AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF WASH-INGTON FOR THEIR APPROVAL OR REJECTION

AT THE

GENERAL ELECTION

TO BE HELD

On Tuesday, the Third day of November, 1914,

Proposed by Initiative Petition No. 9, filed in the office of Secretary of State, July 3, 1914, commonly known as First Aid to Injured Measure.

(Will appear on the official ballot in the following form)

PROPOSED BY INITIATIVE PETITION

INITIATIVE MEASURE NO. 9, entitled "An act providing for the payment of the cost of medical, surgical and hospital treatment, nursing, supplies, and other expenses of workmen injured in extra-hazardous employments, by the employer to the amount of one hundred dollars, any excess to be paid by the industry, providing for arbitration of disputes, prohibiting certain deductions from wages, and imposing duties upon the industrial insurance department."

FOR Initiative Measure No. 9.. ☐

AGAINST Initiative Measure No. 9.. ☐

Initiative Measure No. 9.

BALLOT TITLE

"An act providing for the payment of the cost of medical, surgical and hospital treatment, nursing, supplies, and other expenses of workmen injured in extra-hazardous employments, by the employer to the amount of one hundred dollars, any excess to be paid by the industry, providing for arbitration of disputes, prohibiting certain deductions from wages, and imposing duties upon the industrial insurance department."

AN ACT to encourage industrial safety and relating to treatment of workers injured in extra-hazardous employment, fixing pecuniary liability therefor, providing for arbitration of disputes, prohibiting certain deductions from wages, and imposing duties on the Industrial Insurance Department.

Be it enacted by the People of the State of Washington:

SECTION 1. The welfare of the workers in extra hazardous employment in the State of Washington as well as the prosperity of industries in which they are employed, demands that injuries to such workers, with the attendant suffering and expense, and the economic loss to society resulting, shall be reduced to the minimum. The State therefore in the exercise of its sovereign and police power, and in aid of accident prevention and of education in safety practices, hereby declares that the provisions of this Act shall apply to every employment in extra hazardous occupation carried on in the State.

SEC. 2. Every person employed in extra hazardous employment in this State, within the meaning of Chapter 74, Session Laws of 1911, shall, when injured in such occupation, be entitled to receive in medical, surgical and hos-

pital treatment, including nursing, medical and surgical supplies, crutches and apparatus as are reasonably required to accomplish recovery, including transportation from the place of injury to the hospital or other place of treatment.

SEC. 3. The cost of the services provided for in Section 2 of this Act, in a sum not to exceed one hundred dollars for any one workman, shall be paid by the employer in whose plant or service the injury occurred, and itemized receipts for all actual disbursements shall be filed with the Industrial Insurance Department.

SEC. 4. In all cases where the cost of services provided for in this Act exceeds in cost said sum of one hundred dollars, the excess shall be audited and paid by the Industrial Insurance Department out of the Accident Fund of the class to which the employer of such injured worker belongs. The pecuniary liability of the employer or of the Accident Fund for the medical, surgical and hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured persons.

SEC. 5. In all cases of dispute as to the proper charge for services rendered or materials furnished under this Act, same shall be determined by the findings of a board of arbitration consisting of three persons, one appointed by the person making the charge complained of, one by the employer resisting such charge and the third selected by the other two. The findings shall be endorsed upon or attached to the statement of charges and a copy filed with the Industrial Insurance Department. In case either party to any such dispute fail, within reasonable time, to appoint an arbitrator as herein provided, or two arbitrators cannot agree upon a third, the Industrial Insurance Department shall make the appointment.

SEC. 6. The payments herein provided to be made by the employer being for the purpose of aiding in accident prevention, it is hereby declared a misdemeanor for an employer to retain any part of any worker's pay as a hospital fee or for any fund whatsoever to be used or drawn upon by himself or any other person, in meeting costs of treatment of injured workers covered by this Act: *Provided, however*, That deduction from wages may be made by the employer, with the written consent of the worker, to accumulate funds for treatment of sickness, or other lawful purposes, such consent to be given upon blank forms approved by the Industrial Insurance Department and showing the date so approved, and providing for the auditing of such funds by said Department; but nothing herein shall be construed to restrict an injured worker or his family in choosing a physician.

SEC. 7. It is hereby declared the duty of the Industrial Insurance Department to preserve and annually publish in statistical form the facts required to be supplied by the provisions of this Act, including the condition of trust funds held by employers under authority of said department. Whenever controversies shall arise with reference to the application of this Act, the said department shall hear and determine same. Appropriate rules, directions and instructions for the carrying into effect of the provisions of this Act, shall from time to time be formulated and published by said Department.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State, January 30, 1914.

I. M. HOWELL, Secretary of State.

Argument Against Initiative Measure No. 9.

In 1910 the governor of the state appointed a committee to draft a compensation act, which committee was composed of representatives of capital and labor. In 1911 this committee proposed a bill containing a Frst Aid provision. In 1913 a similar bill was proposed by the representatives of labor, both bills providing that the cost of first aid should be borne equally by the employer and the employee.

If the bills proposed in 1911 and 1913, as above stated, were fair and satisfactory to the employee, what is the reason for now imposing the entire cost of first aid on the employer, as proposed by Initiative Measure No. 9?

The question of first aid is more complex than the whole subject covered by the Workmen's Compensation Law.

