

Amendment 57
Additional Remedies for Injured Employees

1 **Ballot Title:** An amendment to the Colorado Revised Statutes concerning a safe
2 workplace for employees, and, in connection therewith, requiring employers to provide
3 safe and healthy workplaces for their employees; restricting such requirement to
4 employers regularly employing ten or more employees in the state; and enabling
5 employees who are injured because of an employer's violation of this requirement to file
6 suit in district court, with the right to a jury trial, to recover compensatory and
7 exemplary damages, actual past or future pecuniary losses, and noneconomic losses
8 including pain and suffering, emotional distress, inconvenience, mental anguish, and
9 loss of enjoyment of life, but prohibiting injured employees from recovering any
10 damages for which the employee already received compensation pursuant to the
11 "Workers' Compensation Act of Colorado".

12 **Text of Proposal:**

13 *Be it Enacted by the People of the State of Colorado:*

14 Part 1 of article 2 of title 8, Colorado Revised Statutes, is amended BY THE
15 ADDITION OF A NEW SECTION to read:

16 **8-2-124. Safe workplace.** (1) IT IS THE POLICY OF THIS STATE THAT EVERY EMPLOYEE
17 SHOULD WORK IN A SAFE AND HEALTHY WORK ENVIRONMENT.

18 (2) EVERY EMPLOYER IN THIS STATE SHALL PROVIDE A SAFE AND HEALTHY WORKPLACE
19 FOR ITS EMPLOYEES.

20 (3) FAILURE OF AN EMPLOYER TO COMPLY WITH ITS OBLIGATIONS UNDER THIS SECTION
21 SHALL BE ACTIONABLE BY AN INJURED EMPLOYEE IN DISTRICT COURT IN ADDITION TO
22 ANY RIGHTS THE EMPLOYEE MAY HAVE UNDER THE WORKERS' COMPENSATION ACT OF
23 COLORADO, ARTICLES 40 TO 47 OF THIS TITLE. THE INJURED EMPLOYEE SHALL HAVE A
24 RIGHT TO A JURY TRIAL ON ALL ISSUES OF FACT, IF DEMANDED IN ACCORDANCE WITH THE
25 COLORADO RULES OF CIVIL PROCEDURE. THE COURT OR JURY MAY AWARD THE INJURED
26 EMPLOYEE COMPENSATORY AND EXEMPLARY DAMAGES, INCLUDING DAMAGES FOR PAST
27 AND FUTURE PECUNIARY LOSSES, PAIN AND SUFFERING, EMOTIONAL DISTRESS,
28 INCONVENIENCE, MENTAL ANGUISH, LOSS OF ENJOYMENT OF LIFE, AND OTHER
29 NONPECUNIARY LOSSES, PROVIDED THAT THE EMPLOYEE SHALL NOT BE ENTITLED TO A
30 DOUBLE RECOVERY FOR THE SAME LOSSES FOR WHICH THE EMPLOYEE HAS ALREADY
31 BEEN COMPENSATED UNDER THE WORKERS' COMPENSATION ACT.

32 (4) "EMPLOYER" AND "EMPLOYEE" SHALL HAVE THE MEANINGS SET FORTH IN
33 SECTION 8-4-101, EXCEPT THAT THIS SECTION SHALL APPLY ONLY TO EMPLOYERS THAT
34 REGULARLY EMPLOY TEN OR MORE EMPLOYEES IN THE STATE OF COLORADO.