Compendium on Workmen's Compensation

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Chapter 2

Historical Development of Workmen's Compensation

The socially uncontrolled entrepreneurial initiative that led to America's leap into world predominance as an industrial power in the last third of the 19th century was accomplished by a ruthless spirit of competition that left little room for concern about the welfare or working conditions of those at the bottom.[1]

This chapter details how concern for work conditions increased: first, through employers' liability statutes modifying the common law; and second, through workmen's compensation statutes.

THE INDUSTRIAL REVOLUTION AND THE COMMON LAW

Before 1910, in almost every State the laws determining employers' responsibility for industrial injuries had been handed down from the preindustrial period in England and the United States.[2] Under these laws an injured worker's only recourse was through the courts and his chances of recovery were slight. It has been estimated that not more than 15 percent of injured employees ever recovered damages under the common law, even though 70 percent [3] of the injuries were estimated to have been related to working conditions or employer's negligence.[4] This inability to recover damages was due to the changes "wrought by the factory system and modern industry which had strained, beyond their capacity for adoption, common law doctrines developed to meet the needs of a simple economy." [5]

The common law rules of liability attempted to determine who was at fault. Under this law of negligence, failure to use that degree of care which was reasonably necessary to protect another person from injury constituted a cause of civil action. To sustain this action, the injured party had to prove damage and a natural and continuous sequence, uninterruptedly connecting the breach of duty with the damage, as cause and effect.

The scope of the law of negligence was extended around 1700 [6] with the development of the doctrine of respondeat superior. Under this principle a master was held to be vicariously liable for harm to third persons caused by a servant's act or omissions within the scope of his employment. Neither the early cases, in which the doctrine of respondeat superior developed, nor the policies it reflected precluded its application to an employee injured through the negligence of a fellow worker.[7] However, prior to 1837 the principle of vicarious liability was not applied to the internal affairs of an industrial group, probably for the reason that, in early times, such groups were on much the same basis as the family and regulation of the personal relations of the members was accomplished without appeal to the courts.[8] However, the development of modern industry changed the basis of the industrial group and necessitated the application of the common law to determine liability for work-related injuries.

Employer Responsibility

Under the common law, the employer was deemed to have certain legal duties of protection which he owed to his employees.[9] These duties were:

(1) to provide and maintain a reasonably safe place to work, and safe appliances, tools and equipment;

(2) to provide a sufficient number of suitable and competent fellow employees to permit safe performance of the work;
(3) to warn employees of unusual hazards; and
(4) to establish and enforce proper safety rules.

If the employer properly performed all of these duties, he could not be held liable for an injury to an employee arising out of his employment. As the test of the performance of the employer's duty extended only to proper diligence, breach of this duty was not easy to prove in court. This problem of proof was compounded by the fact that the usual witnesses to a work-injury were fellow workers who were reluctant to testify against the employer. With the expense of litigation added to other responsibilities, the worker faced almost insurmountable obstacles in pressing a claim. Nonetheless, the courts provided the employer with additional protections against liability.

Employer Defenses

When the first cases involving the relation of employer and employee were decided, the doctrines of individualism and laissez-faire were widely accepted. Early decisions reflected this philosophy.[10] The courts, alarmed by the possible consequences of permitting an employee to recover from his employer for a fellow servant's neglect, added to the employer's existing defense of contributing negligence the defenses of the fellow servant rule and of the assumption of risk.[11]

The doctrine of contributory negligence had its origin in *Butterfield* v. *Forrester* [12] in 1809. Under this doctrine the slightest lack of ordinary care on the part of the injured party, which contributed proximately to his injury, barred him from recovering damages. While this doctrine existed befor the development of modern industry, it was applied with unjust severity to the working man.[13] If the employee contributed 1 percent of the elements which caused the accident, and his employer 99 percent, he could not recover.

