

# The Class Character of Workmen's Compensation, Accident and Insurance Laws in the U. S. A.

By POOR & ZACK

THE ruthlessness of the American capitalists in reference to the use of the human material which he uses to grind out his profits is notorious. The cheapest commodity is the body and health of the worker. Little does the average worker in the United States realize this, still less does he know of the true nature of the "Welfare Laws" that he imagines compensate him for his loss of labor power. One of the chief articles of trade of the American labor faker to make the workmen vote for capitalists candidates on election day have been precisely these laws. Let us therefore examine this part of the workmen's heaven a little closer.

The Monthly Labor Review, a governmental organ, gives the following data for the year 1922-23:

## Annual Number of Accidents resulting in:

Death .....	21,232
Permanent total disability .....	1,728
Dismemberment .....	75,353
Disfigurement .....	1,401
Permanent partial disability other than dismemberment .....	28,875
	<hr/> 128,589

## Temporary Total Disability

I week .....	918,762
1 " " to 2 weeks .....	493,856
2 " " 3 " .....	304,467
3 " " 4 " .....	174,739
4 " " 8 " .....	283,659
8 " " 13 " .....	85,459
12 " " 26 " .....	48,027
26 " " and over .....	15,860

Total for temporary total disability .....	2,324,829
Total for permanent total and partial disability .....	128,589
GRAND TOTAL .....	2,453,418

Assuming that there are 30,000,000 working people engaged in production and exchange the average worker's chance of escaping is 11 out of 12. To put it another way, one worker out of every 12 meets with an injury in the course of a single year. This is a phenomenon which vitally concerns the welfare of the working class since its sole means of livelihood depends on its ability to sell its labor power to the capitalists. Moreover, the constant intensification of exploitation and use of complex machinery opens up new avenues of danger and exposes the workers to ever increasing risks.

#### *Workmen's Compensation and Insurance Laws*

The laws as a whole are very explicit in what they deny and purposely obscure in what they grant. Hence it is necessary to point out at the outset that the reader should not be misled by the positive provisions designated for the various injuries and death. The statutes provide so many exceptions as to exclude millions, if not a majority of the workers from the paltry benefits allowed. The statutes divide themselves mostly into two parts—positive and negative. The positive part designates the money allowances and the periods over which they run. The second or negative part consists of the “buts” and “exceptions.” We shall treat the positive first.

#### *Fatal Cases*

Every year an average of 20,000 workers are offered up as sacrifices to capitalist production. The question arises, if such a vast number of fatalities is essential to modern industry. To this question the Society of Engineers, a bourgeois organization, has given a firm answer. NO! The Society has repeatedly declared that the installation of safety devices and proper inspection facilities will eliminate partially the vast majority of all industrial accidents. Of course unforeseen accidents will always occur, but it is nothing less than criminal that in the mining industry alone 2,000 coal and metal diggers should each year offer up their lives because the management in its eagerness for more profits has failed to remove the

coal dust accumulating in the pits and thus knowingly jeopardizing the men's lives. In the other industries greed for profits plays a role no less incriminating.

It is to be expected that a capitalist management which ignores ordinary precautions will also deal harshly with the surviving dependents of the 22,000 workers industrially murdered each year. And accordingly it is so. The tables listed below speak for themselves. No amount of clever news headlines declaring that 600,000 dollars was paid to the widows of 300 dead miners can hide the fact that each widow receives only \$3,000 for herself and children.

#### COMPENSATION IN CASE OF DEATH

The method used in compensating the dependent survivors of the dead worker varies in the several States. Some States pay a lump sum; others designate sums for limited periods; and the remainder allow a pension for life until beneficiary remarries. One State, Oklahoma, grants no compensation whatever.

