



U.S. Longshore & Harbor Workers' Compensation Act

September 13, 2023

Agenda

- Background
- Insurance requirements
- Impact to employer
- When applicable?
- Who to contact for help?
- Q & A



Abbreviation Cheat Sheet

DLHWC = Division of Longshore & Harbor Workers' Compensation

DoL = Department of Labor

L&HWCA = Longshore & Harbor Workers' Compensation Act

OWCP = Office of Worker's Compensation Programs

PSNS = Puget Sound Naval Shipyard

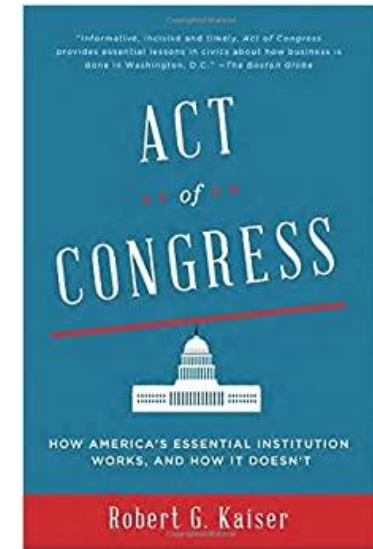
Situs = Location of work

Status = Type of work you are doing

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:

- Compensation
- Medical treatment
- Vocational rehabilitation

Coverage

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



Insurance Requirements

L&HWCA 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.

L&HWCA 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, Kitsap Lake, Columbia River, Chehalis River. For western U.S., it also includes work inland supporting vessels on navigable waterways. **There are 103 navigable waterways in WA.**

*** Refer to Handout (7 pages) – Navigable Waters . . .**

A web site for navigable waterways in WA:

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

WA Labor & Industries

If you are an employee working over, on, under, or next to a navigable waterway and are hurt or made ill by the job, you may not be covered by Washington's Worker's Compensation.

Instead, you may be covered by the Federal Longshore and Harbor Workers Compensation Act (L&HWCA).



Impact to Employer

If the Act applies to you and you do not have the insurance, and there is a claim due to injury, illness, 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

Examples which are Applicable:

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

Examples which 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 which is not replaced
- Delivery drivers
- Aquaculture



Applicability

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

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 For Terry



Questions (True or False) The Act



1. The Act is only for employees on federal contracts
2. The Act provides for compensation, medical treatment, and vocational rehabilitation
3. The Act covers only contractor employees in the state of WA
4. The principles of a company may be responsible to pay the balance of a claim
5. On the west coast, the Act includes production buildings in Utah and Nevada supporting vessels

Summary

Situs: Location of work

Status: Type of work you are doing

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





Defense Base Act, [Defense Base Act | U.S. Department of Labor \(dol.gov\)](#)

Jones Act, [Jones Act | Maritime Injury Guide](#)

OWCP, [Office of Workers' Compensation Programs](#)

L&HWCA, [Division of Federal Employees', Longshore and Harbor Workers' Compensation \(DFELHWC\) | U.S. Department of Labor \(dol.gov\)](#)

Navigable Waterways,

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

My Upcoming Classes

- **Steps Leading to a Federal Contract** - Oct 11, 2023, 2-4:30 (virtual)
- **Wage Determinations** – Oct 18, 2023, 3-4:30 (virtual)
- **Cost & Price Proposal Preparation** – Nov 8, 2023, 2-5:00 (in-person)
- **Cost & Price Proposal Preparation** – Nov 8, 2023, 2-5:00 (virtual)
- **DoD Cybersecurity Requirements** – Dec 13, 2023, 3-5:00 (in-person)



Monthly Sessions at Kitsap

Contracting Coffee Hours

First Wednesday each month, 8:00 -10:00 – October 4th

<https://washingtonapex.ecenterdirect.com/events/853532>

Prime Connect

Second Wednesday each month, 8:00 - 9:00 – October 11th

Meet 2 or 3 prime contractors looking for subcontractors in various industries

<https://washingtonapex.ecenterdirect.com/events/853611>

Wednesday with the Deputies for Small Business

Usually Last Wednesday each month, 10:00 - 11:30 – October 25th

<https://washingtonapex.ecenterdirect.com/events/853422>

Post Survey

You will receive a survey tomorrow which asks the following questions:

1. What was particularly useful about this workshop?

2. What suggestions do you have for improving this workshop?

3. What will you do with the information you received today?

4. What questions do you have that were not address in the session?

5. By putting your name, your business name and your city you agree to allow Washington PTAC to use any verbatim comments on our marketing materials or website.

See your local PTAC for assistance

For Kitsap County:

James Davis at 360-377-9499

Kitsap@washingtonptac.org

To find your local Washington PTAC office go to:

<https://washingtonptac.org>

To find a PTAC office in other states go to:

<https://www.aptac-us.org>



Thank you for attending U.S. Longshore & Harbor Workers' Compensation Act

Presented by: Terry Homburg
e-mail: homburg@kitsapeda.org