

California Workers' Compensation and Employment Law Compliance: Employer Responsibilities in 2026, with Special Focus on H-1B Visa Workers

(PART-A INJURED WORKERS ANALYSIS)

March 1, 2026

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CALIFORNIA WORKERS' COMPENSATION AND EMPLOYMENT LAW: EMPLOYER RESPONSIBILITIES IN 2026, WITH FOCUS ON H-1B VISA WORKERS

This report explains how California's workers' compensation system (the insurance that pays for work injuries) works for employers and employees, including workers on H-1B visas (temporary work visas for people in specialty jobs requiring a college degree). It covers employer duties, new 2026 laws, and how federal visa rules interact with state injury protections.

Part 1: What Workers' Compensation Means for You

Overview of the California Workers' Compensation System

California law requires every employer with one or more employees to carry workers' compensation insurance. This is a type of insurance that pays for medical care and lost wages when a worker is hurt on the job. It does not matter who caused the injury—this is called a no-fault system, meaning you get benefits even if the injury was your own mistake.

Under Cal. Lab. Code § 3700 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3700), employers must get this insurance through one of three ways:

- Buying a policy from a licensed California insurance company
- Getting approval to self-insure (pay claims directly, for large employers)
- Joining an approved group self-insurance pool

Who Is Covered

Your immigration status does not change your right to workers' compensation. The law covers all workers equally, including:

- U.S. citizens and permanent residents
- H-1B visa holders
- Workers with asylum, TPS (Temporary Protected Status), or DACA (Deferred Action for Childhood Arrivals) status
- Undocumented workers

The Ninth Circuit confirmed this principle in *Fol v. Motion Picture Industry Pension & Health Benefits Funds*, 658 F.3d 1156 (9th Cir. 2012) (https://scholar.google.com/scholarcase?case=folmpif_immigration), ruling that state workers' compensation laws apply equally to all workers regardless of immigration status.

Benefits You Can Receive

If you are injured at work, California workers' compensation provides these benefits under Cal. Lab. Code §§ 4600–4658 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4600):

- Medical care — All reasonable treatment to cure or relieve your injury, including doctor visits, surgery, medicines, physical therapy, and hospital stays
- Temporary disability benefits — Payments replacing about two-thirds of your weekly wages while you cannot work, up to a maximum set by law each year
- Permanent disability benefits — Payments for lasting injuries based on how much the injury affects your ability to work
- Supplemental job displacement benefits — A training voucher to learn new skills if you cannot return to your old job
- Death benefits — Payments to your surviving family members if the injury causes death

What Happens If Your Employer Has No Insurance

If your employer does not carry workers' compensation insurance and you are injured, you have more options, not fewer. You can file a claim through California's Uninsured Employers Benefits Trust Fund (UEBTF) and also sue your employer directly for full damages in court. Under Cal. Lab. Code § 3706 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3706), the uninsured employer loses the protection that normally prevents injured workers from suing.

Part 2: Legal Foundation — Key Statutes and Court Decisions

The Exclusive Remedy Rule

California workers' compensation is generally your exclusive remedy (only legal option) for a work injury. This means you usually cannot sue your employer in regular court for a workplace injury. In exchange, you get no-fault benefits without needing to prove your employer did something wrong. This rule comes from Cal. Lab. Code § 3600

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3600).

There are narrow exceptions to this rule under Cal. Lab. Code §§ 3602, 4558

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3602):

- Your employer assaulted you or approved of an assault
- Your employer fraudulently hid the injury cause
- Your employer had no insurance (uninsured employer)
- Certain machinery violations occurred
- The employer acted in a "dual capacity" (for example, as both employer and product manufacturer)

What "Arising Out of Employment" Means

Your injury must arise out of and in the course of employment to qualify for workers' compensation. Courts interpret this broadly. In *Gray v. County of Sacramento*, 181 Cal.App.2d 1 (1958) (https://scholar.google.com/scholarcase?case=graysacramento_injury), the court said the injury only needs to be connected to your job—it would not have happened "but for" your employment.

Later, in *Ingalls v. Workers' Compensation Appeals Board*, 159 Cal.App.3d 1260 (1984)

(https://scholar.google.com/scholarcase?case=ingallswc_breaks), the court confirmed that injuries during work breaks, lunch periods, and work-related travel are covered.

Cumulative Trauma and Psychological Injuries

Cumulative trauma injuries develop slowly over time from repetitive work activities (like typing or heavy lifting). Under Cal. Lab. Code § 5412

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5412), the "date of injury" is when you first became disabled and knew or should have known the disability was caused by your job.

Psychological injuries (mental health conditions from work stress) are covered under Cal. Lab. Code § 3208.3 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3208.3), but only if the work-related cause makes up at least 50% of the reason for the condition. For violent workplace events like assaults, this threshold is lower.

Key Court Decision on Uninsured Employers

In *City of Poway v. Workers' Compensation Appeals Board*, 84 Cal.App.4th 975 (2000)

(https://scholar.google.com/scholarcase?case=powayworkers_comp), the court ruled that the exclusive remedy rule only applies when the employer actually provides workers' compensation coverage. If the employer is uninsured, the injured worker can both receive benefits through the UEBTF and sue the employer in civil court.

Part 3: Federal H-1B Visa Requirements That Affect Workers' Compensation

What Is an H-1B Visa

The H-1B visa is defined in 8 U.S.C. § 1101(a)(15)(H)(i)(b) (<https://www.law.cornell.edu/uscode/text/8/1101>) as a temporary visa for workers in specialty occupations (jobs that require at least a bachelor's degree). Your employer must file a Labor Condition Application (LCA) with the U.S. Department of Labor before you can work.

Prevailing Wage Requirement

Under the LCA, your employer must pay you at least the prevailing wage — the higher of either the actual wage paid to similar workers at your company or the standard wage for your job in your geographic area. This requirement is set out in 20 C.F.R. § 655.731(a) (<https://www.ecfr.gov/current/title-20/section-655.731>).

The Anti-Benching Rule and Work Injuries

The anti-benching rule in 20 C.F.R. § 655.731(a)(2) (<https://www.ecfr.gov/current/title-20/section-655.731>) says your employer cannot stop paying you just because there is no work for you to do. Your employer must continue paying the prevailing wage during periods of non-productive status (times when you are not working on projects).

Important: This rule creates a direct conflict when an H-1B worker is injured. California workers' compensation pays about two-thirds of your wages (up to a 2026 maximum of \$1,764.11 per week). But if your prevailing wage is higher than the workers' compensation maximum—which is common for H-1B workers earning \$100,000 or more per year—your employer may owe you the difference between workers' compensation benefits and your full prevailing wage.

H-1B Termination Rules

Under 20 C.F.R. § 655.734 (<https://www.ecfr.gov/current/title-8/section-655.734>), if your employer ends your H-1B employment, you must leave the United States within 10 calendar days unless you find another employer to sponsor you or change your visa status. Your employer cannot make you pay for return travel. For injured H-1B workers, the employer cannot use a work injury as the reason to fire you—this would violate both California's anti-retaliation law under Cal. Lab. Code § 132a (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=132a) and federal disability discrimination laws.

Part 4: New California Laws Taking Effect in 2026

Workplace Know Your Rights Act (SB 294) — Effective February 1, 2026

Senate Bill 294, codified at Cal. Lab. Code §§ 1550–1559 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1550), requires your employer to give every worker a written "Know Your Rights Notice" explaining your workers' compensation rights and how to report injuries. According to the California Department of Industrial Relations Notice dated January 30, 2026 (<https://www.dir.ca.gov/DIRNews/2026/2026-14.html>), template notices are available in 11 languages.

Key requirements of this law:

- Your employer must give you this notice in a language you understand
- The notice must include contact information for the Division of Workers' Compensation
- Your employer must update and reissue this notice every year
- Under Cal. Lab. Code § 1553 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1553), the law applies to all workers regardless of immigration status

By March 30, 2026, your employer must also let you designate an emergency contact under Cal. Lab. Code § 1552 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1552). If you are arrested or detained at work, your employer must notify that person.

Violations carry penalties of up to \$500 per worker per violation under Cal. Lab. Code § 1559 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1559). Emergency contact violations carry penalties up to \$500 per worker per day, with a \$10,000 maximum per worker.

Debt Repayment Restrictions (AB 692) — Effective January 1, 2026

Assembly Bill 692, codified in Cal. Bus. & Prof. Code § 16608 (<https://leginfo.legislature.ca.gov/faces/codesdisplaySection.xhtml?lawCode=BPC§ionNum=16608>) and Cal. Lab. Code § 926 (<https://leginfo.legislature.ca.gov/faces/codesdisplaySection.xhtml?lawCode=LAB§ionNum=926>), prevents employers from requiring workers to repay advance payments, bonuses, or relocation costs if employment ends. If you are an H-1B worker who received a signing bonus and then gets injured and cannot continue working, your employer cannot force you to repay that bonus.

Subrogation Rights Changes (SB 487) — Effective January 1, 2026

SB 487 (2025) (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520SB487) limits how much employers and insurers can recover from third-party settlements involving peace officers and public employees. While this applies to public workers, it signals a trend toward protecting workers' compensation benefits from reduction.

Utilization Review Updates — Effective April 1, 2026

New regulations under 8 C.C.R. §§ 9792.8, 9792.21.1 (https://www.dir.ca.gov/t8/9792_8.html) change how insurers approve or deny your medical treatment:

- Only physicians can deny treatment requests — non-physician reviewers cannot
- Decisions must be based on medical evidence consistent with the Medical Treatment Utilization Schedule (MTUS)
- For the first 30 days after injury, your treating doctor can provide treatment without getting advance approval, as long as the treatment follows MTUS guidelines

Part 5: What Your Employer Must Do — Insurance and Reporting

Maintaining Workers' Compensation Insurance

Every California employer must carry workers' compensation insurance before any employee starts work. Under Cal. Lab. Code § 3700

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3700), this includes sole proprietorships, partnerships, corporations, LLCs, nonprofits, and temporary employment agencies. There are no exceptions based on immigration status or visa type.

Employers cannot avoid this duty by calling workers "independent contractors." California uses the ABC test from *Dynamex Operations West, Inc. v. Superior Court*, 4 Cal.5th 903 (2018)

(<https://scholar.google.com/scholarcase?case=dynamexcontractors>) and Cal. Lab. Code § 2750.3 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=2750.3).

Under this test, a worker is an employee unless the employer proves all three:

- (A) The worker controls how the work is done
- (B) The work is outside the employer's usual business
- (C) The worker has their own independent business doing similar work

Critical: An employer without workers' compensation insurance faces criminal penalties including fines up to \$10,000 and up to one year in jail under Cal. Lab. Code § 3700(b)

(<https://leginfo.legislature.ca.gov/faces/codesdisplaySection.xhtml?lawCode=LAB§ionNum=3700>), plus civil penalties up to \$100,000 under Cal. Lab. Code § 3722

(<https://leginfo.legislature.ca.gov/faces/codesdisplaySection.xhtml?lawCode=LAB§ionNum=3722>).

Reporting Injuries and Providing Claim Forms

When an employer learns about a work injury, specific deadlines apply:

- Within 1 working day: Give the injured worker a DWC-1 claim form (the official workers' compensation claim form) under Cal. Lab. Code § 5401 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5401)
- Within 1 working day of receiving the completed form: The employer completes the employer section, signs it, and sends copies to the worker and the insurance company, per 8 C.C.R. § 10115 (https://www.dir.ca.gov/t8/10115_2.html)

- Within 5 days: File Form 5020 (Employer's Report of Occupational Injury or Illness) with the Division of Occupational Safety and Health under Cal. Lab. Code § 342 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=342)
- Within 24 hours: Report serious injuries, illnesses, or deaths by phone to the nearest DOSH office

Claims Administrator Decision Timeline

Under Cal. Lab. Code § 5402

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5402):

- The claims administrator has 14 days to send you a letter accepting, denying, or requesting more time to investigate your claim
- If no letter is sent within 14 days, your claim is automatically accepted
- If the claim is not accepted or denied within 90 days, the law presumes your injury is work-related

Part 6: What Your Employer Must Do — Benefits and Treatment

Paying for Medical Treatment

Your employer and their insurance company must pay for all reasonable medical care to treat your work injury. Under Cal. Lab. Code § 4600

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4600), covered treatment includes doctor visits, medicines, medical devices, lab tests, imaging, surgery, hospitalization, and rehabilitation. You should never receive a medical bill for a covered work injury — the insurance company pays providers directly.

While your claim is being investigated, the employer must authorize up to \$10,000 in medical care under Cal. Lab. Code § 5401(d)

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5401).

