It is this law for the prevention of disease or injury which urgently demands our best thought. The Workmen's Occupational Diseases Act is optional. The employer may elect to operate under its provision by simply filing notice with the Industrial Commission to that effect, in which case his liability is limited to the provisions of the Act. The employer who chooses to remain under the common law takes no action. His liability is limited only by the amount fixed by the jury after weighing all of the evidence presented in the trial of the case, except that for death the maximum is $10,000. It is further provided under the common law that it shall not be a defense that the employe expressly or impliedly assumed the risk or that the disease or death was caused in whole or in part by the negligence of a fellow servant. Also, that non-violation of the rules of the Health and Safety Act shall constitute negligence of the employer.

The primary purpose of the Workmen's Occupational Diseases Act, like the Workmen's Compensation Act, is to provide security to the employe and his family when he is overtaken by the tragedy of disability or death. The primary purpose of the Health and Safety Act, through the penalties provided for failure to comply with its provisions, is to compel the employer to install safety devices or take such other action as will protect the employe from accident or disease. It is understood that no employer, whether under the compensation act or under the common law, is relieved of the necessity of complying with the Health and Safety Act. The penalty for the first failure upon conviction is a fine of not less than $25 and not more than $100, and subsequent failures not less than $50 nor more than $200. Each day of failure constitutes a separate offense.

Referring again to the provisions of the Occupational Diseases Act, Section 5 provides that under the Act the employer shall be liable for compensation on account of an occupational disease which occurs within one year after the last day of the last exposure to a hazard, except in cases of silicosis and asbestosis, where the liability extends to three years. Section 3 provides that the employer under the common law is liable for three years after the last day of the last exposure to the hazards of the disease, and that every such action for damages in case of death shall be commenced within one year after the death of such employe, and within five years after the last day of the last exposure to the hazards of the disease. It is quite evident from these provisions that the employer is not immediately quit of an employe who resigns or who leaves the service from any other cause.

Prevention of occupational disease is of greater importance, more humane and less expensive, than the palliative of paying compensation after the disease has developed. The principle of this law is sound, and I believe that no person opposes the idea of compensation for disability or death whenever it is clear that the immediate cause can be attributed to a hazard which is associated with an employment. The proper application of the law will be difficult, and will require the intelligent cooperation of every agency concerned in its administration.

One of the dangers lurking in the Workmen's Occupational Diseases Act is the propaganda in the educational program of the State Department of Labor.