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In dealing with this subject I shall endeavor to discuss it from the standpoint of its purpose, organizations, rules and regulations and the benefits the workmen and their dependents derive.

After due consideration the law was passed in 1913. The state of Oregon realized that many workmen were injured, resulting in their partial or total incapacity or death, in pursuit of industrial occupations, and that under the rules of the common law an unequal burden was placed upon the citizens, and in determining the responsibility of the employer on account of injuries sustained by his workmen, a great unnecessary cost was incurred in litigation. This cost was divided between the workmen, employers and the taxpayers, who provide the public funds to maintain courts and juries to determine the responsibility.

It is now the accepted doctrine that occupational diseases include all injuries sustained in the course of the employment, whether due to strictly fortuitous or accidental causes or of a pathological nature and under the workmens compensation law a man is subject to adequate compensation during the period of incapacity for work.

The classification of occupational diseases by Kober and Hanson appear to be a logical one and is as follows:

DIVISION I

1. Occupational Intoxicants (arsenic, brass, copper, zinc, carbon bisulphide, carbon monoxide, lead, manganese, mercury, naphthol and benzol.)
2. Infections (anthrax and etc.)
3. Compressed air illness
4. Effects of diminished atmosphere upon health.

DIVISION II

Systemic Occupational diseases

5. Dust diseases of lungs
6. Diseases of blood, circulatory system and kidneys.

DIVISION III

7. Fatigue and occupational neuroses
7. Fatigue
8. Occupational neuroses.

DIVISION IV

Affections of nose, mouth, throat, eye and ear

- 9 Of Nose, mouth and throat
- 10 Injuries and diseases of eye
- 11 Injuries and diseases of ear

DIVISION V

Occupational affections of skin

- 12 Affections of skin
- 13 Cancer and occupation

DIVISION VI

All types of accidents which occur during working hours.

Before the passage of the workmens compensation law people who were injured or suffered from some of these occupational diseases were forced to go to the courts in order to obtain compensation. This resulted in large law suits in which some mal practice undoubtedly took place. Workmen were forced to pay large sums for attorney fees beside waiting months for settlement. Many workmen received no compensation for their loss occasioned by industrial accidents. As a result, many workers who were crippled were made objects of charity while fatal accidents caused many widows, children and other dependents to be placed in the position where they were forced to rely upon charity, either private or public. Now, every workman accepting the compensation law is taken care of and his family is, at least in part, provided for.

The purpose of this law primarily is to relieve the stricken workmen and his dependents from charity and to provide for him adequate surgical, medical and hospital assistance. Secondly, it provides for financial assistance during the period of inability to work and certain additional and permanent assistance in case of permanent disability. It attempts to give the disabled workmen reasonable means to as complete a physical restoration and vocational rehabilitation as possible. Lastly, the law is attempting to better the conditions under which men must work and by so doing make his work more agreeable, cheerful, less dangerous and confining than before.

The administration of this law provides for a commission which is known as the "State Industrial Accident Commission". This commission is composed of three members who are appointed by the governor. Not more than two of these commissioners can belong to the same political party. Each commissioner is under bond and oath and receives a salary of \$3,600 per annum. A commissioner can be removed by the governor at any time providing the governor makes a statement of the charges, such as neglect of duty, and gives the commissioner a copy. The commissioner may defend himself within a ten day period and this trial is open to the public. No commissioner is allowed to hold any other office or pursue in any line of industry while he is a member of the commission.

All persons, firms and corporations engaged as employers in any of the hazardous occupations shall be subject to this law unless said firm by written notice informs the commission that it is not to be subjected to this law. If the firm is not to be subjected to this law, it must post as many notices to that effect as the commission believes sufficient. The firm in such case loses all benefits of the law and must stand liable in case of accident as before.

When a firm accepts the law, it must notify its employees and they in turn are subject to this act unless they in turn notify him by written notice that they do not care to be so subjected. If the workman is under sixteen years, his parents or guardians may do this for him. Upon notice to his employers the workman is not subject to the law and is not able to receive any of the rights and benefits of said law. Hazardous occupations applicable to this act are defined as follows:

- (a) Factories, mills and work shops where power driven machinery is used.
- (b) Printing electrotyping where power driven machinery is used.
- (c) Foundries, mines, blast, gas works, H₂P works, docks, dredges, smelters, laundries, and etc
- (D) Logging, lumbering and shipbuilding operations
- (e) Street and interurban railroads
- (f) Buildings being constructed, repaired, moved and etc
- (g) Telephone, telegraph and power plants
- (h) Commercial or public steam heating or power plants
- (i) Gravel, sand and coal bunkers
- (j) Flour, feed and chop mills
- (k) Grain elevators, woodsaws, longshoring, stone crushing, tanneries where power driven machinery is used.