##### 1. STATES PAYING LUMP SUMS TO DEPENDENTS IN CASE OF DEATH TO THE WORKER:

State	Amount Paid to dependents		Modifying Provisions
	Min.	Max.	
Alaska . . . .	\$3,900	\$7,800	a) Number of children b) Marital state c) Dependent parents
Arizona . . . . .		4,000	.....
California . . . . .		5,000	.....
Delaware . .	712	5,130	a) Amount of wages b) Percentage voted by Commission
Kansas . . . .	1,400	3,800	Not to exceed 3 years earnings
New Hamps. . . . .		3,000	3 yrs. wages not to exceed \$20 per week.
Porto Rico . .	2,000	4,000	a) Number of children b) Earning capacity
South Dakota	1,650	3,000	Proportioned to 50% of wages earned for 4 years.
Wisconsin . .	2,100	5,600	Based on yearly wages: Min. \$525; Max. \$1,400
Wyoming . .	2,000	3,600	Number of children

The Bureau of Labor Statistics from which our data is taken does not declare that all the above States provide lump sums but that is the inference that can be drawn from the stated facts. The comparatively high maximum for Alaska is a decoy since so many conditions are attached as to make it in practice unobtainable. Figures do not lie but liars do figure.

## 2. STATES PAYING DEPENDENTS A MAXIMUM AMOUNT

<i>State</i>	<i>Average Weekly Amount</i>	<i>No. of Years</i>	<i>Total Not to exceed</i>
Alabama .....	\$10.00	6	\$5,000
Colorado .....	8.50	6 $\frac{1}{4}$	3,750
Georgia .....	8.17	6	5,000
Indiana .....	9.35	6	5,000
Kentucky .....	8.50	6 $\frac{2}{3}$	4,000
Maine .....	11.00	6	4,000
Maryland .....	13.00	8 $\frac{1}{4}$	5,000
Massachusetts .....	10.00	10	4,000
Ohio .....	10.81	8 $\frac{1}{4}$	6,500
Utah .....	9.60	6 $\frac{1}{4}$	5,000
Vermont .....	13.46	5 $\frac{1}{10}$	3,500
Virginia .....	9.00	6	4,500
Rhode Island .....	7.00	6	3,000
Tennessee .....	10.00	8	6,000
Connecticut .....	11.50	6 $\frac{1}{4}$	5,616
Idaho .....	9.00	8	4,800
Illinois .....	14.75	4	4,250
Iowa .....	10.50	6	4,500
Louisiana .....	11.50	6	6,000
Michigan .....	10.50	6	4,200
Minnesota .....	14.00	7 $\frac{1}{2}$	7,500
Montana .....	9.25	8	5,000
Nebraska .....	10.50	7	5,250
New Jersey .....	12.50	6	5,100
New Mexico .....	14.00	6	5,400
Pennsylvania .....	6.75	6	3,600
Texas .....	13.50	7 $\frac{1}{10}$	7,200

## 3. STATES PAYING FOR LIFE OR UNTIL REMARRIAGE OF DEPENDENT WIDOW OR WIDOWER

<i>State</i>	<i>Average Weekly Amount</i>	<i>Provisions Raising or Lowering Weekly Average</i>
Nevada .....	\$14.40	(a) based on max. basic wage of \$30 per week (b) number of children

North Dakota . . . .	13.05	based on min. and max. basic wage of \$18 to \$30 per week
New York . . . . .	13.70	(a) based on max. basic wage of \$37.50 per week. Min. \$18 (b) number of children
Oregon . . . . .	10.00	number of children
Washington . . . . .	11.87	ditto
West Virginia . . . . .	9.37	ditto
Average for U. S. . .	10.44	(a) amount weekly wages earned (b) number of children

From the foregoing it is obvious that the life of the wage earner is not valued highly by the several States in the union. To this severe treatment of survivors and dependents of deceased workers must be added the Federal Government itself. The class domination of the bourgeois legislatures is laid bare beyond question when one compares the size of their own salaries with those allowed the widow of the victim of capitalist production.

Even the so-called liberal States which allow a lump sum to the dependent do not grant on the average more than \$4,000. What can the widow do with this money? If she opens up a petty retail business the chances are that at the end of a year or two her money will be lost, due to big capitalist competition and exploitation of trusts and lack of experience in retail trade. If she stays at home and eats up the money she cannot by any means stretch it beyond five years. If she goes to work and this the average widow will be compelled to do, the welfare of the children is jeopardized as the capitalist State makes no provisions for taking care of them. They grow up wild in the streets.

