541 N.W.2d 594 (Minn. Ct. App. 1995).	No precedent	No
 Mississippi	Private	Miss. Code Ann. § 71-3-9	Miss. Code Ann. § 71-3-7	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Salzer v. MasonTechs.</i> , 690 So. 2d 1183 (Miss. 1997).	Exclusivity not applicable to OCIP. See <i>Thomas v. Chevron U.S.A., Inc.</i> , 212 So. 3d 58, 59 (Miss. 2017).	No
 Missouri	Competitive State Fund	Mo. Rev. Stat. § 287.120	Mo. Rev. Stat. § 287.040	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Shaw v. Mega Indus., Corp.</i> , 406 S.W.3d 466 (Mo. Ct. App. 2013).	No precedent	Yes, for construction group code classifications. See <i>Mo. Rev. Stat.</i> § 287.150(6).
 Montana	Competitive State Fund	Mont. Code Ann. § 39-71-411	Mont. Code Ann. § 39-71-405	No immunity for statutory employers. See <i>Webb v. Montana Masonry Constr. Co.</i> , 761 P.2d 343 (Mont. 1988).	No precedent	No
 Nebraska	Private	Neb. Rev. Stat. §§ 48-109, 48-111N	Neb. Rev. Stat. § 48-116	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Petznick v. United States</i> , 575 F. Supp. 698 (D. Neb. 1983). But see limited scope of statutory employer statute.	Exclusivity not applicable to OCIP. See <i>Culp v. Archer-Daniels-Midlands Co.</i> , No. 4:08CV3197, 2009WL 1035246 (D. Neb. Apr. 17, 2009).	No
 Nevada	Private	Nev. Rev. Stat. §§ 616A.020, 616B.612	Nev. Rev. Stat. §§ 616A.020(3), 616A.210, 616B.603	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Oliver v. Barrick Goldstrike Mines</i> , 905 P.2d 168 (Nev. 1995); see also <i>Nev. Rev. Stat.</i> § 616A.020(3).	Exclusivity applicable to OCIPs and CCIPs. <i>Nev. Rev. Stat.</i> § 616A.020(4); <i>Nev. Rev. Stat.</i> § 616B.612.	No
 New Hampshire	Private	N.H. Rev. Stat. Ann. § 281-A:8	N.H. Rev. Stat. Ann. § 281-A:18	Statutory employer likely not entitled to immunity. See <i>Elliott v. Pub. Serv. Co. of New Hampshire</i> , 517 A.2d 1185 (N.H. 1986).	No precedent	Yes, see <i>N.H. Rev. Stat. Ann.</i> § 281-A:13(VI).
 New Jersey	Private	N.J. Stat. § 34:15-8	N.J. Stat. § 34:15-79(a)	No immunity for statutory employers. <i>Eger v. E.I. Du Pont De Nemours Co.</i> , 539 A.2d 1213 (N.J. 1988).	No precedent	Yes, see <i>N.J. Rev. Stat.</i> § 34:15-39.

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 New Mexico	Competitive State Fund	N.M. Stat. § 52-1-9	N.M. Stat. §§ 52-1-22, 52-1-23	Immunity if direct employer fails to provide benefits and benefits are paid by statutory employer. <i>See Harger v. Structural Servs.</i> , 916 P.2d 1324 (N.M. 1996).	No precedent	No
 New York	Competitive State Fund	N.Y. Workers' Comp. Law § 11	N.Y. Workers' Comp Law § 56 (for hazardous employment subcontractors)	No immunity under § 56. <i>See Cutillo v. Emory Housing Corp.</i> , 19 Misc. 2d 865 (N.Y. Sup. Ct. 1959).	Exclusivity not applicable to OCIP. <i>See Duchenne v. 774 Dev., LLC</i> , 2013 WL 9639612 (N.Y. Sup.).	No
 North Carolina	Competitive State Fund	N.C. Gen. Stat. § 97-10.1	N.C. Gen. Stat. § 97-19	Immunity if benefits are paid by statutory employer. <i>See Rich v. R.L. Casey, Inc.</i> , 454 S.E.2d 666 (N.C. Ct. App. 1995).	No precedent	Unclear, <i>see N.C. Gen. Stat</i> § 97-10.2 and <i>Cook v. Lowe's Home Centers, Inc.</i> , 704 S.E.2d 567 (N.C. Ct. App. 2011) and <i>Anglin v. Dunbar Armored, Inc.</i> , 742 S.E.2d 205 (N.C. Ct. App. 2013).