Firms engaged in non-hazardous work and railroads must petition to be included under this act. The compensation act provides for all workmen, who are employed in the above hazardous occupations and also for their dependents. Dependents are defined as) children under sixteen, invalid children over sixteen, wife, father, mother, grandfather, grandmother, stepfather or mother, granddaughter, brother, sister or brother, niece, nephew, who at the time of accident are dependent in part or in whole upon the earnings of the workman. Each child receives \$8.00 per month and the wife receives \$30 and in case of death of the wife, the child's compensation is increased to \$15 per month. While these sums are not large nevertheless they are a boon to the workmans wife and family.

The financial compensation benefits are derived from a state insurance fund. The amount each employer pays varies according to the kind of work his workmen are doing as the insurance rate varies from twenty-five cents per \$100 to \$8.00 per \$100. The employers amount varies with the rise and fall of insurance. The insurance is higher than the amount absolutely necessary - but at the end of the year the surplus is returned to the employers. The beauty of this act is the endeavor

the commission is making to cut down accidents by giving the employers an incentive to work for. That is, the employers insurance rate varies according to the number of accidents occurring in his shops. Under this provision an employer who has only thirty percent of the amount he paid in, paid out for accidents his rate is reduced thirty percent. If forty percent is paid out his insurance rate is reduced twenty five percent. If sixty percent is paid out his rate is reduced fifteen percent and etc. But if his accidents are so great as to take his whole one-hundred percent or more than his insurance rate is increased by fifteen percent.

Each workmen is required to pay one cent a day for each working day to the employer who in turn send this, along with his payments, to the commission. The employer is required to turn in a report showing the number of workmen employed, the character of their work and the amount paid each man. It is upon this data that the insurance rate is proportioned. The records show that for every dollar received by the commission the employer pays 87 1/2%, the workman 8 1/2%, while interest amount to about 4 1/2%. If the employer fails to pay his insurance a rate of 1% is added first and then if he continues to forget about it a ten percent rate is added and the attorney general starts suit at once.

All employers whether operating under the compensation act or not must report accidents to the Industrial Accident Commission. This must be done within five days after the accident occurs. The workman is also required to fill out a form, which is issued by the commission, reporting the accident. A claim for compensation in non-fatal cases must be filled out before three months have elapsed. Fatal cases must be reported within one years time.

Claims are more or less judged by reports received from the employer, the workman and the doctor in charge of the case. Most claims can be paid promptly while a few (about 20%) require a thorough investigation. The commission attempts to pay all claims as soon as possible, and an emergency fund has been established for this purpose, so that no hardship will be imposed upon the workman and his dependents.

Medical services for an injured workman are provided in two ways,
 1. An employer can contract for medical and hospital services 2. A workman is allowed to employ any medical man he wishes and any hospital. In the first case the workman must employ the medical men that the employer has contracted for. If he does not he must pay his own bills. In the second case the bills are sent to the commission and they settle them. The various expenses of the workmen is not to exceed \$100 for hospital accommodations, \$100 for surgical and medical services and \$5 for transportation, medicine and Xray prints, unless approved by the Accident Commission.

The purpose of this act, as previously stated, is to restore the injured person as soon as possible to a condition of self support and maintenance as an able bodied workman. With this in mind a physio-therapy, which takes in treatments with various kind of heat, massage, electricity and other mechanical devices department has been established in Portland and in Salem. Here injured men are able to have stiff joints and sore muscles treated and, of course, the amount of benefit they obtain is great. Last year from seventy five to one-hundred men were treated, each day. This year the number has averaged one-hundred fifty men daily.

In conclusion, I can say that I believe in this act. I believe that it was created with the idea of doing good, that it has done much good and will do even more in the future. It has made it possible to restore the health of many work-

who previously were a victim of their accidents. It has lifted the great burden from the shoulders of the stricken workmen as his family receives approximately from \$10 to \$60 during the time he is laid up. In case of death his widow or mother receives \$30 to \$35 per month and \$8 for each child. Thirdly, it has made the burden lighter for the employer and the tax-payers by doing away with many lawsuits and exorbitant sums which the employer was often forced to pay. Fourthly, it has made the employer responsible and he now attempts to cut down on his accidents and thus by so doing he makes his shops safe for the workmen.

In view of all these facts, I consider this law a boon to the workmen and from a public health standpoint it means much as it attempts to keep people well and make the shops less dusty and less dangerous.

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REFERENCES:

1. Workmen's Compensation Bulletin
2. Occupational Diseases and their compensation. -
Frederick Hoffman
3. Industrial accidents in the U. S. and their relative
frequency in different occupations - Frederick Hoff-
man.
4. Industrial morbidity statistics
5. The Health of the worker. - By Metropolitan Life
Insurance Company
6. Charles Minnaugh - - Oregon Lumber and Timber Co.