



Is the employee's remedy limited to workers' compensation?

No. The injured employee may bring a common law tort action against the woman because the exclusive remedy defense of workers' compensation does not extend to third parties with whom the employee has no employment relationship. Since the employee's injury did arise out of and in the course of his employment, his employer or its insurer will be liable for workers' compensation. However, to prevent a windfall or double recovery, the compensation insurer can assert a lien against the tort action and can recover that lien if the woman is found liable for the accident.

Learn More About AEI's Practice and Procedures in Workers' Compensation Self-Study Course

AEI's [*Practice and Procedures in Workers' Compensation*](#) course provides an in depth analysis of third-party actions that can arise within a workers' compensation claim. Recognizing and pursuing these third party actions can significantly reduce the workers' compensation insurer's exposure for work related injuries.

This is just one example of how AEI's convenient self-study courses and [programs](#) can increase your claims law knowledge. For more information on the entire Workers' Compensation program, click [here](#).