

commissioner in 40 states; in six states the acts are administered by the local courts.

Again from the report: "The guiding principle in the early acts was the awarding of compensation for accidental injury, meaning thereby traumatic injury." (Traumatic means of or pertaining to a wound or wounds.) "In those years, the importance of disability due to occupational disease was not generally recognized. It however became increasingly apparent that 'injury' might be suffered gradually, and that the result of such gradual breaking down of the strength and resistance of the employee was more serious in many instances than traumatic injury. Courts therefore, in some states, wrestled with the problem of construing 'injury' so as to include disease and bring disease within the compensation acts."

In one state a diseased condition is compensable under the act if caused by the negligence of the employer. Occupational disease is compensable, to some extent, in 16 states and the District of Columbia; in five of these states silicosis is not included among the compensable diseases; in one state silicosis is the only occupational disease made compensable.

There is a legal obligation on the part of the employer to provide a safe place to work, and usually the matter of ventilation is featured. The mining laws approach uniformity as to air quantity and as to equipment for mechanical ventilation.

The right, at common law, to recover for occupational disease due to negligence of the employer, is important. In three states it has been held by the courts that the right never did exist; in three states the right is extremely doubtful; in 12 states it probably exists, although there is some doubt; in 12 other states, the right seems well settled, but is limited in eight of this group; in the remaining states and the District of Columbia, no court decisions can be found which decide the question as to whether or not such common law right exists. It should again be noted that occupational disease, is compensable in three states in this last group.

"With the adoption of Occupational Disease Acts, new medical problems arise and more adequate provision is required for medical examination and treatment. This is especially true with respect to dust

diseases, which call for diagnosis by skilled specialists experienced in that field."

Examination Before Employment

1. Under Compensation Acts: The New Mexico Act contains a provision requiring the workman, at the time of his employment, or thereafter at the request of the employer, to submit himself to an examination.

The New York Act of 1936, covering silicosis and other dust diseases, provides, in the opening paragraph:

"It is hereby declared to be the policy of the legislature of this state, in enacting this article, to prohibit through every lawful means available, any requirement as a prerequisite to employment which compels an applicant for employment in any occupation coming within the purview of this article to undergo a medical examination."

The North Carolina Act, effective March 26, 1935, contains a provision requiring examination both prior to employment and from time to time during employment.

In the compensation acts of no other states were found provisions with respect to examination prior to the time of employment.

2. Under Other Statutes: Five states (Louisiana, Maine, New Jersey, New York and Pennsylvania) have statutes requiring physical examination before an employee is permitted to work under compressed air or in caissons.

Examination During Employment

The five states mentioned in the preceding paragraph require periodic examinations during the course of employment under compressed air or in caissons.

Missouri statutes provide for examination, as often as once a month, by a competent licensed and reputable physician, of all employees who come into direct contact with certain poisonous agencies or injurious processes.

Three states (New Jersey, Ohio and Pennsylvania) require employers to cause to be examined at least once a month, employees engaged in any work or process exposing them to lead dust, lead fumes or lead solutions.

Examination After Claim for Disability Arises

No two state acts contain identical provisions, but in all (including the District of Columbia) that have compensation acts, there is provision for physical examination after claim for disability arises.

In five states (Kentucky, Massachusetts, New York, North Carolina, and West Virginia), definite recognition has been given to the importance of some sort of medical board composed of specially qualified physicians and surgeons, and charged with the duty of diagnosing occupational disease and of advising the administrative board or commission with respect thereto. The laws of these five states are quite different and should be

studied separately for details, but in each occupational disease, including silicosis, is compensable.

The importance of roentgenograms in any thorough physical examination for pneumoconiosis is well known. This importance is recognized in the Acts of New Jersey, New York, North Carolina, and West Virginia.

Medical Treatment

In the 17 states (including Maryland) in which occupational disease is, to some extent, compensable, the acts usually entitle the claimant to a limited amount of medical, surgical, and hospital care, measured in money cost or length of time covered by treatment.

These points were raised in the discussion following the addresses:

1. How much time is required for completing a training course?

Mr. Davison said that the training course in their plant ordinarily covered a period of one and one-half years, but that some students completed it sooner. The time required depends upon the individual.

2. Is it advisable to limit the number of students per teacher?

Ten students per instructor is a good ratio.

3. Which gases present the greatest hazards in welding?

Silicon gases are the most harmful. The risk, however, has largely been overcome by manufacturers of welding supplies.

THURSDAY MORNING SESSION

October 8, 1936

Metals Section Safety Contest

Two hundred and two units were registered in the 1936 Contest of the Metals Section. During the Contest period 267,792 employees worked 361,788,579 man-hours with an average frequency rate of 8.030, a decrease of 4 per cent from the 1935 rate of 8.354. Ninety-five units completed the Contest with a frequency rate below the average, and 8 per cent of the units finished with perfect records. Nineteen plaques and eight

certificates were awarded in the Contest.

The plaques were presented by John B. Gibson, Publicity Director, Hawthorne works, Western Electric Company, Chicago, and Vice President for Community Safety Councils, National Safety Council, as follows:

Steel Mills Division, Group A—Continental Steel Corporation, Kokomo Division, Kokomo, Indiana, 4,141,806 man-hours, 12 injuries.