In those States which allow a designated sum for fixed periods the dependent widow does not find herself in better circumstances, as the several legislatures provide sums which are barely sufficient to keep body and soul together for one person—let alone bringing up children. But even here the period of payment is generally completed in six years. Those States which extend the period to eight or ten years diminish the weekly average and proclaim the cheapness of a wage earner's life through the back door. Thus the great sovereign Commonwealth of Pennsylvania allows an average weekly allowance of \$6.75 for a period of six years to the dead earner's dependents.

There are six States and the Federal Government which have ostensibly accepted the "humane" position of granting pensions to

the surviving dependents for life. In reality, however, they have done no such thing, for in practice they make the "pension" a mockery and downright fraud. The great Empire State of New York allows a weekly average of \$13.70 and this sum is liberal as compared to the liberality of the Federal Government, which is \$10.44.

The object of this ruthless attitude as the Labor Bureau statisticians laconically observe is "to restrict further *the burden on the employer* (sic), even though it transfers it necessarily to the injured employee," or his dependent survivors in case of death, and continues the statistician, "the term payment is *not fixed by period of disability*," as we shall see below, but by arbitrary maximum.

In ordinary English this means that the legislature advisedly adopt the lowest sums possible with the object in view of forcing the widow and children into the factories in order thereby to fill up the gap made by the dead spouse in the available labor army.

#### COMPENSATION FOR TOTAL PERMANENT DISABILITY

The methods employed for this category of disabilities do not materially differ from those used in case of death to the worker. A slight tendency to appreciate the increased liability of the State towards the worker, who is industrially disabled for life, is manifest. But in the main, while the principle is recognized in words, it is discarded in deeds. Where the worker dies as a result of industrial injury he is eliminated as a consumer and the number of mouths in the family to be fed is one less. But where the worker lives but is industrially totally disabled for life he must be fed and clothed and because of his injuries, be given additional medical and other attention. Nevertheless, no substantial increase in the allowances are granted. Only one State, Nevada, so far as we could learn, provides an additional pittance of \$7.50 per week where the disabled worker needs additional care—as in the case of total blindness or loss of both arms or both legs.

#### 1. STATES PAYING FIXED MAXIMUM SUMS

State	Average Paym't	Min. Paym't	Max. Paym't	Other Provisions
Alaska . . .	\$6,240	\$4,680	\$7,800	If single, \$780 to each dependent parent only
Porto Rico	2,500	1,000	4,000	Depending on age, rate of wages and nature of disability
Wyoming	6,000	4,000	8,000	Depending on number of children. Provides \$120 per year for each child under 18 years

## 2. STATES PAYING DESIGNATED SUMS FOR LIMITED NUMBER OF YEARS

<i>State</i>	<i>Average Weekly Amount</i>	<i>Number of years</i>	<i>Total not to exceed</i>
Alabama .....	\$10.00	11	—
Connecticut .....	11.50	10 <sup>1</sup> / <sub>3</sub>	—
Delaware .....	10.00	9 <sup>1</sup> / <sub>2</sub>	\$4,000
Georgia .....	9.50	7	5,000
Hawaii .....	12.50	6 <sup>1</sup> / <sub>4</sub>	5,000
Indiana .....	9.35	10	5,000
Iowa .....	10.50	8	—
Kansas .....	10.50	8	—
Kentucky .....	10.00	8	6,000
Louisiana .....	11.50	8	—
Maine .....	11.00	10	6,000
Maryland .....	13.00	7 <sup>1</sup> / <sub>2</sub> ?	5,000
Arizona .....	10.00?	8?	4,000
Massachusetts .....	11.50	10	4,000
Michigan .....	10.50	10	7,000
Minnesota .....	14.00	14	10,000
New Hampshire ....	10.50	6	4,500
New Jersey .....	12.50	8	6,800
New Mexico .....	9.00	10 <sup>1</sup> / <sub>3</sub>	6,240
Oklahoma .....	13.00	10	9,000
Pennsylvania .....	9.00	10	6,000
Tennessee .....	10.00	8	5,000
Texas .....	13.50	8	8,000
Vermont .....	10.50	5	4,000
Virginia .....	9.00	10	4,500
Wisconsin .....	12.51	Number of years not specified; depends on age of worker	
South Dakota .....	11.25	5 <sup>1</sup> / <sub>2</sub>	5,000

