

Student Handout 10- Extract from the 1915 Pennsylvania Workman's Compensation Act

Prior to the act of 1915, the workingman or his family had to bear the loss from injuries resulting from accident, unless it could be shown that the accident was due to the negligence of the employer. The act of 1915, from which the following extract is taken, provides for insurance to lessen this burden upon the workingman.

"Section 305. Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund, or in any insurance company, authorized to insure such liability in this Commonwealth, unless such employer shall be exempted by the Bureau from such insurance. An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the Bureau, showing his financial ability to pay such compensation, whereupon the Bureau, if satisfied of the applicant's financial ability, shall by written order make such exemption. The Bureau may, from time to time, require further statements of the financial ability of such employer, and, if at any such time an employer appear no longer able to pay compensation, shall revoke its order granting exemption; in which case the employer shall immediately subscribe to the State Fund, or insure his liability in a mutual association or company, as aforesaid.

"If an employer shall fail to comply with the provisions of this section the Bureau shall, by registered mail, or in such other manner as the rules and regulations of the Bureau shall provide, serve upon such employer a notice to forthwith comply with such provisions; and if such employer does not, within thirty days thereafter, insure his liability as aforesaid, or satisfy the Bureau of his financial ability to pay compensation as aforesaid, or does not terminate his acceptance of article three of this act in the manner provided in section three hundred and four of the said article, such employer shall be liable for compensation under article three of this act to any employee injured thereafter, or to his personal representative, or for damages under article two of this act, at the option of such employee or his personal representatives: Provided, That such option be exercised by the employee and written notice given to the employer within thirty days after the accident: And provided further, That, until the expiration of the said thirty days from the giving of the notice by the Bureau, the employer shall be liable only for compensation under article three of this act, and that, if he shall terminate his acceptance under section three hundred and four of article three of this act, he shall be liable only for compensation under article three of this act, until such termination of acceptance shall become effective.

"Section 306. The following schedule of compensation is hereby established for injuries resulting in total disability:—

"(a) For the first five hundred weeks after the fourteenth day of total disability, fifty per centum of the wages of the injured employee, as defined in section three hundred and nine; but the compensation shall not be more than ten dollars per week nor less than five dollars per week, and shall not exceed in aggregate the sum of four thousand dollars: Provided, That, if at any time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week as compensation. Nothing in this clause shall require the payment of compensation after disability shall cease. Should partial ability be followed by total disability, the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability.

"(b) For disability partial in character (except the particular cases mentioned in clause (c), fifty per centum of the differ between the wages of the injured employee, as defined in section three hundred and nine, and the earning power of the employee thereafter; but such compensation shall not be more than ten

dollars per week. This compensation shall be paid during the period of such partial disability; not, however, beyond three hundred weeks after the fourteenth day of such total disability. Should total disability be followed by partial disability, the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for such total disability.

"(c) For all disability resulting from permanent injuries of following classes, the compensation shall be exclusively as follows:

"For the loss of a hand, fifty per centum of wages during one hundred and seventy-five weeks.

"For the loss of an arm, fifty per centum of wages during two hundred and fifty weeks.

"For the loss of a foot, fifty per centum of wages during one hundred and fifty weeks.

"For the loss of a leg, fifty per centum of wages during two hundred and fifteen weeks.

"For the loss of an eye, fifty per centum of wages during one hundred and twenty-five weeks.

"For the loss of any two or more of such members, not constituting total disability, fifty per centum of wages during aggregate of the periods specified for each.

"Unless the Board shall otherwise determine, the loss of both hands or both arms, or both feet, or both legs, or both eyes, constitute total disability, to be compensated according to the provision of clause (a).

"Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg, or eye shall be considered as the equivalent of the loss of such hand, arm, foot, leg, or eye.

"This compensation shall not be more than ten dollars per week nor less than five dollars per week: Provided, That, if at any time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week as compensation."

Credit: Pennsylvania Department of Labor and Industry, Commonwealth of Pennsylvania