This very fact is apparent when you consider that when the Workmen's Compensation Act was passed by the Legislature of 1911, the First Aid feature was omitted because no correct solution of the difficulties could be worked out. For the same reason, the bill proposed in 1913 failed to pass and also upon the advice of the Chairman of the Industrial Insurance Commission, who could not secure sufficient data to enable the Legislature to intelligently act upon the subject.

Another reason no First Aid law has been enacted is because a practical law providing for surgical and medical attendance and hospital service in case of injuries cannot be drawn that allows the injured workman to choose his own physician and compels the state or employer to pay for the service, until the state passes a law fixing uniform physicians', surgeons' and hospital compensation for service rendered and fixing the liabil[illegible] of the state and employer.

Initiative Measure No. 9 provides no limit on the amount of the assessment which can be levied on any industry for First Aid purposes. The cost of these services is paid as follows:

1st. $100.00 by the employer in whose plant the injury occurs;

2nd. Any further funds used to accomplish recovery is taken from the class in the accident fund to which the employer belongs. No limit is placed upon the sum that can be used.

The employer is arbitrarily assessed, but has no voice in the disposition of the fund. This will encourage collusion and fraud between the unprincipled employee and the party furnishing treatment and supplies. If the employee carelessly contributes to his own injury, he bears no share of the burden, ignoring all "laws of safety" and individual responsibility.

This provision is so vicious, drastic and confiscatory that if passed, has the possibility of placing the industries of this state under such a handicap as to be beyond successful competition with other states, or the markets of the world.

The proposers of this measure entitle their bill: "An act to encourage industrial safety"—whereas no safety provisions are contained in the measure. This attempt to secure popular support by using a title which will draw on the sympathies of the voters deserves rebuke at the polls and defeat of the measure.

Employees are fully protected under the present laws by the Factory Inspection Act and by the powers given the Commissioner of Labor, whose duty it is to see that all mills, mines and factories are inspected and to see that all machinery is safe-guarded.

This act assumes that industrial accidents are due entirely to failure on the part of the employer to provide proper safeguards. It avoids the fact that a large class of accidents are absolutely non-preventable even where all safeguards required by the state are properly installed. Labor Commissioner E. W. Olson, in a handbook issued March, 1914, says: "A workman who is reckless in his movements is as dangerous around a workshop as an unguarded machine." The statistics of the Industrial Commission for 1913 show as follows:

Fault	Number	Per Ct.
Workman's	951	7.8
Fellow servant's	303	2.4
Employer's	90	.7
Foreman's	12	.1
Third person's	30	.2
Risk of Trade.......	8,543	69.00
Not ascertainable....	2,451	19.8
	12,380	100.00

It will be seen that the workman's fault and the fellow servant's fault to-

tal ten per cent. whereas the employer's fault and the foreman's fault combined total less than 1 per cent., the greater fault lying with the workman. There is an inherent risk in all hazardous employment that is beyond human control; otherwise it would not be hazardous employment.

The experience of over thirty foreign governments covering an extended period of time, as well as the limited experience of 18 states of the United States having compensation laws, justifies the inevitable conclusion that there should be some reasonable limit on the cost of First Aid not only as to the amount involved, but as to the time in which such aid should continue, bearing in mind the present continuous payment of compensation in addition to such First Aid.

Section 4 of the bill provides: "The pecuniary liability of the employer or of the Accident Fund for the medical, surgical and hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured person."

Just what standard it provides is impossible to state. Does it mean that the common laborer getting $2.00 per day and the sawyer or filer getting $7.00 per day, injured in exactly the same way, shall receive different treatment?

Every hazardous industry in Washington has proper provisions for caring for the injured and taking care of the sick with suitable hospitals and arrangements for competent doctors and nurses. Other employers have similar arrangements where possible. Employees by paying $1.00 per month are receiving medical attention and hospital care both in case of accident and sickness.

Eighty per cent. of the employees in Washington now enjoy the protection of various hospital and beneficial associations. Records show that of the funds paid into these associations seventy-five per cent. is spent on cases of sickness and only twenty-five per cent. on cases of accident. Should the proposed First Aid bill be enacted, the employee will lose all the benefits now received in case of sickness to himself, and in many cases to his family, except by the payment of at least 75 cents a month. The tendency of the present hospital system is to secure the most efficient surgical service because it is to the interest of the employer that his injured workmen shall be cured as speedily as possible, thereby reducing the economic loss occasioned by the absence of the workman from his post. It cannot be urged or claimed by any one that in the State of Washington employers have not as a class felt their full responsibilities towards those they employ and have in the past and are today endeavoring in every reasonable way to protect them in their work.

Taking from the individual all personal responsibility does not tend to a better or higher citizenship. Much less is this the case when in addition to being relieved from such responsibility one is encouraged to cast a burden on others.

The First Aid question does not alone concern the employer and workman in the extra-hazardous occupations. It is so far-reaching in its effect that every person in the state is concerned.

WEST COAST LUMBER MFGRS.,
By W. C. MILES, *Manager.*

COAL OPERATORS ASSN. OF WASH.,
By CHAS. E. JONES, *Secretary.*

EMPLOYERS ASSN. OF WASH.,
By G. N. SKINNER, *President.*

EMPLOYERS ASSN. OF INLAND EMPIRE,
By J. C. H. REYNOLDS, *Secretary.*

STATE OF WASHINGTON—*ss.*

Filed in the office of the Secretary of State, July 23, 1914.

I. M. HOWELL, Secretary of State.