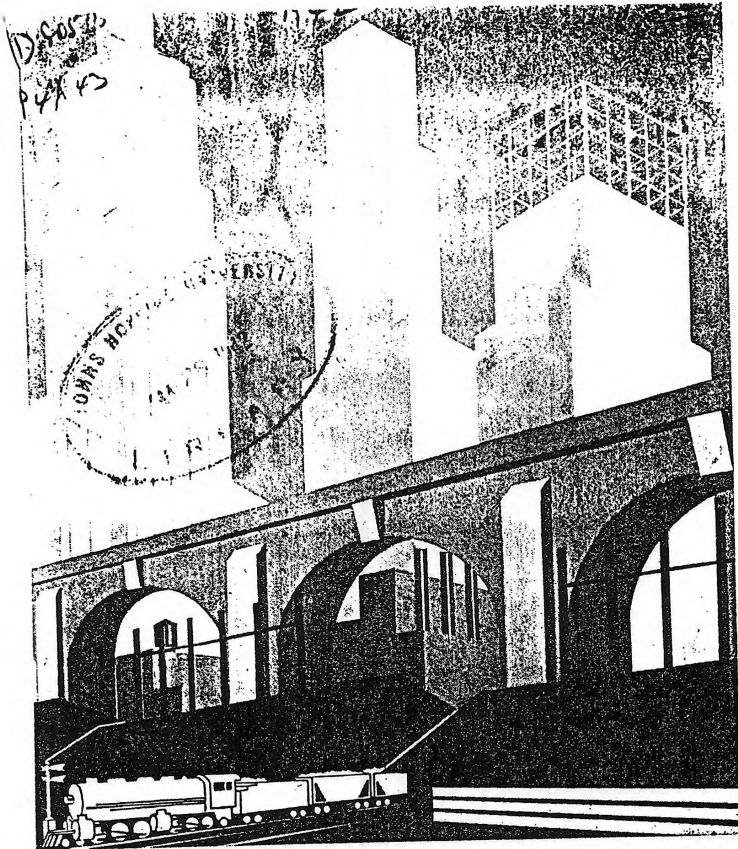


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BOR & INDUSTRY
VIEW

JANUARY
1942

HEALTH IN INDUSTRY NUMBER

Commonwealth of Pennsylvania
**PENNSYLVANIA
LABOR AND INDUSTRY
REVIEW**

HEALTH IN INDUSTRY NUMBER



ARTHUR H. JAMES

Governor of the Commonwealth

LEWIS G. HINES

Secretary of Labor and Industry

Harrisburg



January 1942 -

October 1942

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1/27/11

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and to the republic
liberty and justice

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Employment Agencies
and Information
Women and Children
Bureau of Rehabilitation
Unemployment Compensation
Unemployment Insurance Fund
Disbursements

Director
of

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A. Jacoby

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Commissioner

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A. Dickel

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Lawrence

Unemployment

Unemployment Compensation
Employment Service



PLEDGE OF ALLEGIANCE TO OUR FLAG

I pledge allegiance to the flag of the United States of America,
and to the republic for which it stands:—One nation, indivisible, with
liberty and justice for all.

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THE PENNSYLVANIA

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THE PENNSYLVANIA OCCUPATIONAL DISEASE ACT

Several of the more important as well as more descriptive portions of the act are here presented in an effort to acquaint the public with its general provisions.

THE present Act was approved by Governor Arthur H. James, on June 21, 1939, and amended June 12, 1941.

It applies to disabilities and deaths caused by occupational disease as defined in the act, resulting from employment within this Commonwealth, irrespective of the place where the contract of hiring was made, renewed, or extended, however, it does not apply to any such disabilities and deaths resulting from employment outside of the Commonwealth.

The term "occupational disease," as used in this act, means only the following diseases:

- (a) Poisoning by arsenic, lead, mercury, or manganese, their preparations or compounds, in any occupation involving direct contact with, handling thereof, or exposure thereto.
- (b) Poisoning by phosphorous, its preparations or compounds, in any occupation involving direct contact with, handling thereof, or exposure thereto.
- (c) Poisoning by methanol, carbon bisulphide, hydro carbon distillates (naphthas and others), or halogenated hydro carbons, or any preparations containing these chemicals or any of them, in any occupation involving direct contact with, handling thereof, or exposure thereto.
- (d) Poisoning by benzol, or by nitro, amido, or amino derivatives of benzol (dinitro-benzol, anilin, and others), or their preparations or compounds, in any occupation involving direct contact with, handling thereof, or exposure thereto.
- (e) Caisson disease (compressed air illness) resulting from engaging in any occupation carried on in compressed air.
- (f) Radium poisoning or disability, due to radio-active properties of substances or to Roentgen-ray (X-rays) in any occupation involving direct contact with, handling thereof, or exposure thereto.
- (g) Poisoning by, or ulceration from, chromic acid, or bichromate of ammonium bichromate of potassium, or bichromate of sodium, or their preparations, in any occupation involving direct contact with, handling thereof, or exposure thereto.
- (h) Epitheliomatous cancer or ulceration due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound, product or residue of any of those substances, in any occupation involving direct contact with, handling thereof, or exposure thereto.

