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The Difference between Jones Marine Act and Workersâ€™™ Compensation [Allan Kenan](#)

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Title 46 of the United States Code says that any sailor who shall suffer personal injury in the course of his employment may maintain an action for damages at law, with the right to trial by jury. This defines a seamanâ€™™s rights under Jones Act to bring action against ship owners for injuries caused by negligence at work. Major parts of this provision are unique to U.S. maritime laws.

Jones Marine Act or simply Jones Act is a federal statute that encompasses cabotage in the U.S. waters and between U.S. ports. It allows cabotage workers, particularly seamen, to receive compensation in case of injury at work. Often mistaken or interchanged with workersâ€™™ compensation, Jones Act settlements constitute a separate set of compensation often achieved in place of (not in addition to) workersâ€™™ compensation. In most cases, obtaining workersâ€™™ compensation and other benefits removes a seamanâ€™™s right to Jones Act benefits.

Workersâ€™™ compensation applies to all types of workers, including those in maritime commerce. It offsets a beneficiaryâ€™™s financial activities while recovering from injury and continues until the beneficiary can go back to work. While workersâ€™™ compensation can be of full benefit to workers, particularly to those whose injuries cause them to lose the ability to work for the rest of their lives, it usually covers little more than lost wages and medical bills.

In contrast with workersâ€™™ compensation, Jones Act provides considerably high cash settlements even to the slightest proven negligence of the ship owner or of a crewmate. It covers medical expenses and lost wages like workersâ€™™ compensation does. However, it goes the extra mile by providing compensation for loss of household services, pain and suffering, and loss of enjoyment in life. Depending on state laws, an applicant can receive advance compensation on future settlements.

â€œSeamenâ€• as used in Jones Act refers to workers in any vessel or facility legally operating on navigable waters. This includes workers in offshore drilling rigs, barges and ships. Jones Act workers compensation still applies whether the ship where the worker was injured while on duty is sailing or docked.

Jones Act workers compensation is also different from Longshore Harbor workers compensation (LHWC), although they cover almost the same group of workers. LHWC claims are handled before the U.S. Department of Labor. There is no federal agency required to administer Jones Act.

Learn other types of compensation for workers, such as expatriate compensation, in [howstuffworks.com](#). This website provides interesting facts about how the laws protect the rights of both local and offshore workers.

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