

HOUSE No. 68

The Commonwealth of Massachusetts

DEPARTMENT OF INDUSTRIAL ACCIDENTS,
STATE HOUSE, BOSTON, November 1, 1951.

To the Honorable Senate and House of Representatives.

In accordance with the provisions of section 33, chapter 30 of the General Laws, as most recently amended by chapter 67 of the acts of 1948, the recommendations of the chairman of the Department of Industrial Accidents for the year 1952 are herewith submitted, together with drafts of bills embodying the legislation recommended. The bills have been submitted to the Counsel for the House of Representatives, as required by law.

Respectfully submitted,

EUGENE H. GIROUX,
Chairman, Department of Industrial Accidents.

RECOMMENDATIONS

Making certain specific changes in the basis on which self-insurers are assessed expenses for carrying out that part of the Workmen's Compensation Law relating to self-insurance.

The present law requires the Department to assess the cost of administration on the basis of the amount of bond or security furnished by each self-insurer. A more equitable method would be on the amount of pay roll, covered by self-insurance, of each self-insurer in Massachusetts.

1. Bill making certain specific changes in the law relating to assessment of expenses for administering the law relating to self-insurance. This bill is designed to make more equitable the assessment of expenses against self-insurers.

2. Bill establishing authority to make certain determinations under the Workmen's Compensation Law. This bill would provide that authority to make certain determinations under paragraphs (*h*) and (*i*) of section 36 of chapter 152 of the General Laws, which is presently vested in the "Department" of Industrial Accidents, be vested in single members, with right of review of single members' decisions by reviewing boards. This revised procedure would provide opportunity to parties to argue before reviewing boards orally on the decisions of single members, whereas present procedure does not feasibly provide such opportunity for argument.

3. Bill to amend section 9 of chapter 152 of the General Laws relating to the appointment of impartial physicians and their qualifications by striking out the present section and inserting a new section removing certain disqualifications in the present law of such physicians, which raises question as to the impartiality and integrity of physicians appointed under this section.

4. Bill further defining the term "employee" within the meaning of the Workmen's Compensation Law to now provide for the inclusion of farm laborers and domestic servants under the Workmen's Compensation Law by removing the present exemptions relating to them. This recommendation is prompted by the fact that there is great frequency of serious injuries to farm laborers and domestic servants by reason of modern machinery used on farms and in households which in many cases are inherently dangerous.

5. Bill to amend section 69B of chapter 152 of the General Laws relating to invoices for payment of workmen's compensation in the cases of injured employees of the Commonwealth and their dependents. The present section requires that there be approval of such invoices by the "Supervisor of Workmen's Compensation Agents." The person occupying the latter position is an employee of the Industrial Accident Board, and does not hold an "office" under the General Laws, and any requirement and approval by such person may be directed by the Industrial Accident Board as an administrative matter. The chairman of the Department of Industrial Accidents is executive and administrative head of the Department, and his approval of all invoices is deemed sufficient approval.

6. Bill to add new section 38A in the Workmen's Compensation Law to make harmonious the concurrent operation of the Workmen's Compensation Law and the Employment Security Law, to prevent dual payments, to protect the Employment Security Fund, and to preclude the unjust enrichment of insurers held obligated to make certain payments. This is a bill to bridge a hiatus in existing provisions of law.