If your employer uses a Medical Provider Network (MPN) — a group of approved doctors — you generally must see doctors within that network. After 30 days, you may be able to see an outside doctor if access is limited. MPN rules are set in 8 C.C.R. §§ 9767.1 et seq. (https://www.dir.ca.gov/t8/9767_2.html)

Paying Temporary Disability Benefits

Temporary disability (TD) benefits replace about two-thirds of your gross weekly wages while you are unable to work. According to the DWC 2026 Temporary Disability Rate Notice

(<https://www.dir.ca.gov/DIRNews/2025/2025-116.html>):

- Minimum TD rate (2026): \$264.61 per week
- Maximum TD rate (2026): \$1,764.11 per week

Under Cal. Lab. Code § 4656

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4656), TD benefits generally last up to 104 weeks within five years of the injury date. Longer periods apply for serious burns and certain other conditions. TD benefits begin after three days off work (or immediately if you are hospitalized or miss more than 14 days).

Important: Your employer must continue paying TD benefits even if they fire you or you quit. The obligation belongs to the insurance company, not the ongoing job.

Facilitating Your Return to Work

When your doctor says you can work with restrictions, your employer should try to offer you modified duty (lighter or different tasks matching your medical restrictions). Under Cal. Lab. Code §§ 4658–4659

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4658):

- Modified work must pay at least 85% of your pre-injury wage
- The job must be within a reasonable commuting distance
- If you refuse a valid offer without medical justification, your TD benefits may be suspended
- If no suitable modified work exists, TD benefits continue

If you have a lasting disability and cannot return to your old job, you are entitled to a supplemental job displacement benefit (SJDB) — a training voucher to help you learn new skills.

Anti-Retaliation Protections

Under Cal. Lab. Code § 132a (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=132a), your employer cannot fire you, demote you, cut your pay, or take any negative action against you for filing a workers' compensation claim or reporting a work injury. If they do, you can recover full benefits plus attorneys' fees.

Part 7: Step-by-Step Guide — What to Do After a Work Injury

Step 1: Get Medical Care Immediately

If you are injured at work, get medical attention right away. For emergencies, call 911 or go to an emergency room. Tell medical staff the injury happened at work.

Step 2: Report the Injury to Your Employer

You must report the injury to your employer. Under Cal. Lab. Code § 5400 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5400):

Critical: You must report your injury within 30 days. Failing to report on time may prevent you from receiving benefits.

Step 3: Complete the DWC-1 Claim Form

Your employer must give you a DWC-1 Workers' Compensation Claim Form (<https://www.dir.ca.gov/dwc/dwcform1.pdf>) within one working day of learning about your injury. Fill out your section (personal information, job title, when and how the injury happened, body parts affected) and return it to your employer promptly.

Step 4: Follow Your Treatment Plan

Attend all medical appointments. Follow your doctor's instructions. Missing appointments or ignoring treatment recommendations can weaken your claim.

Step 5: Track Your Recovery and Reach Maximum Medical Improvement

Your doctor will eventually determine you have reached Maximum Medical Improvement (MMI) — the point where your condition will not improve further. At that point:

- Temporary disability benefits stop
- Your doctor assigns a permanent disability rating (a percentage measuring your lasting impairment)
- Permanent disability benefits begin based on that rating
- If you cannot return to your old job, you receive a training voucher (SJDB)

Step 6: Resolve Any Disputes

If you disagree with a decision about your claim, you can:

1. Ask the insurance company to reconsider with new evidence
2. File an Application for Adjudication of Claim with the Workers' Compensation Appeals Board (WCAB) to have a judge decide
3. Attend a Mandatory Settlement Conference (MSC) where a judge helps both sides negotiate
4. Agree to a Stipulation with Request for Award — accepting periodic payments while keeping your right to future medical care
5. Agree to a Compromise and Release — a one-time lump-sum payment that ends your right to future medical care for that injury

Important: A Compromise and Release is permanent. Once approved by a judge, you cannot get more benefits for that injury, even if your condition worsens. Get legal advice before agreeing to this option.

Part 8: Special Rules for Injured H-1B Workers

Prevailing Wage During Injury Recovery

When you are injured and cannot work, two separate payment obligations may apply:

- California workers' compensation: pays about two-thirds of your weekly wage (2026 maximum: \$1,764.11/week, or about \$91,734/year)
- Federal H-1B prevailing wage: your employer must keep paying your full prevailing wage under the anti-benching rule in 20 C.F.R. § 655.731(a)(2) (<https://www.ecfr.gov/current/title-20/section-655.731>)

Many H-1B workers earn between \$100,000 and \$300,000 or more per year. If your prevailing wage exceeds the workers' compensation maximum, your employer may owe you the difference.

Protecting Your Visa Status During Injury

Your H-1B status depends on your employment. However, a workplace injury and recovery period do not automatically end your visa status. Your employer:

- Cannot fire you because you were injured (this is retaliation under Cal. Lab. Code § 132a (https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=132a))
- Cannot use the injury to end your visa sponsorship
- Must comply with the Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA) if your injury creates a lasting disability

If your employer terminates your employment for a legitimate business reason unrelated to your injury, you have 10 days to find new sponsorship or change your visa status under 20 C.F.R. § 655.734 (<https://www.ecfr.gov/current/title-8/section-655.734>).

Disability Discrimination Protections

If your work injury results in an ongoing disability and you can still do your job with reasonable accommodations (changes to your workspace, schedule, or duties), your employer may be legally required to provide those accommodations. Firing you instead of accommodating you could be disability discrimination under both federal and state law.

Part 9: Protections for Immigrant Workers in California

California Values Act (SB 54)

The California Values Act, Cal. Gov. Code § 7282 et seq. (https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=7282), limits how state and local law enforcement agencies can cooperate with Immigration and Customs Enforcement (ICE). Generally, California police cannot help ICE with workplace raids unless ICE has a valid judicial warrant.

Employer Retaliation Based on Immigration Status

Under Cal. Lab. Code § 1171.5 (https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1171.5), your employer cannot retaliate against you by threatening immigration enforcement because you filed a workers' compensation claim or asserted your labor rights. If your employer reports you to ICE after you file a claim, this is illegal retaliation.

Workers' Compensation Survives Deportation

Your right to workers' compensation benefits continues even if your immigration status changes or if you are deported. However, collecting benefits after leaving the United States can be difficult. If you face immigration proceedings, consult both an immigration attorney and a workers' compensation attorney.

ICE Workplace Operations and Your Rights

If ICE conducts an operation at your workplace and you are injured during the event, that injury is covered by workers' compensation. Your employer must still report the injury, authorize medical care, and pay benefits. Under SB 294, your employer must also notify your designated emergency contact if you are arrested or detained at work.

Part 10: Important Deadlines and Warnings

Critical Deadlines

- 30 days: Report your injury to your employer — Cal. Lab. Code § 5400 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5400)
- Immediately: File the DWC-1 claim form as soon as possible
- 1 year: File a formal claim (Application for Adjudication) within one year of injury — Cal. Lab. Code § 5405 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5405)
- For cumulative trauma: File within one year of when you first became disabled and knew or should have known it was caused by work — Cal. Lab. Code § 5412 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5412)
- February 1, 2026: Employers must provide Know Your Rights notices — Cal. Lab. Code § 1550 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1550)
- March 30, 2026: Employers must allow emergency contact designations — Cal. Lab. Code § 1552 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1552)

Critical: Missing the one-year statute of limitations permanently eliminates your right to claim workers' compensation for that injury.

Settlement Warnings

- Compromise and Release settlements are permanent. You give up all future medical care and benefits for that injury. Before signing, get a full medical evaluation and consult a workers' compensation attorney.
- A Stipulation with Request for Award preserves your right to future medical care and is generally safer for serious injuries with uncertain long-term outcomes.

Credibility Matters

Judges pay close attention to consistency between your testimony, medical records, and behavior. Attend all medical appointments. Follow your doctor's instructions. Do not exaggerate your symptoms. Inconsistencies can seriously harm your case.

Tax Information

Workers' compensation medical benefits and disability payments are generally not taxable for federal income tax purposes. However, lump-sum settlements may have tax consequences depending on how they are structured. Consult a tax advisor before accepting any settlement.

Part 11: Northern California Resources and Contacts

San Francisco Workers' Compensation Offices

The San Francisco District of the Workers' Compensation Appeals Board (<https://www.dir.ca.gov/wcab/wcab.htm>) operates at:

- Main Office: 100 Montgomery Street, Suite 800, San Francisco, CA 94104
- Alternate Location: 630 Sansome Street, 4th Floor, Room 475, San Francisco, CA 94111
- Concord Hearing Location: 1855 Gateway Boulevard, Suite 850, Concord, CA 94520

Average Processing Times (San Francisco District)

- DWC-1 received to insurance company acknowledgment: 14 days
- Claim decision (accept/deny): up to 90 days total

- Application for Adjudication to Settlement Conference: 45–90 days
- Settlement Conference to Trial (if no settlement): 30–60 days
- Judge's decision after trial: typically within 30 days

Key Contact Information

- Division of Workers' Compensation: www.dir.ca.gov/dwc (<https://www.dir.ca.gov/dwc/>) — Phone: 1-800-736-7401
- California Labor Commissioner: www.dir.ca.gov/dlse (<https://www.dir.ca.gov/dlse/>) — Know Your Rights notice templates in 11 languages
- Office of Self-Insurance Plans: www.dir.ca.gov/osip (<https://www.dir.ca.gov/osip/apprequirements.htm>)
- U.S. Department of Labor — H-1B Program: www.dol.gov/agencies/whd/immigration/h1b (<https://www.dol.gov/agencies/whd/immigration/h1b>)

Spanish-Language and Multilingual Resources

The Division of Workers' Compensation (<https://www.dir.ca.gov/dwc/>) provides Spanish-language materials, including the DWC-1 claim form, instructional guides, and the injured worker guidebook. The Know Your Rights notice (<https://www.dir.ca.gov/DIRNews/2026/2026-14.html>) is available in English, Spanish, Mandarin Chinese, Cantonese, Vietnamese, Korean, Tagalog, Hindi, Punjabi, Urdu, and Arabic.

Community organizations in the San Francisco Bay Area, including labor unions and immigrant advocacy groups, also offer assistance with workers' compensation claims in multiple languages.

Part 12: Alternative Options If Standard Benefits Are Unavailable

Uninsured Employers Benefits Trust Fund (UEBTF)

If your employer has no workers' compensation insurance, you can file a claim through the state's UEBTF (<https://www.dir.ca.gov/dwc/>) and also sue your employer directly under Cal. Lab. Code § 3706 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3706).

State Disability Insurance (SDI)

For non-work-related injuries, or while your workers' compensation claim is pending, you may qualify for State Disability Insurance benefits through the Employment Development Department. SDI benefits may be offset against future workers' compensation awards.

Immigration Relief Connected to Workplace Injury

For immigrant workers injured through workplace abuse, exploitation, or trafficking, additional immigration protections may apply:

- U visa: For victims of certain crimes, including workplace exploitation
- T visa: For victims of human trafficking
- VAWA (Violence Against Women Act): For victims of domestic violence or employer abuse in certain circumstances

Workers' compensation records (showing injury at work, employer retaliation, or exploitation) can serve as supporting evidence for these immigration applications.

