

HOUSE No. 988

By Mr. Bowker of Brookline, petition of Carl W. Jonsson and others that the Industrial Accident Board of the Department of Industrial Accidents be given original jurisdiction of all injuries to employees. Labor and Industries.

The Commonwealth of Massachusetts

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

An Act giving to the Industrial Accident Board Jurisdiction over All Industrial Accidents.

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 one hundred and fifty-two of the General
2 Laws is hereby amended by inserting after section
3 five the following new section: —

4 *Section 5A.* The industrial accident board or any
5 member thereof shall have original jurisdiction of all
6 injuries to employees where the same arises out of and
7 in the course of his or her employment.

8 In cases where the injured employee has given notice
9 to his or her employer that he or she retains his or
10 her common law rights in the manner prescribed in
11 section twenty-four of chapter one hundred and fifty-
12 two of the General Laws, or has for any other reason
13 the right to sue his or her employer at common law
14 and the industrial accident board finds as a matter

15 of fact that the injury arose out of and in the course
16 of his or her employment, the case may be entered in
17 court for the assessment of damages.

18 In cases where the employer of such injured person,
19 defends his liability to pay damages to such injured
20 person at common law, it shall be necessary only that
21 the injured employee prove that the injury complained
22 of arose out of and in the course of his or her employ-
23 ment to recover damages.