

Virginia Horsemen's Benevolent & Protective Association

Jockey Insurance

Two tragic events this past summer called attention again to the issue of jockey insurance. On July 22nd Emanuel Sanchez, a twenty-one year old apprentice jockey, collapsed and died of apparent dehydration after riding in a race at Colonial Downs. On July 9th Virginia resident Shannon Campbell, a long time exercise rider at Colonial and a newly licensed jockey, was thrown to the track in a race at Charles Town when her horse clipped heels. She suffered a severe spinal injury and is paralyzed from the waist down. Neither jockey was covered by worker's compensation insurance. Had they been covered Emanuel Sanchez' family would have received a substantial death benefit for its loss. Shannon Campbell would have received income protection of approximately two-thirds of her income, and she would have had all her present and future medical bills covered in their entirety. As it turned out each jockey received little more than voluntary assistance from friends and co-workers. The VHBPA Horsemen's Assistance Fund paid to transport Emanuel Sanchez home to Puerto Rico for funeral services. The jockeys at Colonial took up a collection for his family. The VHBPA, and other groups at Charles Town, conducted fund raisers for Shannon Campbell. A VHBPA golf outing in August raised over \$14,000 for her trust fund (www.scampbelltrustfund.com).

Sanchez and Campbell did not receive worker's compensation benefits because the law in Virginia, West Virginia, and most other states treats jockeys as "independent contractors," and not "employees." That same law, however, considers exercise riders, assistant trainers, grooms, and hot walkers as "employees" of the owner or trainer for whom they regularly work. The distinction is critical. "Employees" are covered by worker's compensation insurance that each owner and trainer is required by law to carry. "Independent contractors," on the other hand, are left to buy their own insurance, which for journeyman jockeys is unaffordable.

For many years there was little problem with this system because the race tracks and the Jockey's Guild both carried insurance. Each track usually had a \$100,000 policy, including Charles Town where Shannon Campbell was injured, that covered jockeys injured while riding races. Payment of medical bills and a very limited weekly wage benefit were available under those track policies. The track policies were supplemented by an additional \$1 million insurance policy the Jockey's Guild bought for its members. However, two years ago the Guild did not renew its insurance coverage, leaving jockeys with only the limited track policies.

In 2004 shortly after the Jockey's Guild dropped its insurance several jockeys were seriously injured. Their post injury experience, which included enormous medical bills and lost income, made readily apparent the inadequacy of the \$100,000 track policies. Dissatisfaction with that state of events ultimately led to a jockey boycott at Churchill Downs with attendant publicity, lawsuits, and calls for action.

The action so far has been limited to short term temporary fixes. Colonial Downs and the VHBPA shared the premium cost of increasing the track's policy from \$100,000 to \$1 million policy for jockeys riding at Colonial's 2005 summer meet. Many other tracks, including the Churchill Downs group, did likewise for the current race season. That approach, however, has limited utility in the long run for at least two reasons. It is difficult to find an insurance company to write such coverage. And the coverage, if written, is no where near as comprehensive as worker's compensation benefits.

The VHBPA, working together with Colonial Downs and the Virginia Racing Commission, is pursuing a long term permanent solution. Specifically, the VHBPA will be petitioning the Virginia General Assembly at its 2006 legislative session to amend the state worker's compensation law to include jockeys within its coverage. In doing so the VHBPA is following the example of our neighbor to the north. Maryland is one of only five states (New York, New Jersey, California, and Colorado) where jockeys are covered by worker's compensation. Maryland law does that by making jockeys "employees" of the Maryland Jockey Injury Compensation Fund and each licensed owner or trainer who pays an assessment into that Fund. Assessments are paid by owners and trainers as a part of annually renewing their racing license. In 2005 the Fund assessment was \$225 for each owner and trainer.

Under the Maryland system, which the VHBPA hopes to implement in Virginia, an injured jockey is entitled to the same medical and lost income benefits as any other worker, whether employed in the racing industry or elsewhere. Owners and trainers are likewise benefited because worker's compensation coverage frees them from any legal liability to an injured jockey.

For both humanitarian and practical reasons it makes sense for Virginia to emulate Maryland. West Virginia, Delaware, and Pennsylvania should do likewise. The Mid-Atlantic jockey colony is shared by race tracks in all five states. Why should protection of a jockey's life and livelihood be dependent on where he or she is riding on any given day?