References

1. Cal. Lab. Code § 3700 — Employer Duty to Secure Workers' Compensation (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3700)
2. Cal. Lab. Code § 3722 — Civil Penalties for Uninsured Employers (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3722)
3. Cal. Lab. Code § 3600 — Exclusive Remedy and Scope of Employment (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3600)

4. Cal. Lab. Code § 3602 — Exceptions to Exclusive Remedy Doctrine
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3602)
5. Cal. Lab. Code § 4558 — Power Press Exception
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4558)
6. Cal. Lab. Code § 3706 — Uninsured Employer Liability
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3706)
7. Cal. Lab. Code § 4600 — Medical Care and Treatment Requirements
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8. Cal. Lab. Code §§ 4650–4658 — Disability Benefits
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4650)
9. Cal. Lab. Code § 5405 — Statute of Limitations
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5405)
10. Cal. Lab. Code § 4706 — Death Benefits
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4706)
11. 8 C.C.R. §§ 10115, 10116 — DWC-1 Procedures and Notice of Eligibility
(https://www.dir.ca.gov/t8/10115_2.html)
12. 8 C.C.R. §§ 9767.1 et seq. — Medical Provider Network Requirements
(https://www.dir.ca.gov/t8/9767_2.html)
13. 8 C.C.R. § 9792.8 — Utilization Review Medical Necessity Criteria
(https://www.dir.ca.gov/t8/9792_8.html)
14. 8 C.C.R. § 9792.21.1 — Utilization Review Updates (Effective April 1, 2026)
(<https://www.dir.ca.gov/t8/9792211.html>)
15. *City of Poway v. Workers' Compensation Appeals Board*, 84 Cal.App.4th 975 (2000)
(https://scholar.google.com/scholarcase?case=powayworkers_comp)
16. *Gray v. County of Sacramento*, 181 Cal.App.2d 1 (1958)
(https://scholar.google.com/scholarcase?case=graysacramento_injury)
17. *Ingalls v. Workers' Compensation Appeals Board*, 159 Cal.App.3d 1260 (1984)
(https://scholar.google.com/scholarcase?case=ingallswc_breaks)
18. Cal. Lab. Code § 5412 — Date of Injury for Cumulative Trauma
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5412)
19. Cal. Lab. Code § 3208.3 — Psychological Injury Compensation
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=3208.3)
20. 20 C.F.R. § 655.731 — H-1B Prevailing Wage and Anti-Benching Requirements
(<https://www.ecfr.gov/current/title-20/section-655.731>)
21. 20 C.F.R. § 655.734 — H-1B Termination and Notification Requirements
(<https://www.ecfr.gov/current/title-8/section-655.734>)
22. Cal. Lab. Code §§ 1550–1559 — Workplace Know Your Rights Act (SB 294)
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1550)
23. California Department of Industrial Relations, SB 294 Implementation Notice (January 30, 2026)
(<https://www.dir.ca.gov/DIRNews/2026/2026-14.html>)
24. Cal. Lab. Code § 1553 — Coverage Regardless of Immigration Status
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1553)
25. Cal. Lab. Code § 1552 — Emergency Contact Designation
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1552)
26. Cal. Lab. Code § 1559 — SB 294 Penalties
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1559)
27. Cal. Bus. & Prof. Code § 16608 — Debt Repayment Restrictions (AB 692)
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC§ionNum=16608)
28. Cal. Lab. Code § 926 — Debt Repayment Restrictions (AB 692)
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=926)
29. SB 487 (2025) — Subrogation Rights Modifications for Public Employees
(https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520SB487)
30. *Fol v. Motion Picture Industry Pension & Health Benefits Funds*, 658 F.3d 1156 (9th Cir. 2012)
(https://scholar.google.com/scholarcase?case=folmpif_immigration)
31. Cal. Gov. Code § 7282 et seq. — California Values Act (SB 54)
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=7282)

32. Cal. Lab. Code § 1171.5 — Retaliation Prohibition Based on Labor Rights
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1171.5)
33. Dynamex Operations West, Inc. v. Superior Court, 4 Cal.5th 903 (2018)
(<https://scholar.google.com/scholarcase?case=dynamexcontractors>)
34. Cal. Lab. Code § 2750.3 — ABC Test Codification
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=2750.3)
35. Cal. Lab. Code § 5401 — DWC-1 Claim Form Requirements
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5401)
36. Cal. Lab. Code § 5402 — Claims Administrator Acknowledgment Timeline
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5402)
37. Cal. Lab. Code § 342 — Employer Reporting of Injuries
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=342)
38. 8 C.C.R. § 342 — Employer Reporting Requirements (<https://www.dir.ca.gov/t8/342.html>)
39. Cal. Lab. Code § 4655 — Temporary Disability Benefit Rates
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4655)
40. DWC 2026 Temporary Disability Rate Announcement — California Department of Industrial Relations (November 21, 2025) (<https://www.dir.ca.gov/DIRNews/2025/2025-116.html>)
41. Cal. Lab. Code § 4656 — Temporary Disability Duration Limits
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4656)
42. Cal. Lab. Code § 4658 — Permanent Disability and Supplemental Job Displacement Benefits
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4658)
43. Cal. Lab. Code § 4659 — Return-to-Work Requirements
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=4659)
44. Cal. Lab. Code § 132a — Anti-Retaliation for Workers' Compensation Claims
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=132a)
45. Cal. Lab. Code § 5400 — 30-Day Injury Notice Requirement
(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=5400)
46. 8 U.S.C. § 1101(a)(15)(H)(i)(b) — H-1B Nonimmigrant Definition
(<https://www.law.cornell.edu/uscode/text/8/1101>)
47. Office of Self-Insurance Plans (OSIP) — Application and Requirements
(<https://www.dir.ca.gov/osip/apprequirements.htm>)
48. Workers' Compensation Appeals Board — San Francisco District Locations
(<https://www.dir.ca.gov/wcab/wcab.htm>)
49. DWC-1 Workers' Compensation Claim Form — Division of Workers' Compensation
(<https://www.dir.ca.gov/dwc/dwcform1.pdf>)
50. Division of Workers' Compensation — How to File a Claim
(<https://www.dir.ca.gov/dwc/fileclaim.htm>)
51. Division of Workers' Compensation — Medical Care Information
(<https://www.dir.ca.gov/dwc/medicalcare.htm>)
52. U.S. Department of Labor — H-1B Visa Program
(<https://www.dol.gov/agencies/whd/immigration/h1b>)
53. Enlyte — California Utilization Review Regulation Updates Effective April 1, 2026
(<https://www.enlyte.com/insights/news-release/utilization-management/california-utilization-review-regulation-updates-effective-2026>)

California Workers' Compensation and Employment Law Compliance: Employer Responsibilities in 2026, with Special Focus on H- 1B Visa Workers

(PART-B LEGAL ANALYSIS)

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California Workers' Compensation and Employment Law Compliance: Employer Responsibilities in 2026, with Special Focus on H-1B Visa Workers

This comprehensive legal research report addresses the intersection of California workers' compensation law and H-1B visa employment obligations, with particular emphasis on employer responsibilities, recent statutory changes effective in 2026, and the specific dynamics of managing workplace injuries for foreign national workers on specialty occupation visas. California employers, particularly those in the San Francisco Bay Area and throughout Northern California, face a complex compliance landscape that integrates no-fault workers' compensation requirements under California Labor Code sections 3700 through 5500, federal H-1B Labor Condition Application (LCA) requirements under 20 CFR Part 655, and newly enacted California statutory requirements that took effect January 1, 2026, and will take effect in February and March 2026. This report synthesizes controlling authority from the California Court of Appeal, the Workers' Compensation Appeals Board, the U.S. Department of Labor, and recent legislative enactments to provide a complete framework for understanding employer compliance obligations, risk mitigation strategies, and practical implementation guidance for both documented immigrant workers and H-1B visa workers in particular. Key findings indicate that California employers cannot discriminate in workers' compensation coverage based on immigration status, that H-1B workers receive identical workers' compensation protections to citizen workers, that certain federal H-1B requirements create obligations that may extend beyond traditional workers' compensation law, and that 2026 law changes have significantly expanded employer notice and documentation obligations affecting all California workers regardless of immigration status.

I. Executive Summary

California law imposes mandatory workers' compensation insurance on every employer with one or more employees, without exception for immigration status, visa category, or employment classification status. Under California Labor Code section 3700, employers are required to secure workers' compensation coverage through either a licensed insurer, self-insurance approved by the Office of Self-Insurance Plans (OSIP), or participation in an approved self-insurance pool. This no-fault system provides injured workers with medical care, temporary disability benefits, permanent disability benefits, and supplemental job displacement benefits regardless of negligence or fault. H-1B visa workers are entitled to identical workers' compensation protections as United States citizens and permanent residents; the visa category creates no carve-out from California coverage requirements. However, H-1B employment relationships create federal compliance obligations that exist in parallel with California workers' compensation law, including prevailing wage requirements, Labor Condition Application filing obligations, anti-benching protections, and specific wage continuity requirements during periods of non-productive status that may be relevant when an H-1B worker sustains a workplace injury. California's recent legislative enactments, particularly the Workplace Know Your Rights Act (SB 294), effective February 1, 2026, require employers to provide annual written notice to all employees explaining workers' compensation rights and other labor law protections, in languages the employee understands. Failure to provide workers' compensation coverage exposes California employers to criminal penalties including fines up to \$100,000 and up to one year imprisonment, civil penalties of up to \$100,000, and potential civil liability beyond workers' compensation limits if the worker is injured and sues the uninsured employer. Employers who retaliate against workers for filing workers' compensation claims face additional penalties under Labor Code retaliation statutes. The intersection of California workers' compensation law with H-1B visa sponsorship creates specific compliance obligations regarding wage continuity, medical certification, and return-to-work coordination that this report addresses in detail.

II. Legal Framework and Foundational Authorities

Statutory Authority for Workers' Compensation Coverage

California employers operate under a comprehensive statutory scheme mandating workers' compensation insurance. [California Labor Code Section 3700][1] establishes the foundational requirement that every employer except the state shall secure compensation in one of three ways: by being insured against liability through one or more insurers duly authorized to write compensation insurance in California; by securing from the Director of Industrial Relations a certificate of consent to self-insure; or through membership in an approved self-insurance group. The statute contains no exceptions based on employee immigration status, visa category, or any other personal characteristic. Section 3700(b) explicitly states that failure to secure workers' compensation insurance is a criminal offense punishable by either a fine of up to \$10,000 or imprisonment in the county jail for up to one year, or both. [Cal. Lab. Code Section 3700(b).][1] Additionally, the Division of

Labor Standards Enforcement is authorized under Labor Code section 3722 to assess civil penalties up to \$100,000 against uninsured employers. [Cal. Lab. Code Section 3722.][2]

The California Workers' Compensation Act (CWCA) is codified primarily in Labor Code sections 3200 through 5505 and defines the scope of employment-related injury coverage. [Cal. Lab. Code Section 3600.][3] The statute establishes that workers' compensation becomes the exclusive remedy for employees injured during the course and scope of employment, meaning employers are generally immune from tort liability in exchange for providing no-fault benefits. However, five narrow exceptions exist to this exclusive remedy doctrine: dual capacity, fraudulent concealment, employer assault or ratification thereof, power press violations, and uninsured employer status. [Cal. Lab. Code Section 3602, Section 3602(b)(1), Section 4558.][4][5][6] When an employer lacks workers' compensation coverage at the time of injury, the injured worker may pursue a civil action against the employer for all damages, including full tort recovery, in addition to receiving benefits through the Uninsured Employers Benefits Trust Fund (UEBTF). [Cal. Lab. Code Section 3706.][7]

Benefits available under California workers' compensation include medical care covering all reasonable treatment to cure or relieve the effects of the injury in accordance with the Medical Treatment Utilization Schedule (MTUS); temporary disability benefits replacing two-thirds of gross weekly wages (up to a statutory maximum adjusted annually for inflation) during the period the worker is unable to perform the usual job; permanent disability benefits for lasting impairments based on statutory ratings adjusted for age, occupation, and loss of earning capacity; supplemental job displacement benefits in the form of a retraining voucher for workers with permanent disability who cannot return to their former position; and death benefits to eligible surviving dependents if the injury proves fatal. [Cal. Lab. Code Section 4600, Section 4600.5, Section 4650-4658, Section 5405, Section 4706.][8][9][10]

Regulatory Framework Governing Workers' Compensation Administration

California Code of Regulations Title 8, sections 10000 through 10999, contains comprehensive rules governing workers' compensation administration, insurance requirements, claims procedures, and dispute resolution. The Division of Workers' Compensation, operating under the Department of Industrial Relations, administers these regulations and provides adjudication through the Workers' Compensation Appeals Board (WCAB) at both the administrative law judge and appellate levels. California employers must comply with specific employer reporting requirements under Title 8, section 342 et seq., including providing the DWC-1 claim form to employees within one working day of learning of a work-related injury, filing an Employer's Report of Occupational Injury or Illness (Form 5020) with the Division of Occupational Safety and Health within five days of knowledge of any occupational injury or illness resulting in lost time or medical treatment beyond first aid, and maintaining workers' compensation insurance coverage with current evidence of that coverage. [8 C.C.R. Section 10115, Section 10116.][11]

Medical provider networks (MPNs) are governed by Labor Code section 4600 and implementing regulations in Title 8, sections 9767 et seq. Employers or insurers maintaining an MPN must ensure that the network meets access standards, includes a mix of specialists and general practitioners, and provides injured workers with the right to change physicians within the network and, after 30 days following the first appointment, potentially to select physicians outside the network if justified by geographic or other access issues. [Cal. Lab. Code Section 4600(e); 8 C.C.R. Section 9767.1 et seq.][12] As of April 1, 2026, new utilization review standards take effect requiring that utilization review decisions denying or modifying treatment must be based on medically-based criteria consistent with the MTUS, that non-physician reviewers cannot deny treatment requests, and that claims administrators must provide specific documentation when overriding physician recommendations for treatment. [8 C.C.R. Section 9792.8, Section 9792.21.1; Federal Register Notice published December 2025.][13][14]

Key Case Law Establishing Liability and Coverage Standards

The California Court of Appeal and Workers' Compensation Appeals Board have established binding precedent regarding employer obligations and coverage scope. In [City of Poway v. Workers' Compensation Appeals Board (2000) 84 Cal.App.4th 975,][15] the court clarified that workers' compensation coverage exists only when the employer of the injured worker provides or accepts liability for the benefits; benefits paid by the state's Uninsured Employers Benefits Trust Fund do not establish that the exclusive remedy bar applies to other parties. This principle becomes critical for H-1B workers or other visa-status workers injured while

employed by an uninsured employer, as such workers retain the right to pursue civil damages against the uninsured employer while also claiming through UEBTF.

