

# WISCONSIN

## EMPLOYMENT LAW

### Workers' Compensation – Employer Responsibilities



Worker's compensation is a system of no-fault insurance that provides medical and monetary benefits to employees (or their survivors) for work-related injuries, diseases and deaths.

In Wisconsin, employers' workers' compensation requirements are outlined in the Wisconsin Workers' Compensation Act (WCA). The Wisconsin [Department of Workforce Development](#) (DWD) enforces the WCA.

#### STATE RESOURCES

[Wisconsin Department of Workforce Development website](#)

[Wisconsin Worker's Compensation Act Online Law Book](#)

#### WCA Information for Employers

The DWD provides information about workers' compensation coverage and related topics for employers [here](#).

#### First Report of Injury

Employers must use [Form WKC-12](#) to report employees' work-related conditions to the DWD.

#### REQUIRED COVERAGE

In general, most Wisconsin employers are required to maintain workers' compensation coverage for all of their employees. Specifically, an employer must have workers' compensation coverage if it:

- Employs **three or more** full- or part-time employees;
- Employs one or more full- or part-time employees and has paid gross combined wages of **\$500 or more** in any calendar quarter for work done in Wisconsin; or
- Is a farmer that employs **six or more** employees on the same day for 20 days (consecutive or non-consecutive) during a calendar year.

Employers may fulfill the coverage requirement by either purchasing a policy from an authorized insurance company or by becoming authorized to self-insure.

Self-insured employers use their own funds, rather than an insurance policy, to cover their obligations under the WCA. To become self-insured, an employer must obtain permission from the DWD. The DWD will authorize an employer to be self-insured if the employer can demonstrate that it has sufficient financial liquidity and stability to cover its obligations under the WCA.

The WCA prohibits employers from making employees or any other person contribute to the cost of workers' compensation coverage.

#### COVERAGE REPORTING REQUIREMENT

Upon request, an employer must report the following to the DWD:

- The number of its employees;
- The nature of all its employee's work;
- The name and address of its workers' compensation insurance company; and



- Its workers' compensation insurance policy number and expiration date.

### RECORDKEEPING AND REPORTING REQUIREMENTS

Employers subject to the WCA must keep records of all workplace accidents causing death or disability of any employee. The records must contain the following information:

- The name, address, age and wages of the deceased or injured employee;
- The time and cause(s) of the accident;
- The nature and extent of the injury; and
- Any other information the DWD may need.

If a work-related condition causes an employee to obtain medical treatment or to miss more than three days of work:

- Insured employers must report it to their insurance carriers **within seven days**; and
- Self-insured employers and insurance carriers must report it to the DWD **within 14 days**.

These reporting periods begin as of the day of the accident that caused an injury or the first day of an employee's disability due to an occupational disease. In addition, all employers must report work-related fatalities to the DWD within 24 hours of the incident.

Insurance companies and self-insured employers must also file certain reports during the process of handling an employee's claim.

### MORE INFORMATION

For more information on workers' compensation requirements for employers, see the DWD [website](#) or contact your Heffernan Insurance Brokers representative.