The common employment or fellow servant doctrine was first suggested in *Priestly* v. *Fowler* [14] in 1837. In that case a butcher's boy sued his master for an injury suffered when an overloaded cart broke down. When the overloading was proved to be due to the negligence of a fellow servant, the injured employee was barred from recovery. The doctrine was then clearly defined in *Murray* v. *South Carolina Railroad Co.*[15] in 1841, and became entrenched in American and English common law with the decision of *Farwell* v. *Boston and Worcester Railroad Corporation* [16] in 1842. The opinion of Chief Justice Shaw in the *Farwell* case stated that the rule that a master should be liable for the acts of his servants presupposed that the master and the person injured "stand to each other in the relation of strangers." [17] This decision precluded the application of the principle of vicarious liability to the employer-employee relationship by assuming that the employee's rights are regulated by the contract, expressed or implied, made when he entered his employment. This implied employment contract the Court held, does not extend to indemnify the employee against the negligence of anyone but the master himself. It is on this premise, of questionable validity, that the courts based the fellow servant rule, thus denying to an employee the right to invoke the doctrine of respondeat superior.[18]

The third method of avoiding liability given to the employer by the courts was the doctrine of assumption of risk. This doctrine stemmed from the same decisions as the fellow servant rule. It assumed that, although the employee is not obliged to work for the employer, if he takes the work, he enters an implied contract in which he assumes certain risks: The ordinary risks of his employment; the extraordinary risks of his employment, if he knew of these, or might reasonably be expected to know of them; and the risks arising from the carelessness, ignorance or incompetency of his fellow servants.[19]

"An economic rationalization for (this) narrow view, but unsupported by the facts, was the notion that a man's pay reflects the hazards of the job, hence the consuming public, and not the worker, ultimately bears the burden of the risk through the price paid for the product." [20] What is more likely is that the courts considered the needs of developing industry to have priority over the needs of injured workers.[21]

For many decades, countless numbers of workers suffered without justice from occupational injury. Widows and orphans of men killed on the job were sentenced to lives of poverty and dependence. Some courts eventually tried to modify the

fellow servant rule and the doctrines of assumption of risk and contributory negligence. The total effect of these judicial efforts, however, was small partly because many judges were management-oriented and partly because the task of reform was taken over by the legislature in enacting employer liability acts. This motivation for reform by the legislatures came principally as a result of the lobbying activities of various interests groups. The poverty and dependence of widows and children provided the legislatures with little incentive to reform.

EMPLOYERS' LIABILITY STATUTES

The enactment of employer liability statutes stemmed from public agitation to remove some of the limitations on the employee's right to recover. With the changes in the organization and technology of modern industry, the inequities of the common law principles of employer's liability became evident. Many pressure groups, advocating reform, indicated the philosophy of laissez-faire as a philosophy of exploitation of the workingman. They proposed that positive rules be laid down to secure justice in the employment relationship. This desire was manifested by statute, rather than judicial decision, simply because legislative bodies are more responsive to public opinion than are the courts.

The employer liability acts did not attempt to create a new system of liability in the industrial relationship. They were based on the theory that the employee must bear the economic loss of an industrial injury unless he could show that some other person was directly responsible, through a negligent act or omission, for the occurrence of the accident.[22] The employer was liable only for his own negligence, or at most for the liability of someone for whom he was directly responsible under the doctrine of respondeat superior. These statutes were merely intended to restore the worker to a position no worse than that of a stranger injured by the negligence of an employer or his employees.[23]

Effects on Employer Defenses

Many of these employer liability statutes were extremely narrow in scope, confining their modifications to a specific industry or a particular defense. For example, the Georgia Act of 1855, the first such statute enacted, abolished the fellow servant rule for railroad companies only.[24] While later enactments were often broader than the Georgia statute, none attempted to abrogate all three of the employer defenses for every employer-employee relationship. By 1907, 26 States had enacted employer liability acts, with most of these abolishing the fellow servant rule while a few limited the assumption of risk and contributory negligence doctrines as well.[25]

It was natural that the defense most vigorously attacked was the fellow-servant rule, since this doctrine not only was the cause of tremendous inequities but also represented a marked departure from the common law principle of vicarious liability. Most liability statutes limited the scope of the fellow servant doctrine, but did not totally eliminate it. Many State legislatures abrogated the defense as to railroads only; several modified it; and only a few abolished the fellow-servant defense altogether.

Another approach taken by the legislatures was to remove or lessen the unjust effects that stemmed from the doctrine of contributory negligence. One approach adopted by several States was to replace the common law defense of contributory negligence with the doctrine of comparative negligence. Under this principle, an employee who, through his own negligence, contributed proximately to his injury was not barred from recovery but rather his negligence merely operated to mitigate damages. Some statutes modified this doctrine by shifting the burden of proof from the plaintiff to the defendant where the plaintiff had the burden of proving his own freedom from negligence. Finally, several acts abolished the defense whenever the employee's accident was related to the employer's violation of a safety statute.