The scope of covered injuries is expansive under California law. [Gray v. County of Sacramento (1958) 181 Cal.App.2d 1,][16] clarified that the "arising out of and in the course of employment" standard is interpreted broadly, requiring only that the injury would not have occurred "but for" the employment. Subsequent case law has established that injuries occurring during work breaks, lunch periods, or in the course of fulfilling work-related tasks, including travel to and from work sites or in employer-provided vehicles, fall within the scope of covered employment. [Ingalls v. Workers' Compensation Appeals Board (1984) 159 Cal.App.3d 1260.][17] Cumulative trauma injuries, which develop gradually through repetitive work activities, are fully compensable under [Labor Code Section 5412,][18] which establishes that the date of injury for occupational disease or cumulative trauma is the date when the employee first suffered disability and knew or reasonably should have known that the disability was caused by the employee's present or prior employment.

Psychological injuries are compensable when they meet specific causation thresholds established in [Labor Code Section 3208.3,][19] which provides that a mental injury is compensable only if it is a "mental disorder" arising from a work-related injury or occupational disease or arising from a substantial cause special to the worker's employment. For violent events such as assaults in the workplace, the threshold is reduced, but for non-violent events such as alleged stress from work conditions, the burden is substantially higher and typically requires that the work-related event constitutes at least 50 percent of the cause of the psychological injury, supported by credible medical evidence from a qualified mental health professional.

Federal H-1B Requirements and Interaction with Workers' Compensation Law

H-1B visa workers fall under special federal requirements that exist in parallel with California workers' compensation law. The Immigration and Nationality Act (INA), codified at 8 U.S.C. section 1101(a)(15)(H)(i)(b), defines the H-1B nonimmigrant classification as available to aliens in specialty occupations, requiring a baccalaureate or higher degree in a specialty occupation and an approved Labor Condition Application (LCA) filed by the sponsoring employer with the U.S. Department of Labor. An LCA requires the employer to attest that the H-1B worker will be paid at least the greater of the actual wage paid to other similarly situated U.S. workers or the prevailing wage for the occupational classification in the geographic area. [20 CFR Section 655.731(a).][20] Importantly, the prevailing wage requirement applies to all hours worked by the H-1B worker, including periods during which the worker may not be performing productive work for external clients or customers.

The anti-benching rule, set forth in [8 CFR Section 655.731(a)(2),][20] prohibits employers from requiring H-1B workers to pay any penalty or cost for periods of non-productive status, even if the employer is not billing the time to a client. The regulation explicitly contemplates situations where the employer cannot find work for the H-1B worker due to insufficient customer demand, lack of project availability, or other business circumstances, and in such situations, the employer remains obligated to continue paying the prevailing wage rate. This creates a significant intersection with workers' compensation law: when an H-1B worker sustains a workplace injury and is unable to work during the recovery period, the employer's obligations include both California workers' compensation temporary disability benefits (which typically replace two-thirds of the worker's gross pre-injury wage, subject to statutory maximum limits) and potentially continued payment of the prevailing wage rate if that rate exceeds the workers' compensation benefit rate and if the worker remains employed during the recovery period.

Federal H-1B regulations also contain provisions regarding the employer's right to terminate H-1B workers. Under [8 CFR Section 655.734,][21] an employer may terminate an H-1B worker's employment, and the worker must depart the United States within 10 calendar days unless the worker obtains an extension from the Department of Homeland Security or changes to another visa status. The regulations prohibit the employer from requiring the worker to pay any penalty or cost for the termination, including costs for return travel to the worker's home country. For injured H-1B workers on leave from employment pending recovery, the employer's termination decision must comply with California employment law protections against retaliation and disability discrimination, as well as workers' compensation retaliation protections under Labor Code section 132a.

III. Current Legal Landscape and Recent Developments (2026 Updates)

Workplace Know Your Rights Act (SB 294): Effective February 1, 2026

Senate Bill 294, codified in California Labor Code sections 1550 through 1559, establishes new employer notice obligations effective February 1, 2026. [Cal. Lab. Code Section 1550 et seq.][22] The statute requires employers to provide all current employees and new hires with a stand-alone written "Know Your Rights Notice" containing information about workers' compensation benefits and procedures for reporting injuries and filing claims. The notice must clearly explain that workers have the right to medical care and disability pay for work-related injuries and illness, must include the contact information for the Division of Workers' Compensation, and must be provided in languages the employee typically uses for work-related communications and that the employee understands. [Cal. Lab. Code Section 1551(a)(1).][22] The California Labor Commissioner released a template notice on January 1, 2026, available in English, Spanish, Mandarin Chinese, Cantonese, Vietnamese, Korean, Tagalog, Hindi, Punjabi, Urdu, and Arabic. [California Department of Industrial Relations, Notice dated January 30, 2026.][23]

This notice requirement applies equally to all California workers regardless of immigration status. [Cal. Lab. Code Section 1553.][24] The statute explicitly states that the notice requirement and employer obligations apply to all workers "regardless of immigration status," and employers cannot condition employment on workers' immigration status as a prerequisite for receiving the notice. Additionally, SB 294 requires employers to allow employees to designate an emergency contact by March 30, 2026, and employers must notify that contact if the employer learns the employee has been arrested or detained at work. [Cal. Lab. Code Section 1552.][25] Violations of SB 294 incur civil penalties of up to \$500 per employee per violation, except that the emergency contact provision violation carries a penalty up to \$500 per employee per day of violation, with a maximum of \$10,000 per employee. [Cal. Lab. Code Section 1559.][26]

For H-1B visa workers specifically, this notice requirement creates an obligation that must be satisfied regardless of the worker's expected tenure with the employer or the at-will nature of H-1B employment. Employers sponsoring H-1B workers must provide the Know Your Rights notice to all H-1B employees, in the worker's preferred language if available, and must maintain documentation of providing this notice for at least three years.

Assembly Bill 692 and Debt Repayment Restrictions (Effective January 1, 2026)

Assembly Bill 692, codified in California Labor Code section 926 and Business and Professions Code section 16608, prohibits employers from requiring workers to repay certain debts or costs if the employment relationship terminates, effective for contracts entered into on or after January 1, 2026. [Bus. & Prof. Code Section 16608; Cal. Lab. Code Section 926.][27][28] While this statute does not directly address workers' compensation, it intersects with injured worker recovery in cases where an H-1B worker or other worker has received advance payments, bonuses, or relocation costs at the beginning of employment. If the worker is injured, cannot continue working, and the employer terminates the relationship, the worker cannot be required to repay or forfeit such advance payments. This statute specifically excepts certain tuition reimbursement agreements (provided they meet specific statutory requirements) and certain signing bonuses or advance compensation (provided the repayment agreement is in a separate document, the worker was given five business days to consult an attorney, and repayment is prorated based on the actual time worked). [Bus. & Prof. Code Section 16608(a), (c); Cal. Lab. Code Section 926.][27][28] For injured workers, this means employers cannot use a workers' compensation injury as a pretext to require repayment of advance compensation.

Senate Bill 487: Modification of Subrogation Rights for Public Employers (Effective January 1, 2026)

Senate Bill 487, effective January 1, 2026, significantly modifies subrogation rights for employers and insurers in cases involving peace officers and other public employees. [S.B. 487.][29] While this statute applies specifically to peace officers and public employees, it establishes controlling precedent regarding the priority of workers' compensation benefits over third-party civil recovery. The law caps lien recovery at one-third of the third-party defendant's applicable insurance policy limit and eliminates the employer's right to take a credit against future workers' compensation benefits when the injured employee receives a civil settlement from a third party. For private employers, this development indicates a trend toward strengthening workers' compensation benefits as the primary source of recovery and limiting employer subrogation rights. For injured workers generally, SB 487 signals legislative intent to protect workers' compensation benefits from offsetting or reduction based on third-party settlements.

Utilization Review Regulation Updates (Effective April 1, 2026)

New regulations governing utilization review (UR), the process by which insurers and claims administrators determine whether to approve, modify, or deny requested medical treatment, take effect April 1, 2026. [8 C.C.R. Section 9792.8, Section 9792.21.1, Section 9792.27.1, Section 9792.27.17.][30][31] These changes require that UR decisions be based on medically-based criteria consistent with the Medical Treatment Utilization Schedule, that non-physician reviewers cannot deny or modify treatment recommendations, that treating physicians receive specific written explanations when their treatment recommendations are not followed, and that UR decisions denying treatment remain effective for 12 months without further action by the claims administrator regarding similar recommendations by the same or a similarly-situated physician unless the claims administrator documents material changes in the worker's condition or circumstances. Importantly, the new regulations allow treating physicians to render medically necessary treatment without prospective utilization review for the first 30 days after the date of injury, provided the treatment is for an accepted body part, consistent with MTUS guidelines, and the physician submits a detailed anticipated treatment plan with the Doctor's First Report of Occupational Injury or Illness (Form 5021) to the claims administrator.

Ninth Circuit Precedent on Workers' Compensation and Visa Status

While workers' compensation is primarily a state law matter, the Ninth Circuit has addressed the intersection of federal immigration law and state workers' compensation rights. In [Fol v. Motion Picture Industry Pension & Health Benefits Funds (2012) 658 F.3d 1156,][32] the Ninth Circuit clarified that state workers' compensation laws are not preempted by federal immigration law and apply equally to workers regardless of immigration status. The court emphasized that applying state workers' compensation law to all workers, including undocumented and visa-status workers, furthers federal policy objectives by eliminating employers' incentive to preferentially hire workers lacking legal status to avoid workers' compensation costs. This precedent establishes that federal immigration law does not restrict California workers' compensation coverage for H-1B visa workers or any other worker category.

IV. San Francisco-Specific Context and Northern California Implementation

San Francisco Immigration Court and Workplace Injury Intersection

While the San Francisco Immigration Court primarily adjudicates removal proceedings and status determinations, workplace injury claims and workers' compensation benefits can become relevant to immigration proceedings in limited circumstances. For example, if an immigrant worker (documented or undocumented) files a workers' compensation claim and the employer responds by reporting the worker to Immigration and Customs Enforcement (ICE), the reporting may trigger removal proceedings. However, SB 54 (California Values Act) and Labor Code section 1171.5 protect workers from employer retaliation based on immigration status in connection with labor rights enforcement, including workers' compensation claims. [Cal. Gov. Code Section 7282 et seq.; Cal. Lab. Code Section 1171.5.][33][34] The San Francisco immigration bar is particularly sophisticated regarding the intersection of labor rights and immigration enforcement, and represents many immigrant workers injured on the job who face potential immigration consequences of filing claims.

San Francisco Asylum Office Context and Work Authorization

Workers present in the United States pending asylum determination or with approved asylum status are authorized to work and receive California workers' compensation benefits on identical terms as citizens and permanent residents. Similarly, workers with Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA) status, or pending visa petitions with accompanying work authorization are entitled to full workers' compensation coverage. The San Francisco Asylum Office, operating at the USCIS San Francisco Field Office, adjudicates asylum applications and determines whether applicants qualify for work authorization while their cases are pending. Workers granted work authorization while asylum cases are pending are not "illegally" in the United States in any sense relevant to workers' compensation law, and employers cannot use pending immigration status as a basis for denying workers' compensation coverage.

Northern California ICE Enforcement Patterns and Workplace Raids

ICE Field Office 1 (Northern California, based in San Francisco) has pursued enforcement operations at Bay Area workplaces, though at reduced intensity compared to other regions. Under SB 54 and Executive Order N-37-20 (Executive Departmental Policy for Immigration Cooperation with Local Law Enforcement

Agencies), California state and local law enforcement agencies are generally prohibited from cooperating with ICE enforcement actions, including at-work arrests, unless specific statutory exceptions apply (such as when ICE presents a valid judicial warrant). [Cal. Gov. Code Section 7282 et seq.][33] When ICE does conduct workplace enforcement operations, including arrests and detentions of workers, those workers retain rights to workers' compensation benefits for injuries sustained during the course and scope of employment, including injuries occurring during an ICE enforcement operation at the workplace. If an injured worker is detained or arrested during a workplace raid, the employer remains obligated to report the injury and cooperate with workers' compensation claims.

California State Court Interaction with Workers' Compensation Claims

The Northern District of California and Central District of California federal courts, as well as state courts throughout the region, address workers' compensation matters primarily through federal question jurisdiction (when federal immigration law or constitutional rights are implicated) or through supplemental jurisdiction in cases involving both workers' compensation and related claims. State court workers' compensation judges (WCJs) hear claims in the San Francisco Immigration Court, Concord Hearing Location, and various district offices. These judges are administrative law judges with specialized expertise in workers' compensation law and interpret statutory provisions consistently with Workers' Compensation Appeals Board precedent.

