CURRENT ISSUES IN WORKMEN'S COMPENSATION*

1. GENERAL


Summarizes the results of a study in Illinois on relative costs under the Illinois Workmen's Compensation Act and the Federal Employers' Liability Act. Costs under the latter were considerably below those of the former. The author cautions, however, that his figures make no provision for such factors as liberality in application of the law. In the discussion of costs under workmen's compensation, determination of the extent of disability and legal costs are emphasized. Some tentative suggestions for their solution are proposed.


A basic manual. Although emphasizing the omissions of present programs, the authors suggest that this situation has been rectified somewhat by other public and private insurance programs which complement workmen's compensation coverage in a number of areas. They conclude that future decisions about workmen's compensation will depend upon future policy in the general area of disability insurance.


Proceedings of the annual meetings of this association are published in bulletin form by the Bureau of Labor Standards. They reproduce a great many statements and reports covering the entire range of workmen's compensation problems by leading experts in the field.


* Items from this list should be ordered directly from the publisher. Addresses are given in connection with each reference.
A series of articles, originally appearing in the *Monthly Labor Review* for 1951, that covers a broad range of problems relating to workmen's compensation. The emphasis is upon the inadequacies of present programs.

2. **Questions Relating to Cost and Efficiency of Administration**


Sheds considerable light on the extent to which partisan medical testimony in the adjudication of compensation cases has come to be prac-
tised in Illinois. The adequacy of medical care under a system which allows the employer or employer representative to select the physician is also weighed, as is the absence of an adequate rehabilitation program.


Contends that the current trend toward an overly liberal interpretation of the "out of and in the course of employment" principle is dis-
torting the original intent of workmen's compensation. The author suggests that its continuation may result in a workmen's compensa-
tion system which makes "industry pay for all disabilities of employees regardless of fault..."


Attributes the legalistic character of compensation hearings to the un-warranted intrusion of judicial influences upon administrative pro-
cedures. The author points to the system of non-judicial review employed in Ontario, Canada, as one solution to the problem of ex-
cessive litigation.


After describing current trends toward a liberal construction of this phrase, the author concludes: "The rule of liberal and broad construction is especially justified, as the acts usually severely cut down the amounts individuals can recover, with the intent that the recoveries be spread over a larger number of cases and thus benefit larger groups of workers, and to effectuate the humane purposes for which the acts were enacted."

In Chapter 16 the author weighs the relative merits of the different carrier groups writing workmen’s compensation insurance. His concluding statement asserts that the type of carrier “is of no importance if there is a record of equitably allocated cost, good service, and financial strength. There is no virtue inherent in any legal-organizational structure.”

Riesfeld, Stefan A. “Basic problems in the administration of workmen’s compensation.” *NACCA Law Journal* (6 Beacon St., Boston 8), November, 1951. pp. 21-45. $15.00, yearly subscription.

Contains an extensive discussion of the difficulties involved in establishing equitable benefit scales in permanent partial disability cases. The author suggests that “standard rating procedures . . . applied in their medical and occupational aspects by disinterested medical experts . . . seems to be the most promising approach to the problem.”

3. CRITICISMS OF THE SCOPE OF CURRENT LAWS AND PROPOSALS FOR THEIR REFORM


Proposes that inadequacies in benefit levels under workmen’s compensation be met through a qualified re-introduction of employer tort liability over and above existing workmen’s compensation programs. The author also suggests that the Social Security Act be extended to provide pre-retirement payments in permanent total disability cases, including cases where the limit in benefits under workmen’s compensation has been reached.


A summary of organized labor’s criticisms of the present state of workmen’s compensation, emphasizing such points as inadequate benefits, coverage, and provision for rehabilitation. Federalization is proposed as the only feasible method for eliminating these inequities.


Calls for legislative reforms in workmen’s compensation laws in 1955. The Under Secretary of Labor goes on record for increases in benefit levels and unlimited coverage of medical costs, occupational groups, and occupational disabilities. He also very specifically opposes federal legislation in this area.

Reviews the relationships between company benefit plans and workmen's compensation. Where company benefits exceeded those of workmen's compensation, supplementation of workmen's compensation up to the benefit level of the former was found to be a not uncommon practice. The author suggests that unions may be forced increasingly to resort to collective bargaining as a result of repeated failures on the state legislative level.


In their discussion of the adequacy of benefits the authors conclude that "workmen's compensation is probably leaving unmet, on the average, about two-thirds of the wage loss in temporary disability cases and an even greater proportion of the aggregate wage loss from all disabilities of all covered workers..."


An outline of organized labor's objections to current workmen's compensation programs. Inadequate benefits and coverage are singled out for criticism. Federal action is placed at the center of labor's program, while suggestions for reinstatement of some kind of employer tort liability are reviewed unfavorably.


Reviews various features of legislation on permanent partial and permanent total disability cases that serve as a deterrent to the rehabilitation of the worker. Ceilings on benefits and schedule payments, based upon the concept of indemnity for specific injuries rather than restoration of wage loss, are subjected to particular criticism by the author.


Surveys the inadequacies of workmen's compensation in the field of vocational rehabilitation. Among the reforms strongly endorsed are programs for early referral, limitations on lump-sum payments, and an expansion of rehabilitation facilities.