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Editor's Preface to the Symposium

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Editor's Preface to the Symposium

Many of the existing workmen's compensation statutes fail to satisfy the needs of a society which is becoming increasingly complex. Commentators have long contended that workmen's compensation laws simply do not adequately provide for the protection and welfare of the working man. There are numerous areas where revisions have been suggested as a means of accomplishing improvements in the workmen's compensation statutes. Most of the suggestions are specific in content and purpose. There have also been proposals for the adoption of a federal workmen's compensation law which would have the effect of pre-empting state participation. This latter suggestion is interesting and challenging; the advantages of uniformity and broad revision are obvious. Since, however, the field has already been occupied by the several states, and considering the perplexing legal questions which would be raised concerning the power of the federal government to adopt such legislation, it would appear to be an impractical solution. In any case, this symposium is limited to the consideration of specific problems and specific remedies; all encompassing reforms, such as federal statutory activity, are not within its purview.

Despite the fact that each state has its own workmen's compensation laws and accompanying judicial interpretations, all have a common origin in the *British Act of 1897*. All but eight states adopted the statutes during the decade beginning in 1910. It was not until 1949 that the remaining states had adopted similar laws. The laws of each state varied both in approach and scope, dependent on the economy and the policy trends in the particular state at the time of adoption of its separate act. While many of the state statutes have been amended from time to time so as to reflect modern thinking and be responsive to present day social needs, others have, unfortunately, lagged behind. It should be remembered that originally all workmen's compensation acts were specifically designed to change common law concepts concerning industrial accidents suffered by employees in the course of their employment. The purpose of these enactments is to eliminate the necessity for showing negligence on the part of the employer, to provide for the establishment of a fund or the purchase of insurance to secure the payment of awards made, and to protect the employer against unlimited liability by providing a measure of compensation to be determined by an administrative body in accordance with specified rules and regulations. Unless these concepts are to be abandoned, it would seem that the apparent deficiencies in the current workmen's compensation legislation can best be remedied by amendment to existing law.

The suggestions for specific changes in workmen's compensation laws are so numerous that it is impossible to deal with them all in one

publication. Moreover, it appears to be of greater practical benefit to limit the symposium to a few specific topics which have created the more difficult problems or are the subject of greatest criticism. Accordingly, articles have been selected dealing with the definition and scope of injury, problems in evaluating disability and the establishment of eligibility for benefits, extension of coverage and procedural recommendations. Because the subject matter is so broad, the symposium is primarily concerned with matters arising under the Ohio statute.

In sum, it is intended that this symposium be beneficial not only to practicing attorneys dealing with specific problem areas of workmen's compensation, but also to workmen's compensation administrators and progressive state legislators in their efforts to improve the protection afforded both to labor and to industry.

The assistance of those whose contributions made this edition possible is gratefully acknowledged. It is believed their efforts will prove of value to the concerned and thoughtful reader.

NANCY F. HALLIDAY

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