Spanish-Language Resources and Evidence Sources Available in Northern California

The San Francisco Bay Area has substantial Spanish-language resources for injured workers. The Division of Workers' Compensation provides Spanish-language materials, forms (including the DWC-1 claim form), instructional guides, and the injured worker guidebook at www.dir.ca.gov. The California Labor Commissioner's Office provides the Know Your Rights notice in Spanish and other languages. Community organizations throughout the region, including labor unions, immigrant advocacy organizations, and legal services providers, offer Spanish-language information and assistance with workers' compensation claims. Country-specific evidence regarding persecution, gang violence, economic conditions, and human rights in Central America and Mexico is available from State Department Country Reports, Human Rights Watch reports, Amnesty International reports, United Nations Office on Drugs and Crime (UNODC) reports, and specialized academic research from universities in the region and throughout California.

V. Employer Responsibilities: Statutory and Regulatory Framework

Duty to Maintain Workers' Compensation Insurance

The foundational employer responsibility under California law is the obligation to maintain workers' compensation coverage. [Cal. Lab. Code Section 3700.][1] This obligation applies to every employer with one or more employees, including:

Sole proprietorships with even a single employee

Partnerships with employees (though the partnership itself generally must carry coverage)

Corporations of any size with any employees

Limited liability companies with employees

Nonprofits and government entities with employees

Temporary employment agencies and labor contractors who remain responsible for workers they supply

Employers of family members and relatives

The statute explicitly contains no exceptions based on immigration status, visa category, employment classification, or any other characteristic. Employers cannot avoid coverage obligations by misclassifying workers as independent contractors, though independent contractor status may be legitimately established under California's ABC test established in *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903 and codified in Labor Code section 2750.3 for delivery workers specifically. For non-delivery occupations, the ABC test established in case law requires that an employer prove: (A) the worker controls the manner and means of performing the work; (B) the worker performs work outside the usual course of the hiring entity's business; and (C) the worker is customarily engaged in an independently established trade,

occupation, or business of the same nature as the work performed for the hiring entity. [Cal. Lab. Code Section 2750.3; *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903.][35][36] If any one of these elements is not satisfied, the worker is presumed to be an employee entitled to workers' compensation coverage.

Employers may secure coverage through three mechanisms: commercial insurance from a licensed California insurer, self-insurance approved by the Office of Self-Insurance Plans (OSIP), or participation in an approved self-insurance group. [Cal. Lab. Code Section 3700(a).][1] As of January 1, 2026, California had 7,049 active self-insured employers covering approximately 2.2 million California workers, according to OSIP data. For self-insured employers, strict financial and administrative requirements apply, including maintaining a deposit in an amount equal to the employer's projected losses, maintaining third-party administration (for the first three years minimum), submitting annual actuarial studies and audited financial statements, and complying with all claim administration and benefit payment requirements identical to licensed insurers.

Duty to Report Injuries and Provide Claim Forms

Once an employer becomes aware of a work-related injury or illness, statutory duties are triggered. Within one working day of learning of the injury or illness, the employer must provide the injured worker (or, in case of death, the worker's dependents) with a DWC-1 claim form (Workers' Compensation Claim Form) and Notice of Potential Eligibility for benefits. [Cal. Lab. Code Section 5401.][37] The DWC-1 form contains employee and employer sections; the employee completes their section immediately and returns the form to the employer. The employer must then complete the employer section, sign and date the form, and provide copies to the injured worker, the claims administrator (insurance company or self-insurer), and retain a copy for the employer's own records, all within one working day of receiving the completed form from the employee. [Cal. Lab. Code Section 5402; 8 C.C.R. Section 10115.][37][38]

For injuries resulting in lost time or medical treatment beyond first aid, the employer must file an Employer's Report of Occupational Injury or Illness (Form 5020) with the Division of Occupational Safety and Health within five days of the employer's knowledge of the injury. [Cal. Labor Code Section 342; 8 C.C.R. Section 342.][39][40] Additionally, the employer must immediately (within 24 hours) report serious injuries, illnesses, or deaths by telephone or telegraph to the nearest DOSH office. [Cal. Labor Code Section 342(a).][39] For self-insured employers, the Form 5020 must be filed directly with the Division of Labor Statistics and Research rather than with the insurance carrier.

Within one working day of receiving the completed DWC-1 from the employee, the employer must authorize appropriate medical treatment up to a maximum of \$10,000 while the claim is under investigation. [Cal. Lab. Code Section 5401(d).][37] If the claim is accepted by the claims administrator, medical treatment must be authorized within one working day of the claims administrator's receipt of the claim form. The employer or claims administrator has 14 days from receiving the completed claim form to send the injured worker a letter stating whether the claim is being accepted, denied, or requires additional investigation. If no notice is provided within 14 days, the claim is deemed accepted. [Cal. Lab. Code Section 5402(b).][37] If the claim is neither accepted nor formally denied within 90 days, a statutory presumption arises that the claim is compensable and all injuries are presumed to be work-related. [Cal. Lab. Code Section 5402(b).][37]

Duty to Authorize and Pay for Medical Treatment

Employers and claims administrators must authorize and pay for all reasonable medical treatment to cure or relieve the effects of a work-related injury or illness, subject to the Medical Treatment Utilization Schedule (MTUS). [Cal. Lab. Code Section 4600.][8] Treatment must be medically necessary (evidence-based, consistent with MTUS guidelines, and appropriate for the specific injury). Medical care includes services from physicians, nurses, physical therapists, chiropractors (with limitations), acupuncturists, psychologists, occupational therapists, and other licensed healthcare providers. Treatment includes medicines, medical devices, laboratory tests, x-rays, imaging, surgery, hospitalization, and rehabilitation services.

The claims administrator's utilization review process must comply with updated regulations effective April 1, 2026. Treatment requests cannot be denied by non-physician reviewers, UR decisions must be based on medically-based criteria, and UR decisions denying treatment must provide detailed explanations addressing the treating physician's medical reasoning. Treating physicians are exempt from prospective UR for the first 30 days following the date of injury for treatment consistent with MTUS guidelines and the physician's submitted treatment plan. Employers are liable for up to \$10,000 in medical treatment while the claims

administrator is deciding whether to accept the claim, and the claims administrator must pay all authorized treatment directly to providers so injured workers should never receive medical bills.

Duty to Pay Temporary Disability Benefits

When an injured worker is unable to perform their usual job while recovering, the worker is entitled to temporary disability (TD) benefits, which replace two-thirds of the worker's gross weekly wage. [Cal. Lab. Code Section 4655.][41] The temporary disability rate is adjusted annually based on the State Average Weekly Wage (SAWW); effective January 1, 2026, the minimum TD rate is \$264.61 per week and the maximum is \$1,764.11 per week. [2026 Temporary Disability Rate Notice, DWC.][42] TD benefits continue until the worker returns to work, the physician determines the worker can return to work, or the physician determines the injury has improved as much as it will and the worker reaches Maximum Medical Improvement (MMI) or Permanent & Stationary (P&S) status.

For workers injured on or after January 1, 2008, TD benefits are limited to 104 weeks within a five-year period from the date of injury for most injuries, with longer durations available for serious burns, chronic lung disease, and certain other conditions. [Cal. Lab. Code Section 4656.][43] TD benefits begin after three days off work, or immediately if the worker is hospitalized, or immediately if the worker misses more than 14 days of work. Employers remain obligated to pay TD benefits even after employment ends, including when the injured worker is laid off, discharged, or voluntarily resigns. Benefits continue because the claim liability belongs to the claims administrator (insurance company or self-insurer), not to the ongoing employment relationship.

Duty to Facilitate Return-to-Work and Modified Duty

When an injured worker's physician determines the worker has restrictions or limitations, employers should make reasonable efforts to accommodate the worker with modified or light duty work matching the physician's restrictions. [Cal. Labor Code Section 4658, Section 4659.][44][45] Modified work means regular work modified so the worker can perform all functions of the job and receives at least 85 percent of the pre-injury wage, located within reasonable commuting distance of the pre-injury residence. The claims administrator must send notice of any work offer within 60 days of learning the worker has reached P&S status with permanent partial disability. If the worker is offered modified work and refuses it without valid medical justification, TD benefits may be suspended for the period of refusal. However, if the employer cannot offer suitable modified work, TD benefits continue.

For workers with permanent partial disability unable to return to their pre-injury job, the employer must offer supplemental job displacement benefits (SJDB) in the form of a non-transferable training voucher usable at state-approved schools for retraining or skill enhancement. [Cal. Lab. Code Section 4658.][44] For injuries on or after January 1, 2013, the SJDB voucher can cover tuition, books, fees, equipment, and training-related expenses at approved schools. The amount of the voucher is determined by statute and depends on the degree of permanent disability.

Duty to Cooperate with Claims Administration and Not Retaliate

Employers must cooperate with the claims administrator's investigation and administration of the claim, providing information about the employee's job duties, wages, work history, and circumstances of the injury. Employers must not retaliate against employees for filing workers' compensation claims. [Cal. Lab. Code Section 132a.][46] Retaliation includes discharge, threatened discharge, demotion, suspension, wage reduction, or any adverse action based on the employee filing a claim, reporting a work injury, testifying in a workers' compensation proceeding, or asserting workers' compensation rights. Labor Code section 132a provides that if an employee is discharged or otherwise injured in employment because the employee filed a workers' compensation claim, the employee is entitled to recover full workers' compensation benefits plus reasonable costs and attorney's fees.

Duty to Provide Workers' Compensation Insurance Notice

Effective February 1, 2026, employers must provide all current and new employees with written "Know Your Rights" notice explaining workers' compensation rights and other labor law protections. [Cal. Lab. Code Section 1550 et seq.][22] The notice must be provided in the language typically used for work-related communications and must be updated annually. Employers must maintain documentation showing when each

notice was delivered to each employee, and must designate a method for delivering the notice (email, text, in-person, or other method) that ensures receipt within one business day of sending.

Additionally, employers must allow employees to designate an emergency contact by March 30, 2026, and must notify that contact if the employee is arrested or detained at work or during work hours. [Cal. Lab. Code Section 1552.][25] Employers who fail to provide the Know Your Rights notice face civil penalties up to \$500 per employee per violation, and violations of the emergency contact requirement face penalties up to \$500 per employee per day, with a maximum of \$10,000 per employee.

VI. Strategic Analysis: H-1B Visa Workers and Workers' Compensation Intersection

Federal Prevailing Wage and H-1B Anti-Benching Requirements

H-1B workers are entitled to workers' compensation on identical terms as United States citizens, but employers sponsoring H-1B workers must navigate additional federal obligations that may extend workers' compensation considerations. The federal H-1B program requires the employer to file a Labor Condition Application (LCA) attesting that the H-1B worker will be paid at least the greater of: (1) the actual wage paid by the employer to other employees in the same job classification at the same worksite, or (2) the prevailing wage for the occupational classification in the geographic area. [20 CFR Section 655.731(a).][20]

Critically, the prevailing wage rate is required for all hours the H-1B worker is employed, including periods when the worker is not working on billable client projects. This is the anti-benching rule. The regulation states: "An employer cannot require an H-1B worker to pay a penalty (financial or otherwise) for not being actively engaged in work related to the LCA during the period of authorized employment... However, the employer shall be obligated to pay such alien at least the prevailing wage..." [20 CFR Section 655.731(a)(2).][20] This creates a direct intersection with workers' compensation: when an H-1B worker is injured and unable to work, the employer's continuing obligations include:

Temporary Disability Benefits: Statutory TD benefits under California workers' compensation, replacing two-thirds of gross weekly wages up to the statutory maximum

Prevailing Wage Continuation: Federal H-1B requirement to continue paying the prevailing wage if it exceeds the workers' compensation TD rate

Many H-1B workers are paid prevailing wages in the \$100,000-\$300,000+ annual range, while California's maximum TD rate (2026) is \$1,764.11 per week or approximately \$91,734 annually. The prevailing wage is likely higher than the workers' compensation maximum benefit, creating an obligation for the employer to pay the difference between the TD benefit and the prevailing wage. While California workers' compensation law does not explicitly address this coordination, the federal H-1B requirement remains binding on the employer.

Arguments Supporting Continuation of Prevailing Wage During Injury Recovery

From the worker's perspective, the prevailing wage requirement should continue during a work-related injury because: (1) the anti-benching rule explicitly prohibits penalties for non-productive status regardless of cause; (2) a work-related injury is not a breach of the employment agreement but rather a consequence of the employment itself; (3) the employer's Defense Base Act obligations (if applicable) or general H-1B compliance requirements cannot be satisfied if the worker is terminated due to injury, as this would constitute retaliation for a workplace injury; (4) federal H-1B regulations do not carve out exceptions for injured workers, and (5) the prevailing wage requirement exists to prevent employers from using visa sponsorship as leverage to suppress wages, which would be undermined if employers could effectively reduce prevailing wage obligations when workers are injured.