- (i) Infection or inflammation of the skin due to oils, cutting compounds, lubricants, dust, liquids, fumes, gases, or vapor, in any occupation involving direct contact with, handling thereof, or exposure thereto.
- (j) Anthrax occurring in any occupation involving the handling of or exposure to wool, hair, bristles, hides, or skins, or bodies of animals either alive or dead.
- (k) Silicosis or anthraco-silicosis (commonly known as Miner's Asthma and hereinafter referred to as anthraco-silicosis) in any occupation involving direct contact with, handling of, or exposure to dust of silicon dioxide (SiO_2).
- (l) Asbestosis in any occupation involving direct contact with, handling of, or exposure to the dust of asbestos.

According to the act, no compensation shall be paid when the disability or death is caused by the employe's violation of law, but the burden of proof of such fact shall be upon the employer.

The maximum compensation payable for disability and death resulting from silicosis, anthraco-silicosis, or asbestosis shall not exceed the sum of thirty-six hundred dollars (\$3,600), which shall be full and complete payment for all disability, present or future, or for death from such occupational diseases arising out of employment by any and all employers in this Commonwealth.

The right to receive compensation under this act is not affected by the fact that a minor is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors, or that he obtained his employment by misrepresenting his age.

Compensation for the occupational diseases enumerated in this act are paid only when such occupational disease is peculiar to the occupation or industry in which the employe was engaged, and not common to the general population, and occurring within one year after the date of his last employment in such occupation or industry. Wherever death is mentioned as a cause for compensation under this act, it shall mean only death resulting from occupational disease and occurring within three years after the date of his last employment in such occupation or industry.

Compensation for silicosis or anthraco-silicosis, and asbestosis, shall be paid only when it is shown that the employe has had an aggregate employment of at least four years in the Commonwealth of Pennsylvania, during a period of eight years next preceding the date of disability, in an occupation having a silica or asbestos hazard.

Compensation shall not be payable for partial disability due to silicosis, anthraco-silicosis, or asbestosis. Compensation shall be payable, as otherwise provided in this act, for total disability or death caused solely (as definitely distinguished from a contributory or

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If it be shown that the employe, at or immediately before the date of disability, was employed in any occupation or industry in which the occupational disease is a hazard, it shall be presumed that the employe's occupational disease arose out of and in the course of his employment, but this presumption shall not be conclusive.

The employer liable for the compensation provided by this article shall be the employer in whose employment the employe was last exposed to the hazard of the occupational disease claimed, regardless of the length of time of such last exposure: Provided, That when a claimant alleges that disability or death was due to silicosis, anthraco-silicosis, asbestosis or any other occupational disease which developed to the point of disablement only after an exposure of five or more years, the only employer liable shall be the last employer in whose employment the employe was last exposed to the hazard of such occupational disease during a period of six months or more after the effective date of this act; and in such cases an exposure during a period of less than six months after the effective date of this act shall not be deemed an exposure. The notice of disability or death and claim shall be made to the employer who is liable under this subsection, and his insurance carrier, if any.

When compensation is awarded because of disability or death caused by silicosis, anthraco-silicosis, asbestosis, or any other occupational disease which developed to the point of disablement only after an exposure of five or more years, the compensation for disability or death due to such disease shall be paid jointly by the employer and the Commonwealth (out of moneys to the credit of the Occupational Disease Fund hereinafter created in the State Workmen's Insurance Fund), in accordance with the following provisions: If disability begins between October 1, 1939, and September 30, 1941, both dates inclusive, the employer shall be liable for and pay fifty per centum of the compensation due and the (Occupational Disease Fund) Commonwealth fifty per centum thereof. Thereafter, depending upon the date when disability begins, the proportions of compensation for which the employer and the (Occupational Disease Fund) Commonwealth shall respectively become liable shall be: If disability begins between October 1, 1941, and September 30, 1943, the employer sixty per centum and the (Occupational Disease Fund) Commonwealth forty per centum; if between October 1, 1943, and September 30, 1945, the employer seventy per centum and the (Occupational Disease Fund) Commonwealth thirty per centum; if between October 1, 1945, and September 30, 1947, the employer eighty per centum and the (Occupational Disease Fund) Commonwealth twenty per centum; if between October 1, 1947, and September 30, 1949, the employer ninety per centum and the (Occupational Disease Fund) Commonwealth ten per centum. The employer shall pay the full amount of compensation provided in this act for disability or death in all cases where disability begins on or after October 1, 1949.

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