

HOUSE No. 1611

By Mr. Costello of Boston, petition of John W. Costello for an amendment of the workmen's compensation law to promote the safety of persons working in industry. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT TO PROMOTE THE SAFETY OF PERSONS WORKING IN INDUSTRY.

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 28 thereof and substituting in
3 its place the following section:—
4 *Section 28.* If the employee is injured by reason of
5 a violation of any provision of chapter one hundred
6 and forty-nine, sections one through eighteen, sections
7 forty-five through one hundred and five, sections one
8 hundred and six through one hundred and forty-seven H,
9 or any rule, regulation or order made by the department
10 of labor and industries, or any employee or subdivision
11 thereof, in accordance with the provisions of said chapter
12 for the prevention of accidents or industrial or occupa-
13 tional diseases, or by reason of the serious and wilful
14 misconduct of an employer or of any person regularly
15 intrusted with and exercising the powers of superintend-
16 ence, the amounts of compensation hereinafter provided
17 shall be doubled. In case the employer is insured, he
18 shall repay to the insurer the extra compensation paid
19 to the employee. If a claim is made under this section,
20 and the employer is insured, the employer may appear
21 and defend against such claim only. The employment

22 of any minor, known to be such, in violation of any
 23 provision of sections sixty to seventy-four, inclusive,
 24 or of section one hundred and four of chapter one hun-
 25 dred and forty-nine, shall constitute serious and wilful
 26 misconduct under this section.