§ 18-201. Specifications of liability for employers and employees. 1. As used in this section:

(a) "Person" means any individual, firm, company, partnership, joint venture, joint-stock association, corporation, association, trust or other legal entity.

(b) The words "employer", "employee", "employment", "compensation", "injury" and "death" shall have the same meaning as set forth in section two of the workers' compensation law.

(c) The terms "indemnity" and "contribution" shall not include a claim or cause of action for contribution or indemnification based upon a provision in a written contract entered into prior to the accident or occurrence by which the employer had expressly agreed to contribution to or indemnification of the claimant or person asserting the cause of action for the type of loss suffered.

2. The liability of an employer and his or her employees set forth in sections ten, eleven and twenty-nine of the workers' compensation law shall be exclusive and in place of any other liability whatsoever, to employees, their personal representatives, spouses, parents, dependents, distributees or any person otherwise entitled to recover damages, contribution or indemnity, at common law or otherwise, on account of injury or death or liability arising therefrom, except that if an employer fails to secure the payment of compensation for its injured employees and their dependents as provided in section fifty of the workers' compensation law, an injured employee, or his or her legal representative in case death results from the injury, may, at his or her option, elect to claim compensation under the workers' compensation law, or to maintain an action in the courts for damages against the employer on account of such injury; and in such an action it shall not be necessary to plead or prove freedom from contributory negligence nor may the defendant plead as a defense that the injury was caused by the negligence of a fellow servant nor that the employee assumed the risk of his or her employment, nor that the injury was due to the contributory negligence of the employee.