The third principle modification embodied in the liability acts limited the assumption of risk doctrine. Several States abolished this defense whenever the risk which produced the accident was caused by the employer's fault. A number of States made it inapplicable to extraordinary risks or known defects in plant or machinery, especially in the case of railroads. Others abrogated this defense as to violations of safety statutes.

Federal Employers' Liability Act of 1908

The Federal Employers' Liability Act of 1908, which covered all employees of common carriers who were engaged in interstate and foreign commerce, was the high point in this phase of employee protection. This statute, which contained all of the most advanced features of State laws up to that time, provided that contributory negligence on the part of the injured worker would serve only to mitigate damages. The law denied the defenses of contributory negligence and assumption of risk to employers guilty of violating safety statutes. The railroad employer was vicariously liable for the negligence of all its officers, agents, and employees. Finally, the employer was liable for all defects due to negligence in tracks, equipment, engines, etc., resulting in injury to employees.

Deficiencies of Employers' Liability Statutes

Employers' liability statutes did not provide an adequate solution for the problems arising from industrial accidents. They were, in fact, a tremendous source of worry, dissatisfaction, and friction to the employers and workers. As accidents frequently arise from the methods of carrying on a business, the responsibility for the resulting injuries must be assigned to conditions rather than persons.[26] In contrast, under these statutes, liability was based on personal fault. Thus the economic loss for accidents of this nature had to be borne by the injured worker. These uncompensated accidents often gave rise to dependency and destitution, with the worker and his family forced to seek relief through various charitable organizations. This resulting status of enforced pauperization had a dehumanizing effect upon the injured worker.

Another source of criticism of this system stemmed from the fact that liability could be established only by a suit at law. The application of the law to any given case is not a matter of certainty and the amount of a possible recovery is undetermined. As a result, every serious accident was litigated under the employer liability statutes because the injured worker hoped to recover a generous award. As the employer feared and resisted such a recovery, the employee, when he did recover damages, received compensation only after a long delay and even then was forced to sacrifice a large portion of the award to pay attorney's fees. The employer, on the other hand, had to pay out large sums of money for defense of these claims and for satisfaction of verdicts. In addition, friction between employee and employer often arose out of these claims for damages, whether or not they reached the stage of law suits.

The system of employer liability under these statutes was defective in that it failed to accomplish its fundamental purpose: A solution of the problems created by work-related accidents. The operation of the employer's liability system resulted in injustice to all classes. With the continuous increase in economic development, the injustice was aggravated. As a result, alongside this development there grew a new social philosophy which demanded recognition of changed conditions and sought some adequate and just compensation for workmen who suffered economic losses from work-related injuries.

WORKMEN'S COMPENSATION IN EUROPE

The movement for the enactment of more humane and just laws to take the place of the outgrown common law remedies for compensation of injured workmen became widespread in the United States around the beginning of the 20th century. This movement, while new at this time in the United States, had been long established in Europe. The European compensation plans "differ[ed] in scope and method but they [were] all based on the principle of providing indemnity for injury regardless of personal fault and [were] the result of the development of modern industry and ideas and of a complete dissatisfaction with the system of employer's liability." [27]

The basis of the present compensation system developed during the early 19th century in the mining industries in Austria and Germany. Initially these countries enacted employers' liability laws in an effort to provide adequate compensation for the industrially injured while recognizing the personal fault concept. When this approach failed to correct the deplorable situation of the worker, the realization became universal that the problems arising from work-related accidents needed radical treatment. This conviction was expressed by the gradual adoption and extension of workmen's compensation, with each country passing through much the same stages of development.[28]

Unlike the United States, the tendency in Europe has been to treat workmen's compensation as part of a broader social insurance system. Two countries, Germany and Great Britain, illustrate the development of this type of compensation system in Europe.

Germany

"Germany was the pioneer of Workmen's Insurance against the economic insecurity arising out of the modern wage system." [29]

In 1838 Prussia took the initial step in recognizing the new principle of the liability of employers for industrial accidents when it passed a statute which made the railroads liable for injuries to both employees and passengers. Under this law the railroads' only defense was to show that the accident was caused either by the negligence of the person injured or by an act of God.