 North Dakota	Monopolistic State Fund	N.D. Cent. Code §§ 65-01-01, 65-01-08	N.D. Cent. Code § 65-04-26.2	No immunity for statutory employers. <i>See Boettner v. Twin City Const. Co.</i> , 214 N.W.2d 635 (N.D. 1974) (interpreting previous statute).	No precedent	No
 Ohio	Monopolistic State Fund	Ohio Rev. Code § 4123.74	Ohio Rev. Code § 4123.01	Statutory employers are entitled to immunity if liable for securing workers' compensation benefits. <i>Trumbull Cliffs Furnace Co. v. Shachovsky</i> , 146 N.E. 306 (Ohio 1924).	Exclusivity applicable to general contractor providing CCIP, <i>see Stolz v. J&B Steel Erectors, Inc.</i> , 76 F. Supp.3d 696 (S.D. Ohio 2014), and to subcontractors enrolled in the CCIP, <i>see Stolz v. J&B Steel Erectors, Inc.</i> , 55 N.E.3d 1082 (Ohio 2016).	No
 Oklahoma	Competitive State Fund	Okla. Stat. tit. 85A, § 5	Okla. Stat. tit. 85A, § 36	No immunity for statutory employers. Okla. Stat. tit. 85A, § 5 (e)	No precedent	No
 Oregon	Competitive State Fund	Or. Rev. Stat. § 656.018. But see <i>Bundy v. NuStar GP, LLC</i> , 407 P.3d 801 (Or. 2017)	Or. Rev. Stat. §§ 656.029, 656.556	Unclear if actual payment would entitle statutory employer to immunity. <i>See Martelli v. R.A. Chambers & Assoc.</i> , 800 P.2d 766 (Or. 1990).	Exclusivity not applicable to OCIP: <i>See Schmidt v. Intel Corp.</i> , 112 P.3d 428 (Or. Ct. App. 2005).	No
 Pennsylvania	Competitive State Fund	77 Pa. Cons. Stat. § 481	77 Pa. Cons. Stat. §§ 461, 462	Statutory employer entitled to immunity regardless of actual payment of benefits. <i>See Peck v. Del. County Bd. of Prison Inspectors</i> , 814 A.2d 185 (Pa. 2002).	No precedent	No

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 Rhode Island	Competitive State Fund	28 R.I. Gen. Laws § 28-29-20	28 R.I. Gen. Laws § § 28-29-6.1, § 28-29-2(6).	Statutory employer entitled to immunity regardless of actual payment of benefits. <i>See Sorenson v. Colibri Corp.</i> , 650 A.2d 125 (R.I. 1994).	No precedent	No
 South Carolina	Private	S.C. Code Ann. § 42-1-540	S.C. Code Ann. § 42-1-400 (owners); S.C. Code Ann. § 42-1-410 (contractors); S.C. Code Ann. § 42-1-420 (sub-subcontractors)	Immunity if statutory employer secures coverage. The actions of the direct employer are irrelevant. This can frequently lead to double protection. <i>See Harrell v. Pineland Plantation, Ltd.</i> , 523 S.E.2d 766 (S.C. 1999).	No precedent	No
 South Dakota	Private	S.D. Codified Laws § 62-3-2	S.D. Codified Laws § 62-3-10	Statutory employer is entitled to immunity regardless of actual payment of benefits. <i>See Metzger v. J. F. Brunken & Son, Inc.</i> , 169 N.W.2d 261 (S.D. 1969) subsequently referenced in <i>Thompson v. Mehlhaff</i> , 698 N.W.2d 512 (S.D. 2005).	No precedent	No
 Tennessee	Private	Tenn. Code Ann. § 50-6-108	Tenn. Code Ann. § 50-6-113	Statutory employers are entitled to immunity regardless of actual payment of benefits. <i>See Troup v. Fischer Steel Corp.</i> , 236 S.W.3d 143 (Tenn. 2007); <i>Bray v. Tennessee Valley Auth.</i> , 742 F. Supp. 2d 911 (W.D. Tenn. 2010).	No precedent	No

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 Texas	Competitive State Fund	Tex. Lab. Code § 408.001	Tex. Lab. Code § 406.123	Statutory employer who provides compensation is entitled to immunity. See <i>Halferty v. Flextronics Am., LLC</i> , No. 13-16-00379-CV, 2018 WL 897979 (Tex. App. Feb. 15, 2018).	Exclusivity applicable to OCIP. See <i>HCBeck, Ltd. v. Rice</i> , 284 S.W.3d 349 (Tex. 2009); <i>Hunt Constr. Group, Inc. v. Konecny</i> , 290 S.W.3d 328 (Tex. App. 2008); <i>Entergy Gulf States Inc. v. Summers</i> , 282 S.W.3d 433 (Tex. 2009). All enrolled subcontractors and their employees in CCIP become statutory co-employees, therefore exclusivity applies to GC and all enrolled subs. See <i>TIC Energy & Chem., Inc. v. Martin</i> , 498 S.W.3d 68, 78 (Tex. 2016). See <i>Becon Const. Co. v. Alonso</i> , 444 S.W.3d 824 (Tex. App. 2014); <i>Etie v. Walsh & Albert Co.</i> , 135 S.W.3d 764 (Tex. App. 2004).	No
