



# The Power Press Exception Every Shop Must Consider

## The CompWest Difference

CompWest customers are assigned a dedicated loss control consultant to identify and address loss trends while serving as a safety resource.

Power press injuries may result in an exception to the exclusive remedy doctrine in workers' compensation law. This means that an employee injured by an unguarded power press may be able to sue their employer in civil court for potentially unlimited damages.

Power press injuries may be covered by 'Coverage B' of your workers' compensation policy, but that section of the policy usually has a policy limit of \$1 million. A case that does not settle for the policy limit and goes to trial may result in employer responsibility for the damages in excess of the policy limit.

### How is a power press defined by the California Labor Code?

LC 4558 defines power presses (for the purpose of this exception) as, "Any material-forming machine that utilizes a die which is designed for use in the manufacturing of other products." A "die" has been defined by the courts as a tool that imparts its shape on material being formed.

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Mills, lathes, planers and printing press machines are not considered power presses because their tools do not impart their shape on the material being formed.

**What does this mean for employers?**

The California Labor Code allows an employee or dependents (in the event of the employee's death) to bring an action for civil damages (on top of workers' compensation benefits) if the injury is proximately caused by the employer's knowing removal of, or failure to, install a point of operation guard on a power press.

While the machine manufacturer must design, install, require or otherwise provide for specification for the attachment of guards, and convey that information to the employer by any means, the liability shifts to the employer and away from the manufacturer if the manufacturer has sent letters to the employer offering to evaluate the application of the machine for possible guarding or safety mechanisms.

Contact your CompWest loss control consultant to evaluate your shop's power press injury exposures. They can also provide you with viable options to optimize employee safety and ensure you are meeting the requirements of the California labor code.

The advice presented in this document is intended as general information for employers. See [CompWestInsurance.com](http://CompWestInsurance.com) for the complete disclaimer/legal notice.