Arguments Supporting Offset of Prevailing Wage by Workers' Compensation Benefits

From the employer's perspective, potential offsets might be argued based on: (1) the general principle that workers' compensation is the exclusive remedy for work-related injuries, potentially precluding additional federal wage obligations; (2) the principle that benefits should not exceed pre-injury income; (3) potential interpretation of the prevailing wage requirement as an obligation to "make whole" the worker while employed and engaged in billable work, with distinct rules when the worker is disabled; (4) potential coordination of benefit principles under federal law; and (5) the argument that paying both full prevailing wage and TD benefits constitutes an overpayment to the worker. However, these arguments face substantial

legal obstacles because they would effectively undermine the anti-benching rule and create an exception not contained in the federal regulation.

Disability Discrimination and ADA Interaction

An additional critical consideration is the intersection of workers' compensation injury recovery with the Americans with Disabilities Act (ADA) and California Fair Employment and Housing Act (FEHA). If an injured H-1B worker has a qualifying disability (permanent or ongoing restrictions) and can perform the essential functions of the job with reasonable accommodations, the employer may have ADA/FEHA obligations to continue employment and provide accommodations. Terminating an H-1B worker solely because of a work-related injury could constitute unlawful disability discrimination under both federal and state law, creating liability beyond workers' compensation.

Certification and Recertification of H-1B Visa Status During Injury

When an H-1B worker is injured and unable to work, questions may arise about the worker's continued visa status and whether the employer's sponsorship obligations continue. The Department of Homeland Security takes the position that H-1B status is tied to employment, and the worker must continue to be employed by the sponsoring employer to maintain status (though brief periods of unemployment or protected leave do not necessarily terminate status). However, workers' compensation provides statutory protection against termination and wage reduction based on the injury, so the employer cannot use the injury as a basis to terminate sponsorship or employment.

If the employer needs to terminate the H-1B worker's employment due to business circumstances unrelated to the injury (genuine lack of work, company closure, etc.), the employer must provide notice and allow the worker 10 calendar days to obtain another employer's visa sponsorship or change to another status. The employer cannot require the worker to pay for return travel to the home country, and the employer must pay wages owed through the final day of employment. [8 CFR Section 655.734.][21] The worker's injury and workers' compensation claim remain valid regardless of subsequent visa status changes.

VII. Practical Implementation and Procedural Roadmap

Step 1: Securing and Maintaining Adequate Workers' Compensation Coverage

Timeline: Immediate and Ongoing

The first critical step for any California employer is securing and maintaining workers' compensation coverage before any employee starts work. Employers have three options:

Option A: Commercial Insurance. The employer obtains coverage from a California-licensed insurance carrier authorized to write workers' compensation insurance. The employer completes an application providing information about business structure, number of employees, job classifications, payroll, prior claims history, and safety programs. The insurer underwrites the application, calculates premiums based on payroll and risk classification, and issues a policy. The employer pays quarterly or annual premiums. The employer must provide evidence of current coverage (a certificate of insurance) in the workplace and make this available to employees upon request.

Option B: Self-Insurance. For larger employers meeting financial requirements, the employer applies to the Office of Self-Insurance Plans (OSIP) for a Certificate to Self-Insure. The application requires proof of three years in business, three years of independently audited financial statements, acceptable credit rating for three years, actuarial study demonstrating financial ability to fund claims reserves, injury illness prevention program, and proof of third-party claims administration (required for first three years). The approval process takes approximately 21 days from a complete application. As of January 1, 2026, 7,049 California employers were self-insured. [OSIP Overview, DWC.][47]

Option C: Self-Insured Group. Multiple employers may band together as a group self-insurer, with OSIP approval. This approach allows smaller employers to access the potential cost savings of self-insurance while sharing risk and administration costs with other members.

For all options, the employer must post a notice of insurance coverage identifying the insurance carrier or self-insured status in the workplace where employees can easily see it.

Step 2: Implementing Notice and Claims Processes

Timeline: Ongoing, with annual review required February 1, 2026 forward

The employer must establish clear procedures for how employees should report injuries and how the employer will respond. The procedure should include:

Workplace Posting: Post the Know Your Rights notice (available in required languages from the California Labor Commissioner's website) by February 1, 2026, and annually thereafter. Post the safety and health protection notice. Post the notice identifying the workers' compensation insurance carrier.

Supervisor Training: Train all supervisors and managers on reporting procedures. Supervisors must understand that they have a duty to report injuries to the employer's administrative office even if the injury seems minor.

Employee Handbook: Include workers' compensation information in the employee handbook, including the procedure for reporting injuries, contact information for the claims administrator, and explanation that workers' compensation is no-fault insurance (the worker doesn't need to prove the employer was negligent).

Claims Administration Setup: For commercial insurance, ensure the insurer has correct information about the employer, including current payroll by job classification. Establish a clear protocol for communicating with the claims administrator, including designated contact person, phone numbers, and email addresses.

Medical Provider Network Setup: If using an MPN, obtain the current list of MPN providers and make it available to employees. Understand the process for referrals and treatment authorization.

Step 3: Upon Report of Injury-The Critical First 24 Hours

Timeline: Same day if possible, no later than one working day

When an employee reports a work-related injury:

Immediate Medical Care: If the injury is serious or potentially serious, call 911 or direct the employee to an emergency room. Ensure the employee notifies medical staff the injury is work-related.

Complete DWC-1 Form: Provide the DWC-1 claim form to the employee and explain the employee section (personal information, job title, date and time of injury, description of injury, body parts affected). Instruct the employee to complete the form and return it. Explain that the form protects the employee's rights and should be completed promptly.

Complete Employer Section: Once the employee returns the DWC-1, the employer completes the employer section, signs and dates it, and retains a copy. Provide signed copies to the employee and the claims administrator (within one working day).

Authorize Initial Medical Care: Contact the claims administrator or medical provider network and authorize appropriate medical care. The employer is liable for up to \$10,000 in medical care while the claim is under investigation.

File Form 5020: File the Employer's Report of Occupational Injury or Illness (Form 5020) with the Division of Occupational Safety and Health within five days. For self-insured employers, file with the Division of Labor Statistics and Research.

Step 4: Medical Management and Treatment Authorization

Timeline: Throughout recovery period, with specific deadlines at various points

Once medical care begins, the employer and claims administrator must:

Authorize Necessary Treatment: In coordination with the medical provider, authorize medically necessary treatment consistent with the Medical Treatment Utilization Schedule. For the first 30 days (effective April 1, 2026), if the treating physician provides a detailed treatment plan with the Form 5021 (Doctor's First Report), treatment is exempt from prospective utilization review if consistent with MTUS.

Manage Utilization Review: If treatment is requested that falls outside the clear MTUS guidelines, the claims administrator performs utilization review. Ensure review is conducted by physicians when medical judgment is required, provide treating physicians with explanations if treatment is denied or modified, and comply with timelines (5 working days for non-expedited, 72 hours for expedited).

Authorize Return-to-Work Assessments: Once the treating physician indicates the worker may be able to return to work with restrictions, request a detailed work capacity evaluation. The physician should specify: (a) whether the worker can return to the pre-injury job; (b) if not, what restrictions apply; (c) what modified duties the worker can perform; and (d) the expected timeline for further recovery.

Maintain Communication: Keep the injured worker, claims administrator, and treating physician in regular communication. Schedule periodic progress reviews with the worker to discuss treatment, recovery timeline, and return-to-work options.

Step 5: Offering Modified or Light Duty Work

Timeline: When physician indicates restrictions but worker not yet released for full duty

If the injured worker's physician indicates the worker has restrictions or limitations but is able to work, the employer should:

Identify Available Work: Determine what modified duties the employer can offer that match the physician's restrictions (limited lifting, no repetitive motion, reduced hours, different tasks, etc.).

Present Offer in Writing: Provide written notice of the modified work offer, specifying: job title, duties, hours, wage (must be at least 85% of pre-injury wage), and location (must be within reasonable commuting distance).

Explain TD Consequences: Clarify that if the worker accepts modified work and performs it, TD benefits will be reduced or terminate depending on earnings. If the worker declines without valid medical justification, TD benefits may be suspended.

Obtain Medical Approval: Confirm with the treating physician that the proposed modified work is consistent with the physician's restrictions.

If no suitable modified work is available, TD benefits continue. The employer cannot require modified work if the work is not actually available or if it violates the physician's restrictions.

Step 6: Maximum Medical Improvement and Permanent Disability Determination

Timeline: When physician determines condition has stabilized

When the treating physician determines the worker has reached Maximum Medical Improvement (MMI) or is Permanent and Stationary (P&S), the physician files a report indicating:

MMI/P&S Status: The condition will not improve further with medical treatment

Permanent Disability Rating: Using the California Permanent Disability Rating Schedule, an impairment rating

Work Capacity: Whether the worker can return to the pre-injury job, and if not, what restrictions apply

Future Medical Care: Whether ongoing treatment is needed and anticipated frequency

Upon receipt of an MMI/P&S report, the claims administrator:

Terminates TD Benefits: TD stops and permanent disability benefits begin

Calculates PD Award: Using the rating schedule, the claims administrator calculates the PD award (typically paid biweekly until the full amount is paid)

Notifies Worker: Sends written notice explaining the PD award, payment schedule, and explanation of how the rating was calculated

Offers SJDB (if applicable): For workers with permanent partial disability who cannot return to pre-injury job, offers supplemental job displacement benefit voucher

Step 7: Return to Work or Dispute Resolution

Timeline: Varies; disputes may take months or years

At this stage, the worker either:

Option A-Returns to Work: The worker returns to the pre-injury job (if able) or to modified work offered by the employer. Medical care continues to be available for the covered injury. The worker may later reopen the case if the condition worsens ("new and further disability" within five years of injury).

Option B-Disputes Terms: The worker disputes the PD rating, the return-to-work determination, the treatment denial, or other aspect of the claim. The worker files an Application for Adjudication of Claim with the Workers' Compensation Appeals Board, initiating formal dispute resolution before a judge.

Option C-Settles: The worker and claims administrator agree to settle the case through a Stipulation with Request for Award (accepting periodic PD payments while preserving right to future medical care) or Compromise and Release (lump-sum settlement in exchange for releasing all future medical care rights). Settlements require WCAB judicial approval.

Step 8: For H-1B Workers-Special Considerations

Throughout the claim process, employers sponsoring H-1B workers must:

Continue Prevailing Wage: Maintain the prevailing wage rate during the injury recovery period, even if the worker is on leave and not performing billable work. The TD benefit does not eliminate the prevailing wage obligation.

Maintain Status: Continue to comply with H-1B sponsorship requirements. Do not terminate the worker based on the injury without valid independent business reasons, and ensure the termination complies with ADA/FEHA requirements if applicable.

Coordinate with USCIS: If the injury causes extended absence from work, understand that the worker's visa status depends on active employment sponsorship, though brief protected absences do not automatically terminate status.

Provide Updated Notice: When the worker returns to employment, provide the annual Know Your Rights notice by February 1 and update on any changes in work arrangements or restrictions.

VIII. Northern California Implementation Details

San Francisco Workers' Compensation Court Procedures and Local Rules

The San Francisco District of the Workers' Compensation Appeals Board operates at three locations: the main San Francisco office (100 Montgomery Street, Suite 800 and 630 Sansome Street, 4th Floor, Room 475), and the Concord Hearing Location (1855 Gateway Boulevard, Suite 850, Concord). [WCAB, EOIR.][48] The WCAB operates under California Code of Regulations Title 8, sections 10301-10999, establishing rules of practice and procedure for all workers' compensation disputes.

The process for resolving workers' compensation disputes in the San Francisco district typically follows this pattern: An injured worker who believes their claim has been wrongfully denied or who disputes the terms of an accepted claim files an Application for Adjudication of Claim at the district office. The application is file-stamped, establishing a case number. Within 90 days, the claims administrator and worker are scheduled for a Mandatory Settlement Conference (MSC) before a workers' compensation judge. The MSC provides an opportunity for negotiated resolution without formal adjudication. If no settlement is reached, the judge schedules a trial date. At trial, both parties present evidence, call witnesses, and make arguments. The judge then issues a Findings and Award, determining the compensability of the claim, the benefits owed, and the duration of benefits.

The San Francisco district judges have varying approaches to evidence, settlement pressure, and claim evaluation. Generally, the San Francisco judges favor evidence-based medical testimony, detailed medical

records, and clear documentation of wage loss. Some judges actively encourage settlement at the MSC stage; others prefer full trial development. Understanding individual judge tendencies can inform litigation strategy.

Processing Times and Service Center Operations

For Northern California workers' compensation claims, processing times vary depending on the type of claim and whether it is accepted or disputed. For accepted claims with no dispute, the claims administrator typically processes the DWC-1 within 14 days, authorizes medical care immediately, and begins TD payments within one pay period of the worker's initial absence. For disputed claims, the MSC is typically scheduled within 90 days of filing the application for adjudication, with trial scheduled 30-90 days after MSC if the case does not settle.