 Utah	Competitive State Fund	Utah Code § 34A-2-105	Utah Code § 34A-2-103, subd. (7)(a); subd. (7)(c); subd. (7)(e); Utah Code § 34A-2-106, subsection (4)	Statutory employer who provides compensation, even indirectly, is entitled to immunity. See <i>Gheri v. Salazar</i> , 883 P.2d 1352 (Utah 1994); <i>Nichols v. Jacobsen Const. Co.</i> , 374 P.3d 3 (Utah 2000).	Exclusivity applicable to CCIP. See <i>Nichols v. Jacobsen Const. Co.</i> , 374 P.3d 3 (Utah 2000).	No
 Vermont	Private	Vt. Stat. Ann. tit. 21, § 622	Vt. Stat. Ann. Tit. 21, § 601(3); In re Chatham Woods Holdings, LLC, 955 A.2d 1183 (Vt. 2008) (applying § 601(3) to owner relationship).	Statutory employer entitled to immunity regardless of actual payment of benefits. See <i>Edson v. State</i> , 830 A.2d 671 (Vt. 2003).	No precedent	No
 Virginia	Private	Va. Code Ann. § 65.2-307	Va. Code Ann. § 65.2-302	Statutory employers are entitled to immunity regardless of payment. See <i>Slusher v. Paramount Warrior, Inc.</i> , 336 F.Supp. 1381 (W.D. Va. 1971); <i>Farish v. Courion Indus., Inc.</i> , 722 F.2d 74 (4th Cir. 1983).	Exclusivity applicable to OCIP. 1999 Va. Op. Att'y Gen. 72 (1999)	No
 Washington	Monopolistic State Fund	Wash. Rev. Code § 51.32.010	Wash. Rev. Code § 51.12.070	No immunity for statutory employers. See <i>Greenleaf v. Puget Sound Bridge & Dredging Co.</i> , 364 P.2d 796 (Wash. 1961); <i>Hildahl v. Bringolf</i> , 5 P.3d 38 (Wash Ct. App. 2000).	No precedent	No

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 Washington, D.C.	Private	D.C. Code § 32-1504	D.C. Code § 32-1503	General contractor is not immune from suit by an injured employee of its subcontractor unless the general contractor secures the payment of statutory compensation to the injured employee after the subcontractor fails to secure such compensation. See <i>Meiggs v. Associated Builders, Inc.</i> , 545 A.2d 631 (D.C. 1988).	Exclusivity not applicable to OCIP: <i>Black v. Kiewit Constr. Co.</i> , No. 89-1834, 1990 U.S. Dist. LEXIS 3951 (D.D.C. Apr. 9, 1990).	No
 West Virginia	Private	W. Va. Code § 23-2-6	W. Va. Code § 23-2-1d	No precedent. But see W. Va. Code § 23-2-1d(a) ("Nothing contained in this section shall extend...to a primary contractor ... the provisions of [W. Va. Code § 23-2-6]" and thus, statutory employer likely not entitled to immunity).	No precedent	No
 Wisconsin	Private	Wis. Stat. § 102.03	Wis. Stat. § 102.06	No immunity for statutory employers. <i>Kaltenbrun v. Gabe's Constr.</i> , 459 N.W.2d 259 (Wis. Ct. App. 1990).	Exclusivity not applicable to OCIP: See <i>Pride v. Liberty Mut. Ins. Co.</i> , No. 04-C-703, 2007 WL 1655111 (E.D. Wis. June 5, 2007).	No, but see Wis. Stat. § 102.29(1) and <i>Campion v. Montgomery Elevator Co.</i> , 493 N.W.2d 244 (Wis. Ct. App. 1992).
 Wyoming	Monopolistic State Fund	Wyo. Stat. Ann. § 27-14-104	Wyo. Stat. Ann. § 27-14-102, subd. (a)(viii)(G), § 27-14-206(e).	No precedent. But see Wyo. Stat. Ann. § 27-14-206(e) ("If a general contractor pays premiums on behalf of employees of a subcontractor, the contractor shall be afforded all privileges and immunities under this act as if he were the employer of the subcontractor's employees." Thus, statutory employer may be entitled to immunity if it provides compensation to the employee).	No precedent	Yes, state fund shall be entitled to reimbursement. See Wyo. Stat. Ann. § 27-14-105.