

By Mr. Paleologos of Woburn, petition of Nicholas A. Paleologos relative to payments of workers' compensation. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO PAYMENTS OF WORKERS' COMPENSATION.

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

1 SECTION 1. Chapter 152 of the General Laws is hereby
2 amended by striking out sections 34, 34A, and 35 and inserting in
3 place thereof the following: —

4 *Section 34.* While the incapacity from work resulting from in-
5 jury is total the insurer shall pay the injured employee a weekly
6 compensation equal to two-thirds of the employee's average week-
7 ly wage, with the minimum of not less than the employee's average
8 weekly take home pay for the duration of the employee's disability,
9 until such time that the employee is able to return to work.

10 If the employee is unable to return to his or her own job, the
11 insurer and the employer should bear the responsibility to retrain
12 the employee in a job not injurious to the employee's health.

13 No employer should have the right under this section to termi-
14 nate the employee due to his injury.

15 If the insurer discontinues compensation under this section with-
16 out a hearing before the board the insurer shall be fined \$500 and
17 the employee shall be compensated with interest on compensation
18 due under this section.

19 Injured employee shall also receive a yearly cost-of-living in-
20 crease.

21 *Section 34A.* While the incapacity for work resulting from the
22 injury is both permanent and total, the insurer shall pay the injured
23 employee a weekly compensation equal to two-thirds of the em-
24 ployee's average weekly wage, with the minimum of not less than

25 the employee's average weekly take home pay for the employee's
26 disability.

27 In any proceedings brought by the insurer to discontinue com-
28 pensation under this section, a member of the reviewing board
29 may, after hearing, order the insurer to continue payment to the
30 injured employee. The reasonable costs of such proceeding, includ-
31 ing reasonable counsel fees and witness fees of physicians appear-
32 ing at such proceeding, shall be determined by a member of the
33 reviewing board and shall be paid by the insurer.

34 If the insurer discontinues compensation under this section with-
35 out a hearing before the board the insurer shall be fined \$500 and
36 the employee shall be compensated with interest on compensation
37 due under this section.

38 Injured employees shall also receive a yearly cost-of-living in-
39 crease.

40 *Section 35.* While the incapacity for work resulting from the
41 injury is partial, the insurer shall pay the injured employee a weekly
42 compensation equal to the entire difference between the em-
43 ployee's average weekly wage before the injury and the average
44 weekly wage he is able to earn thereafter.