



AIMU  
Marine Insurance Issues  
Seminar

The Longshore and Harbor Workers'  
Compensation Act

John Chamberlain

Office of Workers' Compensation Programs

Division of Longshore & Harbor Workers' Compensation

# John Chamberlain

Chief, Branch of Financial Management, Insurance and  
Assessments

Office of Workers' Compensation Programs

Division of Longshore & Harbor Workers' Compensation

United States Department of Labor

Room C 4315

200 Constitution Avenue

Washington DC 20210

202-693-0925

[Chamberlain.john@dol.gov](mailto:Chamberlain.john@dol.gov)

Marine Policies  
and  
The Longshore and Harbor Workers' Compensation Act

## Employers' Responsibility

Employers must secure their obligations under the Act either by

- (a) becoming an authorized self-insurer, or
- (b) insuring with an authorized carrier

## Authorized carriers

Carriers must be either

- A marine protection and indemnity association, or
- A company authorized by a state to write workers' compensation

## Policy forms

The preferred policy form is a workers' compensation policy with a longshore endorsement. The endorsement should not be limited to a particular state.

## Differences

A marine policy names vessels.

A workers' compensation policy names an employer.

## Differences

A marine policy limits.

A longshore policy has “statutory limits”.

## Some caveats

Longshore cover cannot be retrospectively cancelled.

Cancellation without 30 days notice to the DOL and the employer is invalid.

There is no exclusion for the number of employees, for directors and officers of the corporation.

There are no deductibles.

## Notice to Department of Labor

All policies covering Longshore must be notified.

There are no exceptions for:

Marine

“If any”

“Contingent”

## Concurrent regulation

State approval is a necessary but not sufficient condition for DOL approval.

States may have requirements, such as premium tax over which the DOL exercises no control.

## Recreational Vessels

Individuals repairing recreational vessels are excluded from the definition of “employee” under the Act;

Individuals building recreational vessels under 65’ in length are excluded;

If they are covered under a state workers’ compensation statute.

## Concurrent Cover

State workers' compensation programs cover land based workers, in land based employment.

Longshore compensation covers land-based workers, in maritime employment,  
Maritime covers sea based workers.

## Concurrent Cover

A worker may receive benefits under both the local state statute and longshore, concurrently.

Payments made under a state act are a credit against liability under longshore.

## Jones Act

Payments made under the Jones Act are credited against liability under Longshore.

## Concurrent Cover

Some states exclude from their statutes any employee covered under longshore.

Some states will not extend their workers' compensation statute over navigable waters.

Visit our web site

<http://www.dol.gov/esa/owcp/dlhwc/>