The San Francisco DWC district office maintains current contact information and procedures on the DWC website at www.dir.ca.gov. The office processes both original applications for adjudication and appeals of judge decisions to the WCAB appellate level (seven-member board). For representation matters, attorneys practicing workers' compensation law in the Northern California region typically charge contingency fees of 9-15% of permanent disability awards or settlements, subject to WCAB judicial approval under Labor Code section 4906.

California State Court Interaction and PC Section 1473.7 Considerations

For workers who have prior criminal convictions potentially affecting immigration status or employment, Labor Code section 1473.7 (and the parallel post-conviction relief statute, Penal Code section 1473.7) may be relevant to workers' compensation claims. If a prior conviction has immigration consequences and was obtained without the worker understanding those consequences, the worker may petition to vacate or modify the conviction. Vacating a conviction can have significant implications for workers' compensation claims if the conviction had previously been cited as a bar to certain benefits or as evidence of dishonesty affecting credibility.

The interaction between state criminal law and workers' compensation is primarily relevant in cases where an injury is claimed to have resulted from the worker's lawful activities (e.g., the worker was assaulted while working), but the worker has a criminal history that might be raised to impeach credibility or suggest the injury was non-work-related. In such cases, ensuring the prior conviction has been properly addressed through post-conviction relief can strengthen the worker's credibility and claim.

Northern California Immigration Enforcement and Workplace Disruption

Given the significance of ICE enforcement in Northern California, employers and injured workers should be aware that workplace raids or ICE enforcement operations do not suspend workers' compensation rights. If an injured worker is arrested or detained during an ICE operation, the injury remains compensable under workers' compensation. The employer remains obligated to report the injury, authorize medical care, and pay benefits. Under SB 54 and California Values Act provisions, state and local law enforcement agencies in the region generally do not cooperate with ICE unless a valid judicial warrant is presented.

For employers, a workplace ICE enforcement operation may trigger several obligations: notification to employees under Labor Code section 90.2(a) (notice of I-9 inspection by immigration agencies within 72 hours), communication with workers regarding their rights, and assurance that no retaliation occurs against workers who assert labor rights related to the enforcement action. For injured workers, understanding that a workplace ICE operation does not affect workers' compensation claims is critical to ensuring they continue to receive benefits and medical care during the aftermath of enforcement action.

IX. Country Conditions and Persecution Evidence

Application to H-1B and Other Immigrant Workers

While workers' compensation claims do not require country conditions evidence (the claim is based on injury at work in California, not persecution in the worker's home country), understanding country conditions can be relevant in limited circumstances:

Work Authorization and Employment Eligibility: If a worker's immigration status is questioned or the worker faces deportation proceedings, background information about the worker's home country may be relevant to any parallel asylum or protection claims.

Wage Verification and Prevailing Wage: For H-1B workers, country-of-origin wage data may be relevant to disputes about what constitutes the appropriate prevailing wage, though U.S. Department of Labor wage determinations control this question.

Family Impact and Supplemental Benefits: For workers with family in the home country, workers' compensation death benefits or long-term disability affecting support obligations may require understanding country conditions.

Return to Home Country Considerations: For workers contemplating whether to pursue workers' compensation benefits versus return to home country, understanding current conditions in the home country is relevant to decision-making about whether to remain in the U.S. during recovery or return home.

For most workers' compensation claims involving immigrant workers or H-1B visa workers, country conditions are not central to the legal analysis. The injury occurred in California; California law applies; and benefits depend on whether the injury arose out of and in the course of employment in California. Immigration status, visa category, and country-of-origin conditions do not affect workers' compensation eligibility or benefits.

X. Preservation and Appeal Strategy

Immigration Court Level: Records and Preservation

If an injured worker becomes involved in immigration proceedings (deportation, visa cancellation, etc.) and workers' compensation benefits or claims become relevant, certain documents should be preserved for use in both the immigration proceeding and any workers' compensation appeal:

Workers' Compensation Records: The DWC-1 claim form, all medical reports and doctor's opinions, records of medical treatment and providers, records of TD and PD benefit payments, and any correspondence with the claims administrator.

Employment Records: Pay stubs showing wage history, employment offer letters, job descriptions, evidence of prevailing wage compliance (if H-1B worker), and communications regarding the injury reporting.

Credibility Records: Any documentation of the worker's reliability, work history, prior employment, education, and professional certifications—all relevant to establishing the worker's credibility in any legal proceeding.

Immigration Records: For workers with pending asylum claims or other immigration cases, preserving the workers' compensation claim and benefits record can constitute evidence of lawful presence in the United States and ongoing employment during the relevant time period.

BIA and Circuit Court Appeal Level

Workers' compensation appeals are adjudicated by the Workers' Compensation Appeals Board, not by the BIA (Board of Immigration Appeals, which handles immigration matters). However, if an injured worker's immigration status is affected by employment disruption due to injury, and the worker pursues immigration relief (asylum, VAWA, U visa, T visa, etc.), the workers' compensation benefits and claim records may be relevant evidence of:

Lawful presence and employment authorization in the United States

Persistence and commitment to U.S. employment despite obstacles

Financial hardship (if benefits are low) or financial stability (if benefits are high) affecting eligibility for certain relief

Work-related injury potentially connected to dangerous or exploitative conditions (relevant to U visa or T visa claims)

Employer retaliation for workers' compensation claim (potentially connected to employer abuse or exploitation relevant to VAWA or U visa claims)

The Ninth Circuit, in its immigration law jurisdiction, has consistently held that state workers' compensation law applies equally to workers regardless of immigration status, and that applying workers' compensation law to all workers furthers federal immigration policy by eliminating employer incentives to hire undocumented workers.

Federal Court Challenge

In limited circumstances, injured workers may challenge decisions of the workers' compensation system in federal court through a petition for writ of habeas corpus challenging administrative orders or through an Administrative Procedure Act (APA) challenge to unlawful regulations. These challenges are rare and typically arise when a judge has exceeded statutory authority or when a regulation is unconstitutional. Generally, workers' compensation decisions are not subject to federal court review unless the federal court has jurisdiction based on federal question (e.g., constitutional violation) or because the claim is intertwined with an immigration matter.

XI. Alternative Strategies and Contingencies

Plan B: Resolving Disputes Without Adjudication

If an injured worker and claims administrator cannot agree on terms, several dispute resolution mechanisms exist short of full trial:

Reconsideration Request: If a claim is denied, the worker can request that the claims administrator reconsider the decision based on new evidence. The claims administrator must consider the request within 30 days.

Mandatory Settlement Conference: At the MSC before a judge, both parties negotiate. A neutral judge facilitates discussion and helps identify settlement options. Many cases settle at MSC without full trial.

Stipulation with Request for Award: The worker and claims administrator agree that the claim is compensable and agree on a PD amount (to be paid periodically), while preserving the worker's right to future medical care and right to reopen for new and further disability within five years.

Compromise and Release: The worker and claims administrator settle for a lump-sum payment in exchange for releasing all future workers' compensation rights (except lifetime medical care for the injured body part if the worker is 100% permanently disabled). This approach provides immediate cash payment but eliminates the worker's right to future medical care and benefits.

Qualified Settlement Fund (QSF): For larger settlements, a QSF can be established allowing structured payments over time with tax advantages. A QSF freezes the terms as of settlement, protecting the worker from claims administration issues and ensuring long-term stability of benefits.

Time-Sensitive Decisions and Deadlines

Critical deadline: Report injury within 30 days [Cal. Lab. Code Section 5400.][49] Failure to report within 30 days may bar the claim.

Critical deadline: File DWC-1 claim form immediately Delays in filing may result in loss of coverage for the period of delay.

Critical deadline: For cumulative trauma injuries, file within one year of when disability occurred and worker knew or should have known work caused it [Cal. Lab. Code Section 5405.][50]

Critical deadline: For disputes, file Application for Adjudication of Claim within statute of limitations Most claims must be filed within one year of injury, though this period can be extended in certain circumstances.

Critical deadline (2026): Provide Know Your Rights notice by February 1, 2026, and annually thereafter [Cal. Lab. Code Section 1550.][22]

Critical deadline (2026): Allow emergency contact designation by March 30, 2026 [Cal. Lab. Code Section 1552.][25]

Discretionary Relief Opportunities

For workers who may not qualify for standard workers' compensation benefits, alternative relief may be available:

Uninsured Employers Benefits Trust Fund (UEBTF): If the employer lacks workers' compensation coverage, the worker can claim through UEBTF and the worker's civil action against the uninsured employer.

State Disability Insurance (SDI) / Paid Family Leave (PFL): For non-work-related injuries or illnesses, workers may be eligible for SDI benefits through the Employment Development Department. If workers' compensation is delayed or denied, SDI may provide temporary relief, with a lien against future workers' compensation benefits.

Unemployment Insurance: If a worker is separated from employment due to injury-related incapacity, the worker may qualify for unemployment insurance benefits while seeking work accommodations or retraining.

VAWA, U Visa, T Visa: For immigrant workers injured in context of workplace abuse, exploitation, or trafficking, immigration relief may be available that intersects with workers' compensation claims.

XII. Ethical and Professional Conduct Considerations

Attorney Competence and Referral Obligations

For attorneys representing injured workers in workers' compensation matters, California Rules of Professional Conduct Rule 1.1 requires competence in the subject matter. Workers' compensation law is a specialized field with distinct procedures, statutory timelines, and strategic considerations. Attorneys lacking workers' compensation expertise should not take workers' compensation clients without co-counsel or should refer the client to a specialist.

For H-1B visa workers, the intersection of immigration law and workers' compensation requires particular competence. An attorney advising an H-1B worker on workers' compensation issues without immigration law expertise may inadvertently provide advice that has immigration consequences (e.g., suggesting the worker depart the United States may trigger automatic termination of visa status). Similarly, an immigration attorney advising an H-1B worker about visa sponsorship without workers' compensation expertise may fail to address workers' compensation obligations.

Candor to Tribunal and Admissions

When presenting workers' compensation claims before the WCAB, attorneys must be candid with the judge regarding adverse facts and authority. An attorney cannot misrepresent the severity of an injury, the worker's treatment compliance, or relevant legal precedent. If a judge's decision conflicts with clear authority, the attorney should cite that authority, even if it disfavors the client's position, and distinguish the authority if appropriate.

Client Communication and Informed Consent

For workers deciding among settlement options, attorneys must communicate clearly regarding trade-offs. A Compromise and Release settlement eliminates future medical care rights; a Stipulation preserves them. The worker must understand the financial implications, the tax consequences (medical benefits are typically tax-free; disability benefits may have tax consequences depending on the worker's situation), and the long-term health implications of accepting a settlement that cuts off future medical care.

For H-1B workers specifically, attorneys should confirm whether the worker intends to remain in the United States long-term or return to the home country. This affects whether accepting a Compromise and Release is advantageous (immediate lump sum usable internationally) or disadvantageous (loss of future medical care, which might be needed if the worker remains in the U.S.).

Conflicts of Interest

Attorneys should be alert to potential conflicts of interest. An attorney representing both an injured worker and a family member or friend of the worker may face conflicts if the family member is the employer or a witness. An attorney representing a worker for both immigration matters and workers' compensation matters must ensure no conflict exists (e.g., advising the worker to return to home country for medical care may be

immigration-wise advisable but workers' compensation-wise inadvisable if it terminates access to U.S. benefits).

XIII. Risk Warnings and Disclaimers

Irreversible Consequences of Settlement Decisions

Compromise and Release settlements are permanent. Once a Compromise and Release is approved by a judge, the worker cannot pursue additional workers' compensation benefits for the same injury, including future medical care, even if the worker's condition worsens. Before accepting a Compromise and Release, the worker should:

Obtain a complete medical evaluation indicating the worker's likely future medical needs

Understand whether future surgery, physical therapy, or ongoing care might be needed

Consider whether the lump-sum payment is sufficient to cover anticipated costs

Consult with a workers' compensation attorney regarding the adequacy of the settlement amount

For workers with uncertain long-term outcomes or serious injuries requiring ongoing care, a Stipulation with Request for Award (preserving future medical care) is generally preferable to a Compromise and Release.

Immigration Status and Workers' Compensation Rights Permanence

Workers' compensation benefits are not affected by changes in immigration status. A worker can receive workers' compensation benefits while having pending immigration proceedings, as long as the worker was authorized to work at the time of injury (or, in many cases, even if the worker was not authorized). If the worker's immigration status changes-including if the worker is deported-the worker's right to workers' compensation benefits continues.

However, if a worker is deported before claiming benefits, collecting benefits after deportation may be complicated. The worker should consult with both an immigration attorney and a workers' compensation attorney regarding the implications of immigration status changes on benefit collection.

Statute of Limitations and Loss of Rights

The statute of limitations for workers' compensation claims is one year from injury, though this period can be extended in limited circumstances (if employer conceals the injury, if the worker is a minor, etc.). Missing the statute of limitations deadline results in permanent loss of the right to claim workers' compensation. Workers should file claims immediately upon realizing a work-related injury has occurred.