The States of Maryland, Michigan, Arizona, South Dakota and Texas declare in their statutes that payment is to be made "during disability." No more clumsy subterfuge was ever made. By limiting the total to be paid, the fund is sooner or later exhausted and the disabled workman is left without any means of support, since his disability is permanent and total.

## 3. STATES PAYING FOR LIFE

In this group some states provide a uniform payment for life, while the remainder do not, but instead, allow a comparatively higher

rate for the first few years and then a uniform low rate for life.

<i>State</i>	<i>Weekly Average for First Period</i>	<i>Weekly Average for Second Period</i>
California	\$17.50 for 4 <sup>2</sup> / <sub>3</sub> years	\$12.00 for life
Colorado	7.00 for life	—
Idaho	11.00 for 8 years	6.00 for life
Illinois	11.25 for 8 years	5.00 for life
Montana	9.25 for 8 years	5.00 for life
Nebraska	10.50 for 6 years	8.25 for life
Nevada	11.25 for life	—
New York	14.00 for life	—
U. S.	12.50 for life	—
Ohio	11.90 for life	—
Oregon	10.00 for life	—
Utah	6.90 for 5 years	5.00 for life
Washington	12.25 for life	—
West Virginia	10.50 for life	—
North Dakota	13.00 for life	—

#### PARTIAL DISABILITIES

Partial disabilities make up by far the great bulk of the injuries sustained by the workers. The average number of industrial deaths are in round numbers about 22,000 per year, while the number of workers totally and permanently disabled is around 2,000 per year. If we add to these the total number of dismemberment cases, which generally averages about 75,000, we have about 100,000 workers who are disabled for life. Multiply this number by five — the average composition of a worker's family, and you have a population of 500,000 people affected. It should be understood, however, that dismemberment does not necessarily mean that a worker is totally disabled. A worker who has lost either an arm, leg, eye, a couple or fingers, etc., is, so far as his earning capacity is concerned, not in the same helpless condition as the permanent and totally disabled worker. Hence the number of totally disabled workers and the dependents of deceased workers are comparatively moderate. The great bulk of the injuries, as already stated, are of a partial nature, lasting from a week to several years and affect over 2,000,000 workers.

The attitude of the bourgeois legislatures towards partial disabilities does not vary from its treatment of total disability cases and the dependent survivors where the worker died. The injured workers are in no instance allowed the full amount of wages they have lost because of the negligence of the employer in failure to



provide safety devices. Most states provide 50 per cent of the wage loss incurred, a few as high as  $66\frac{2}{3}$  per cent. Thus if we take the average wage to be \$26.50 per week, the maimed worker will receive from \$13.25 to around \$15 per week. How can he exist on it? He can't! If he is lucky enough to have a little savings it will be consumed sooner or later and before his wounds have had time to heal up properly, he or his children will be forced to enter the factory. Indeed, as the Department of Labor reluctantly admits, this is the very intention of the State bourgeois government. The labor market must be replenished at all costs.

Partial disabilities divide themselves into two groups: permanent partial, that is, "minor" injury for life, such as loss of hearing, loss of an arm, etc. and temporary partial, such as sprained wrists, dislocations, injuries to the face or body requiring various periods of healing. In the former cases there is a definite loss of functional activity, in the latter only recuperation is necessary. Do the States take the nature of the specific injuries into serious consideration? A few do. The vast majority are purposely ambiguous and vague, leaving the matter entirely in the hands of Industrial Commissions, who are invariably the friends and boon companions of the employers. Hence, in the table following we have indicated such vagueness in a separate column.

*(to be continued)*