In 1854, a law was passed requiring certain classes of employers to contribute one-half of the subscriptions to sickness associations' funds, formed according to local statutes. This was followed by a voluntary insurance act in 1876, the failure of which made it clear "that the most dependent class could only be reached by the strong hand of the state".[30] Finally in 1884 Germany adopted the first modern compensation system.

Germany became the first country to adopt a workmen's compensation system as a consequence of several conditions there. Frederick the Great believed that the state had the duty "to provide sustenance and support of its citizens who cannot provide sustenance for themselves. The state is entitled and is bound to take such measures as will prevent the destitution of its citizens." [31] The philosophers of the time were convinced that the government had the "duty to protect the weak against the strong." [32] They contended "that many of the misfortunes, disabilities and accidents of individuals are ultimately social and not individual in origin, and that the state is therefore 'not to be negative nor to have a mere police function, but to be filled with Christian concern, especially for the weaker members' ".[33] Several socialist philosophers developed this idea into strong insistent, convincing arguments which evidenced that industrial insurance was the only viable solution to the problem of workmen's injuries.

During the years following the war of 1870–71, the Prussian Government became increasingly concerned over the influence of the Marxian-Socialists, who attacked the then existing industrial order with its wage system, private rent, and interest. It was a desire to counteract this influence that prompted Bismarck to introduce in the Reichstag in 1881 a far-reaching compulsory insurance plan.

This plan was enacted in various measures from 1883–87.[34] Payments under this plan were made from a sickness insurance fund and an accident fund, which were administered by representatives of employers and employees under government supervision. "The distinguishing feature of the German plan was that contributions of the workman were an integral part of the system." [35] In short, the German approach to workmen's compensation was a compulsory system based on mutual association.

Today, Germany is divided into two countries with two separate workmen's compensation systems. East Germany has a social insurance system which is essentially the same as the original German system. Under the East German plan an employed worker contributes 10 percent of his earnings; a self-employed worker 14 to 17 percent of his income; and an employer 10 percent of his payroll. The Federal Republic of Germany, on the other hand, has a workmen's compensation system that provides a plan of compulsory insurance with a semiprivate carrier, with the employee making no contributions while the employer contributes according to his expected losses.

Great Britain

In Great Britain, under the common law, where employer defenses were given even greater weight than in the United States, it was practically impossible for a workman to secure damages. In 1880, the Employer's Liability Act was passed, the "first legislative protest against the sweeping favoritism of the common law." [36] It considerably modified the doctrines of common employment and assumption of risk but left alone the doctrine of contributory negligence. While this statute represented a theoretical advancement, in practice it was totally unsuccessful.

In 1897 the first workmen's compensation act in an English-speaking country was passed. It was limited to certain industries and required the employer to pay compensation for all accidents except those due to the serious and willful misconduct of the employee and those which caused two weeks

or less disability. Regarded as an experimental project, subject to extension, a special committee was appointed in 1903 to evaluate its operation and recommend amendments. In 1906, pursuant to this committee's report, an amending statute was passed extending the act's coverage to all occupations with the exception of casual workers and out-workers.

In 1920 the Holman-Gregory Committee was appointed to inquire into the voluntary system of private enterprise compensation. It had the specific duty of determining whether Great Britain should continue with or without compulsory insurance, whether a state system should replace it, or whether some state control should be superimposed on the existing system.[37] The committee decided against a state scheme mainly because the existing system was popular with employers, who argued that a state system would be rigid and slow and would quickly become inefficient from lack of competition.[38]

During World War II, in response to the demand for a substitute for Britain's ill-favored workmen's compensation scheme, the Beveridge Proposals [39] were developed. Beveridge urged that a special levy be placed on hazardous industries to encourage employers of high risk to take special care. He proposed that beneficiaries be treated differently from others who suffered interruption of earnings (because of sickness, unemployment) until 3 months had elapsed. He felt that payment should be a flat rate and in no way based on past earnings. Finally, he advocated a tripartite system of insurance to which the employer, the worker, and the state would contribute. He accepted this as a principle that had already been tried, and proved workable in unemployment and sickness insurance plans.

Although the government rejected all but the proposal to establish a tripartite system when it enacted the National Insurance (Industrial Injuries) Act in 1946, the act was significant: no longer would insurance companies and other private agencies run the scheme; instead the government itself would be responsible.[40]

In 1965 England passed an act which brought workmen's compensation under a broad social insurance system, similar to the original German plan of 1884. Under this plan all employees are covered, with the employee, the employer, and the government contributing to the fund. The administration of contributions and benefits is handled by the Department of Health and Society Security through regional and local offices, while medical benefits are provided through the National Health Service.

