"EMPLOYMENT OF UNDOCUMENTED WORKERS BY SUBCONTRACTORS: EVALUATING GENERAL CONTRACTOR WORKERS’ COMPENSATION POTENTIAL LIABILITY," USLAW MAGAZINE

“When an undocumented worker becomes injured, attempted arguments to avoid liability often include that the worker was not an employee or that the subcontractor simply does not have a worker’s compensation policy,” write Damon M. Gruber, Cory A. DeCresenza, and Debra L. Doby, attorneys in Goldberg Segalla’s Workers’ Compensation Practice Group.

“In many states, however, although an uninsured subcontractor may be subject to fines and/or penalties, the workers’ compensation board will go ‘up the chain’ through each level of subcontractor to the general contractor to find a properly insured entity to hold liable for the claim. That can expose general contractors and higher-level subcontractors to significant risk in any project where there is concern regarding the insurance status of a subcontractor or legal status of one of their employees.”

In this article, Damon, Cory, and Debra examine a number of critical considerations for contractors, including varying state approaches to covering undocumented workers and assessing liability for uninsured subcontractors, and provide practical tips to help contractors avoid liability.

Read the article here:


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