

HOUSE No. 640

By Mr. Walsh of Lynn, petition of the United Electrical, Radio and Machine workers of America, C. I. O., for legislation to increase certain benefits under the workmen's compensation law. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT INCREASING CERTAIN BENEFITS UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 152 of the General Laws is hereby amended
2 by striking out section 36, as amended, and inserting
3 in place thereof the following new section:—

4 *Section 36.* Loss of both hands, or both arms, or
5 both feet, or both eyes, or of any two thereof, shall
6 constitute permanent total disability. In case of dis-
7 ability partial in character but permanent in quality,
8 the compensation shall be two thirds of the average
9 weekly wages, which shall be in addition to compen-
10 sation for temporary total disability paid in accordance
11 with section thirty-four of chapter one hundred and
12 fifty-two and shall be paid to the employee in accord-
13 ance with the following schedule:—

14 (a) Loss of one arm, three hundred and twelve
15 weeks compensation.

- 16 (b) Loss of one leg, two hundred and eighty-eight
17 weeks compensation.
- 18 (c) Loss of one hand, two hundred and forty-four
19 weeks compensation.
- 20 (d) Loss of one foot, two hundred and five weeks
21 compensation.
- 22 (e) Loss of one eye, one hundred and sixty weeks
23 compensation.
- 24 (f) Loss of one thumb, seventy-five weeks com-
25 pensation.
- 26 (g) Loss of first finger, forty-six weeks compensation.
- 27 (h) Loss of great toe, thirty-eight weeks compensa-
28 tion.
- 29 (i) Loss of second finger, thirty weeks compensation.
- 30 (j) Loss of third finger, twenty-five weeks com-
31 pensation.
- 32 (k) Loss of toe other than great toe, sixteen weeks
33 compensation.
- 34 (l) Loss of fourth finger, fifteen weeks compensa-
35 tion.
- 36 (m) Loss of hearing of one ear, sixty weeks compen-
37 sation; loss of hearing of both ears, 200 weeks com-
38 pensation.
- 39 (n) Compensation for loss of more than one phalange
40 of a digit shall be the same as for loss of the entire
41 digit. Compensation for loss of the first phalange
42 shall be one half of the compensation for loss of the
43 entire digit.
- 44 (o) Compensation for an arm or a leg, if amputated
45 at or above the wrist or ankle, shall be for the pro-
46 portionate loss of the arm or leg.
- 47 (p) Compensation for loss of binocular vision or for
48 eighty per centum or more of the vision of an eye
49 shall be the same as for loss of the eye.

50 (q) Compensation for loss of two or more digits, or
51 one or more phalanges of two or more digits, of a hand
52 or foot may be proportioned to the loss of use of the
53 hand or foot occasioned thereby, but shall not exceed
54 the compensation for loss of a hand or foot.

55 (r) Compensation for permanent total loss of use of
56 a member shall be the same as for loss of the member.

57 (s) Compensation for permanent partial loss or loss
58 of use of a member may be proportionate loss or loss
59 of use of the member.

60 (t) The commission shall award proper and equitable
61 compensation for serious facial or neck disfigurement,
62 not to exceed thirty-five hundred dollars.

63 (u) In all other cases in this class of disability, the
64 compensation shall be two thirds of the difference be-
65 tween his average weekly wages and his wage-earning
66 capacity thereafter in the same employment or other-
67 wise, payable during the continuance of such partial
68 disability, but subject to reconsideration of the degree
69 of such impairment by the commission on its own
70 motion or upon application of any party in interest.

71 (v) In any case in which there shall be a loss of, or
72 loss of use of, more than one member or parts of more
73 than one member set forth in paragraphs (a) to (s), in-
74 clusive, of this section, not amounting to permanent
75 total disability, the award of compensation shall be for
76 the loss of, or loss of use of, each such member or part
77 thereof, which awards shall run consecutively, except
78 that where the injury affects only two or more digits of
79 the same hand or foot, paragraph (q) of this section
80 shall apply.

81 (w) An employee who as a result of injury is or may
82 be expected to be totally or partially incapacitated for
83 a remunerative occupation and who, under the direc-

84 tion of the commission, is being rendered fit to engage
85 in a remunerative occupation, may, in the discretion
86 of the commission under regulations adopted by it,
87 receive additional compensation necessary for his
88 maintenance, but such additional compensation shall
89 not exceed ten dollars a week for not more than fifty-
90 two weeks.