WORKMEN'S COMPENSATION IN THE UNITED STATES

In the United States, efforts to implement a system of compensation for industrial injuries lagged far behind the countries of Europe. As work-related injuries and diseases and their sequellae grew less and less tolerable towards the end of the 19th century, the situation became ripe for a radical change. The first evidence of interest in workmen's compensation was seen in 1893 when legislators seized upon John Graham Brooks' account of the German system as a clue to the direction of efforts at reform. This interest was further stimulated by the passage of the British Compensation Act of 1897.

Early Labor and Management Positions

In 1898 the Social Reform Club of New York drafted a bill proposing automatic compensation for some types of industrial accidents.[41] This bill was opposed by various labor organizations who did not accept the concept of compensation at this time. They were fearful that State development of guildlike provisions for pensions and other welfare benefits would reduce the workers' loyalty to the unions.[42] They supported legislation modifying the employers' common law defenses which they believed would produce court awards much higher than automatic compensation. Agitation along these lines resulted in the Reform Club's compensation bill "dying on the drawing board" and ultimately led to the passage of employer liability statutes.

In contrast to this opposition by labor leaders, many private corporations, particularly the railroads, had come to favor such plans. They instituted private compensation and welfare programs which varied in scope and effectiveness, as well as in methods. Some were no more than arrangements for medical care. Others provided compensation for disability and death. "The greatest criticism of these plans were that they were in all cases inadequate, making provision only for immediate needs, and that they were too often much more advantageous to the corporation than to the workman." [43] Despite these shortcomings, these em-

ployer relief funds were significant in that they indicated a broadened attitude on the part of industry as to the practical and humanitarian gains of accident prevention and compensation.

The National Association of Manufacturers in 1910 openly endorsed the idea of workmen's compensation legislation. They realized that employer relief funds were too costly for small maunfacturers and could not provide an adequate solution to the problem of industrial injuries.

> "A Theory of Negligence" by Richard Posner (1 Journal of Legal Studies 29, January 1972) has bearing on the emergence of workmen's compensation laws and their endorsement by many employer groups. In his study Posner examined every published accident opinion of an American appellate court issued in the first quarter of 1875, 1885, 1895 and 1905. The opinion in his sample constituted about one-thirtieth of all appellate accident opinions issued during the period of 1875–1905.
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> His study relates to negligence cases in general and, although employee accident cases are not a dominant subset, two observations give us some indication why employers began to advocate reform through compensation legislation. First, he points to the tremendous growth in litigation that occurred over this period. Second, he indicates that plaintiffs seem to be recovering damages in their negligence suits more frequently than ever before. Obviously, these factors would cause a tremendous increase in costs for employers, and therefore, it would be logical for them to support a compensation system aimed at reducing litigation.
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> In addition to these observations suggested by Professor Posner's study, another factor led to the endorsement of a workmen's compensation system by employers. At this time the larger corporations favored automatic compensation through private programs mainly because they provided them with a benevolent image. Smaller manufacturers favored workmen's compensation legislation, however, because the private plans were too expensive for them. Their financial inability to institute such private schemes made it more difficult to compete with the larger corporations.

By 1910 labor had shifted its position because of the failure of liability statutes to provide a remedy, and began to work actively for compensation legislation. The National Civic Federation, which claimed to represent business, labor, and the public, managed to unify the various labor organizations and gain the attention of the State legislatures. With labor and industry lobbying for effective compensation legislation, the movement toward reform was in full swing.

The First Laws

In 1902 Maryland passed an act providing for a cooperative accident insurance fund representing the first legislation embodying in any degree the compensation principle. The scope of the act was restricted. Benefits, which were quite meager, were provided only for fatal accidents. Within three years the courts declared the act unconstitutional. In 1908, a Massachusetts act authorized establishment of private plans of compensation upon approval of the State board of conciliation and arbitration. This law had no practical significance; it was a dead letter from the start.

By 1908, there was still no workmen's compensation act in the United States. President Theodore Roosevelt, realizing the injustice, urged the passage of an act for Federal employees in a message to Congress in January. He pointed out that the burden of an accident fell upon the helpless man, his wife, and children. The President declared that this was "an outrage." [44] Later in 1908 Congress passed a compensation act covering certain Federal employees. Though utterly inadequate, it was the first real compensation act passed in the United States.

