

## Pierre Grosdidier for Construction Law Journal : Consolidated Insurance Programs and the Exclusive Remedy Defense Under Texas Law

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The Texas's Workers' Compensation Act (Tex. Lab. Code Chap. 401 *et seq.*, the "Act") offers a qualified immunity to employers who provide workers' compensation insurance to their employees. Under the Act, and barring an intentional act or gross negligence by the employer in cases of death, recovery of workers' compensation benefits is an injured employee's exclusive remedy from the employer. Workers' compensation expresses a compromise between the interests of employers and their employees when the latter suffer on-the-job injuries or death. The arrangement guarantees employees timely (albeit limited) financial compensation and, in exchange, spares employers the burden of litigation. One appellate court characterized this arrangement as two *quid pro quos* to employees and employers alike. The injured employee renounces his or her common law tort claims against the employer in exchange for a guarantee of limited recovery, and the employer agrees to pay workers' compensation premiums in exchange for legal immunity, in both cases regardless of fault.

To read the full article, click on the PDF linked below.

[Consolidated Insurance Programs and the Exclusive Remedy Defense Under Texas Law](#)