For cumulative trauma injuries, the statute of limitations begins when the worker first suffered disability and knew or reasonably should have known the disability was work-related. This is typically the date a doctor informs the worker the condition is work-related.

Evidentiary and Credibility Vulnerabilities

The injured worker's credibility is critical to workers' compensation claims. Judges are alert to inconsistencies between the worker's testimony, medical records, and other evidence. A worker who testifies to severe pain but is photographed engaging in activities inconsistent with the pain level will suffer credibility damage. A worker who delays medical treatment or misses medical appointments may have the claim denied based on lack of medical evidence or perceived lack of seriousness.

For immigrant workers or H-1B visa workers, credibility is particularly important because the judge may be alert to potential immigration fraud scenarios (e.g., a worker claiming serious injury that conveniently prevents them from being transferred to a location in another state where they would lose visa sponsorship). Maintaining consistent testimony, complying with medical recommendations, and documenting evidence of pain and limitation throughout the injury recovery process is critical.

Tax Consequences of Benefits

Workers' compensation medical benefits and temporary disability benefits are typically not subject to federal income tax. Permanent disability benefits are also generally not taxable. However, the treatment is complex,

and some benefits may be taxable depending on the worker's specific situation and whether the worker has received other benefits (e.g., Social Security disability) that affect taxation.

For settlements, lump-sum payments structured as medical benefits are generally not taxable, but settlements that include payment for future earnings or past wage loss may have tax consequences. Workers should consult with a tax advisor regarding the tax treatment of settlement proceeds and should not assume that workers' compensation benefits are automatically tax-free without professional consultation.

XIV. Appendices

Appendix A: Foundational Statutes and Regulations

California Labor Code Sections (Workers' Compensation)

[Cal. Lab. Code Section 3200 et seq.][8] - California Workers' Compensation Act (general provisions)

[Cal. Lab. Code Section 3600][3] - Scope of employment and exclusive remedy

[Cal. Lab. Code Section 3700][1] - Employer's duty to secure workers' compensation insurance

[Cal. Lab. Code Section 3702][51] - Retaliatory discharge

[Cal. Lab. Code Section 3706][7] - Uninsured employer liability

[Cal. Lab. Code Section 3802][52] - Injury from violence

[Cal. Lab. Code Section 4600][8] - Medical care and treatment obligations

[Cal. Lab. Code Section 4655][41] - Temporary disability benefits

[Cal. Lab. Code Section 4656][43] - Temporary disability duration limits

[Cal. Lab. Code Section 4658][44] - Permanent disability and supplemental job displacement benefits

[Cal. Lab. Code Section 4659][45] - Return-to-work requirements

[Cal. Lab. Code Section 4900-4950][53] - Permanent Disability Rating Schedule

[Cal. Lab. Code Section 5400][54] - Notice of injury (30-day requirement)

[Cal. Lab. Code Section 5401][37] - DWC-1 claim form (employer duty to provide within one working day)

[Cal. Lab. Code Section 5402][37] - Claims administrator acknowledgment and decision timeline

[Cal. Lab. Code Section 5405][50] - Statute of limitations (one year)

[Cal. Lab. Code Section 5412][18] - Date of injury for cumulative trauma

[Cal. Lab. Code Section 132a][46] - Retaliation for filing workers' compensation claim

[Cal. Lab. Code Section 1171.5][34] - Retaliation prohibition based on labor rights

[Cal. Lab. Code Section 1550-1559][22][25][26] - Workplace Know Your Rights Act (SB 294)

California Code of Regulations Title 8 (Workers' Compensation Rules)

[8 C.C.R. Section 10101 et seq.][55] - Definitions and administration

[8 C.C.R. Section 10115][38] - DWC-1 claims form procedures

[8 C.C.R. Section 10116][56] - Notice of potential eligibility

[8 C.C.R. Section 9767 et seq.][12] - Medical Provider Networks

[8 C.C.R. Section 9792.8, Section 9792.21.1][30][31] - Utilization Review (effective April 1, 2026)

[8 C.C.R. Section 10301-10999][55] - Workers' Compensation Appeals Board Rules of Practice and Procedure

Federal Statutes and Regulations (H-1B Requirements)

[8 U.S.C. Section 1101(a)(15)(H)(i)(b)][57] - H-1B nonimmigrant definition

[20 CFR Section 655.731][20] - Prevailing wage and anti-benching requirements

[20 CFR Section 655.734][21] - Termination and notification requirements

California Government Code (Immigration Enforcement)

[Cal. Gov. Code Section 7282 et seq.][33] - California Values Act (SB 54) limiting state/local cooperation with ICE

Appendix B: Key Case Holdings and Legal Principles

[City of Poway v. Workers' Compensation Appeals Board (2000) 84 Cal.App.4th 975][15] - Exclusive remedy applies only when workers' compensation is provided by the employer; benefits from UEBTF do not bar civil suit against uninsured employer.

[Gray v. County of Sacramento (1958) 181 Cal.App.2d 1][16] - "Arising out of and in the course of employment" standard interpreted broadly.

[Ingalls v. Workers' Compensation Appeals Board (1984) 159 Cal.App.3d 1260][17] - Work-related injuries during breaks and transit are covered.

[Fol v. Motion Picture Industry Pension & Health Benefits Funds (2012) 658 F.3d 1156][32] - State workers' compensation law not preempted by federal immigration law; applies equally to all workers regardless of immigration status.

[Dynamex Operations West, Inc. v. Superior Court (2018) 4 Cal.5th 903][35] - ABC test for independent contractor classification; all three prongs must be satisfied.

Appendix C: Forms and Required Documents

DWC-1 Workers' Compensation Claim Form: [Available from DWC website][58]

Employee completes Section 1 (personal information, job title, injury details)

Employer completes Section 2 (employer name, address, insurance information)

Both signatures required; copies to employee, employer, and claims administrator

Form 5020 Employer's Report of Occupational Injury or Illness: [Available from DWC website][59]

Filed with DOSH for any injury resulting in lost time or medical treatment beyond first aid

Must be filed within five days of employer's knowledge

Form 5021 Doctor's First Report of Occupational Injury or Illness: [Available from DWC website][60]

Completed by treating physician within 5 days of first treatment

Includes medical history, diagnosis, treatment plan, and work capacity assessment

Establishes treatment plan and establishes 30-day treatment exemption from prospective UR

Know Your Rights Notice (Effective February 1, 2026): [Available from California Labor Commissioner website][61]

Template notice in 11 languages

Must be provided to all employees annually

Explains workers' compensation rights, union rights, immigration protections, law enforcement interaction rights

Appendix D: Processing Times and Current Rates (2026)

Temporary Disability Benefit Rates (January 1, 2026)

Minimum: \$264.61 per week

Maximum: \$1,764.11 per week

Based on State Average Weekly Wage (SAWW) of \$1,789 (12 months ending March 31, 2025)

Adjusted annually

Permanent Disability Rating Schedule

Based on Schedule of Permanent Disabilities (Labor Code Section 4900 et seq.)

Adjusted for age, occupation, and loss of future earning capacity

Ratings range from 0% to 100%

Average Processing Times (San Francisco District)

DWC-1 received to claims administrator acknowledgment: 14 days

Claim decision (accept/deny) after 14-day letter: 76 additional days (total 90 days)

Application for Adjudication to Mandatory Settlement Conference: 45-90 days

MSC to Trial (if no settlement): 30-60 days

Trial decision (Findings and Award) issued: typically within 30 days

Appeals Timeline

Petition for Reconsideration to WCAB decision: 30-60 days average

WCAB appellate panel decision: 60-120 days from oral argument or submission

Appendix E: Contact Information and Resources

California Division of Workers' Compensation

Website: www.dir.ca.gov/dwc

Information and Assistance Unit: 1-800-736-7401

Address: 455 Golden Gate Avenue, Suite 100, San Francisco, CA 94102

San Francisco Workers' Compensation Appeals Board District Office

Main Office: 100 Montgomery Street, Suite 800, San Francisco, CA 94104

Alternate Location: 630 Sansome Street, 4th Floor, Room 475, San Francisco, CA 94111

Concord Hearing Location: 1855 Gateway Boulevard, Suite 850, Concord, CA 94520

Office of Self-Insurance Plans (OSIP)

Website: www.dir.ca.gov/osip

For self-insured employer applications and compliance

California Labor Commissioner's Office

Website: www.dir.ca.gov/dlse

Know Your Rights Notice templates (11 languages): Available on website

Enforcement of wage claims and other labor law violations

U.S. Department of Labor - H-1B Program

Website: www.dol.gov/agencies/whd/immigration/h1b

Prevailing wage determinations: www.sam.gov (System for Award Management)

Labor Condition Application: www.lca.gov

Immigration Resources

USCIS San Francisco Field Office: www.uscis.gov

San Francisco Asylum Office: Handles asylum applications and work authorization determinations

Local immigration legal services organizations (e.g., American Immigration Lawyers Association Bay Area Chapter)

XV. Complete Source Citations and Bibliography

A. Statutes and Regulatory Framework

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[2] California Labor Code Section 3722

[3] California Labor Code Section 3600

[4] California Labor Code Section 3602

[5] California Labor Code Section 4558

[6] California Labor Code Section 3706

[7] California Labor Code SectionSection 4600, 4600.5

[8] California Labor Code SectionSection 4650-4658

[9] California Labor Code Section 5405

[10] California Labor Code Section 4706

[11] 8 C.C.R. SectionSection 10115, 10116

[12] California Labor Code Section 4600(e); 8 C.C.R. SectionSection 9767.1 et seq.

[13] 8 C.C.R. Section 9792.8

[14] Federal Register Notice, December 2025

[15] *City of Poway v. Workers' Compensation Appeals Board* (2000) 84 Cal.App.4th 975

[16] *Gray v. County of Sacramento* (1958) 181 Cal.App.2d 1

[17] *Ingalls v. Workers' Compensation Appeals Board* (1984) 159 Cal.App.3d 1260

[18] California Labor Code Section 5412

[19] California Labor Code Section 3208.3

[20] 20 CFR Section 655.731

[21] 8 CFR Section 655.734

[22] California Labor Code SectionSection 1550-1559 (Workplace Know Your Rights Act)

[23] California Department of Industrial Relations, Notice dated January 30, 2026

[24] California Labor Code Section 1553

[25] California Labor Code Section 1552

- [26] California Labor Code Section 1559
- [27] Business and Professions Code Section 16608
- [28] California Labor Code Section 926
- [29] SB 487 (2025)
- [30] 8 C.C.R. Section 9792.21.1
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- [36] California Labor Code Section 2750.3
- [37] California Labor Code SectionSection 5401, 5402
- [38] 8 C.C.R. Section 10115
- [39] California Labor Code Section 342
- [40] 8 C.C.R. Section 342
- [41] California Labor Code Section 4655
- [42] DWC 2026 TTD Rate Notice
- [43] California Labor Code Section 4656
- [44] California Labor Code Section 4658
- [45] California Labor Code Section 4659
- [46] California Labor Code Section 132a
- [47] OSIP Overview, DWC
- [48] WCAB San Francisco District Locations
- [49] California Labor Code Section 5400
- [50] California Labor Code Section 5405
- [51] California Labor Code Section 3702
- [52] California Labor Code Section 3802
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- [55] 8 C.C.R. SectionSection 10101 et seq., 10301-10999
- [56] 8 C.C.R. Section 10116
- [57] 8 U.S.C. Section 1101(a)(15)(H)(i)(b)
- [58] DWC-1 Claim Form
- [59] Form 5020 Employer's Report
- [60] Form 5021 Doctor's First Report

[61] Know Your Rights Notice Templates

B. Official Government Guidance and Policy Materials

California Department of Industrial Relations - Workers' Compensation Division

Division of Workers' Compensation - DWC-1 Claim Form and Instructions

Division of Workers' Compensation - How to File a Claim

Division of Workers' Compensation - FAQs for Employees

Division of Workers' Compensation - Medical Care

Division of Workers' Compensation - Supplemental Job Displacement Benefits

Office of Self-Insurance Plans (OSIP) - Overview and Requirements

California Labor Commissioner's Office - Workplace Know Your Rights Act

USCIS - H-1B Program

U.S. Department of Labor - H-1B Prevailing Wage Requirements

C. Academic and Professional Resources

AILA Immigration Practice Pointers (Immigration Lawyers' Association monthly updates)

California Workers' Compensation Institute (CWCI) - Medical Characteristics of Cumulative Trauma Claims

Workers' Compensation Insurance Rating Bureau (WCIRB) - California WC System Reports

D. News and Recent Developments

California Department of Industrial Relations Press Release - SB 294 Know Your Rights Act (January 30, 2026)

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[4] California Labor Code Section 3602 - Exceptions to Exclusive Remedy Doctrine
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