

Workers Comp
It Matters

**State of the System:
50 Years After the National Commission's Report on
Workmen's Comp**

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OSHA's 5 Major Objectives for the National Commission on Workers' Compensation

1. Broad coverage of employees and of work-related injuries and diseases.
2. Substantial protection against interruption of income
3. Provision of sufficient medical care and rehabilitative services (The injured workers physical condition and earning capacity should be promptly restored)
4. Encouragement of safety
5. An effective system for the delivery of benefits and services.

84 Recommendations - 19 Deemed Essential

1. Coverage by workman's compensation laws be compulsory in that no waiver be permitted.
2. Employers should not be exempt because of the number of employees.
3. Coverage be extended to all occupations and industries without regard to the degree of hazard of the occupation or industry [farm workers and casual- domestic workers].
4. There should be a two-stage approval to expand the coverage for farm workers. [July 1,1975].
5. There should be a similar process for casual/domestic workers. [July 1, 1975].
6. There should be mandatory coverage for all government employees.
7. There should be no coverage exemption for professional athletes or employees of charitable organizations.
8. The definition of employee should be written as broadly as possible. [disfavoring independent contractor status].
9. Workers' compensation coverage should be made available on an optional basis for employers, partners, and the self-employed.
10. Workers should be eligible for benefits from the first moment of their employment.

84 Recommendations - 19 Deemed Essential

11. There should be a choice of venue... state where injured, where employment principally localized, or where hired.
12. The "accident" requirement should be dropped as a test of compensability.
13. All states should provide full coverage for work related diseases.
14. The "arising out of and in the course of the employment" test should be used to determine coverage of injuries and diseases.
15. The etiology of disease, being a medical question, should be determined by a disability evaluation unit under the control and supervision of the workers' comp agency.
16. For deaths and impairments caused by a combination of work-related and non-work-related sources, issues of causation should be determined by the disability evaluation unit.
17. Full workers' compensation benefits should be paid for an impairment or death resulting from both work-related and non-work-related causes if the work-related factor was a significant cause of the impairment or death
18. Workmen's compensation benefits should be the exclusive liability of an employer when an employee is impaired or dies because of a work-related injury or disease.
19. Suits by employees against negligent third parties should generally be permitted. Immunity from their negligent actions should be extended to any third party performing the normal functions of the employer.