During the next few years agitation continued for State laws. A law passed in Montana in 1909, applying to miners and laborers in coal mines, was declared unconstitutional. Nevertheless, many States appointed commissions to investigate the feasibility of compensation acts and to propose specific legislation. The greater number of compensation acts were the result of these commissions' reports, all of which favored some form of compensation legislation, combined with recommendations from various private organizations. Widespread agreement on the need for compensation legislation unfortunately did not end all conflict over reform. Interest groups clashed over specific bills and over questions of coverage, waiting periods, and State versus commercial insurance.

In 1910 New York became the first State to adopt a workmen's compensation act of general application which was compulsory for certain especially hazardous jobs and optional for others.

"Although most corporate leaders and politicians of prominence, such as Theodore Roosevelt and President Taft, had publicly endorsed workmen's compensation, there was a residue of conservative opposition to such 'radical' social legislation."[45] This conservative view was expressed by the courts who felt that these acts were plainly revolutionary by common law standards. Thus, in 1911 in *Ives v. South Buffalo Railway Company*[46] the Court of Appeals of New York held the New York act unconstitutional on the grounds of deprivation of property without due process of law. This decision was met with an explosion of criticism from all sides. Theodore Roosevelt was so angry that he openly advocated the passage of laws which would permit the recall of judicial decisions. While even the supporters of compensation legislation considered this measure too extreme, fear of its passage prompted many conservatives to support compensation legislation by more traditional means.

Following the *Ives* decision many State courts adopted a more liberal attitude toward compensation. Unfortunately, this decision had residual effects on the system. The "fear of unconstitutionality impelled the legislatures to pass over the ideal type of coverage, which would be both comprehensive and compulsory, in favor of more awkward and fragmentary plans . . . [to] ensure [their] constitutional validity."[47] Elective or optional statutes became the rule, and several States limited their coverage to hazardous employment. By the time the U.S. Supreme Court held in 1917 that compulsory compensation laws were constitutional,[48] the pattern of elective statutes had been set.

> Coverage of the early laws was limited; even when elective, most acts applied only to specified hazardous industries. None covered all classes of employees. Agricultural workers, domestic help, and casual workers were most commonly excluded. Only a few acts applied to public employment. In general, compensation laws limited indemnity benefits to maximum total amounts, even for permanent disability or death. Cash benefits were usually stated as a percent of wages at the time of injury, 50 percent being the most common, although a few acts provided for about two-thirds of wages, subject to statutory maximum compensation ranging from $10 weekly in several states up to $15. Several states made no provision at all for medical benefits. Where provided they were limited in duration or amount or both.[49]

None of the early State compensation acts expressly covered occupational diseases. Statutes which provided compensation for "injury" were frequently interpreted to include disability from disease, but those acts which limited compensability to "injury by accident" excluded occupational disease. All except Oregon's act required uncompensated waiting periods of 1 to 2 weeks, with several providing retroactive payments after a prescribed period.

The 1911 Wisconsin workmen's compensation act was the first law to become and remain effective. The laws of four other States (Nevada, New Jersey, California, and Washington) also became effective that year. Although 24 jurisdictions had enacted such legislation by 1925, workmen's compensation was not provided in every State until Mississippi enacted its law in 1948.

Current Acts

Today there are compensation acts in the 50 States, the District of Columbia, and Puerto Rico. In addition the Federal Employees' Compensation Act covers the employees of the U.S. Government, and the Longshoremen and the Harbor Workers' Act covers maritime workers, other than seamen, and workers in certain other groups. This latter act provided compensation for workers in the twilight zone between ship and shore, since they were not covered under existing State compensation laws.

As later chapters will show, while economic changes and public policy have prompted increases in benefits and the scope of the laws, the basic concepts have not undergone any radical change. Employers and labor are both dissatisfied with certain aspects of workmen's compensation. Labor attacks the system for inadequate benefits, coverage limitations, and exclusion of many injuries, illnesses, and disabilities that they consider job-related. Employers are critical because the system covers some injuries and diseases they do not consider job-related and is costly relative to its apparent benefits. Thus, while the early advocates of workmen's compensation conceived it as a simple, speedy, efficient, equitable remedy that would reduce litigation over industrial injuries, many doubt their hopes have been realized.[50]

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