

How Does Your Jurisdiction Stack Up Against the Essential Recommendations of the 1972 National Commission on State Workmen’s Compensation Laws?

As summarized by David B. Torrey:

<https://lawprofessors.typepad.com/workerscomplaw/2021/11/2022-the-50th-anniversary-of-the-report-of-the-national-commission-on-state-workmens-compensation-la.html>

Essential Recommendation with Recommendation Number	Your Jurisdiction Now	The Future / Ideas from Other Jurisdictions
<p>Recommendation 2.1 [R2.1]</p> <p>That coverage by workmen’s compensation laws be compulsory and no waivers be permitted.</p>		
<p>R2.2</p> <p>That employers not be exempted from workmen’s compensation coverage because of the number of their employees.</p>		
<p>R2.4</p> <p>A two-stage approach to the coverage of farmworkers. First, as of July 1, 1973, each agriculture employer who has an annual payroll that in total exceeds \$1,000 be required to provide workmen’s compensation coverage to all of his</p>		

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employees. As a second stage, as of July 1, 1975, farmworkers be covered on the same basis as all other employees.		
<p>R2.5</p> <p>That as of July 1, 1975, household workers and all casual workers be covered under workmen's compensation at least to the extent they are covered by Social Security.</p>		
<p>R2.6</p> <p>That workmen's compensation be mandatory for all government employees.</p>		
<p>R2.7</p> <p>That there be no exemptions for any class of employees, such as professional athletes or employees of charitable organizations.</p>		
<p>R2.11</p> <p>That an employee or his survivor be</p>		

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<p>given the choice of filing a workmen's compensation claim in the State where the injury or death occurred, where the employment was principally localized, or where the employee was hired.</p>		
<p>R2.13</p> <p>That all states provide full coverage for work-related diseases.</p>		
<p>R3.7</p> <p>That, subject to the State's maximum weekly benefit, temporary total disability benefits be at least 66 2/3 percent of the worker's gross weekly wage.</p>		
<p>R3.8</p> <p>That as of July 1, 1973, the maximum weekly benefit for temporary total disability be at least 66 2/3 percent of the State's average weekly wage, and that as of July 1, 1975, the maximum be at least 100 percent of the State's average weekly wage.</p>		

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<p>R3.11</p> <p>That the definition of permanent total disability used in most states be retained. However, in those few States which permit the payment of permanent total disability benefits to workers who retain substantial earning capacity, that our benefit proposals are applicable only to those cases which meet the test of permanent total disability used in most States.</p>		
<p>R3.12</p> <p>That, subject to the State's maximum weekly benefit, permanent total disability benefits be at least 66 2/3 percent of the worker's gross weekly wage.</p>		
<p>R3.23</p> <p>That as of July 1, 1973, the maximum weekly benefit for permanent total disability be at least 66 2/3 percent of the State's average weekly wage, and that as of July 1, 1975, the maximum be at least 100 percent of the State's average weekly wage.</p>		

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<p>R3.17</p> <p>That total disability benefits be paid for the duration of the worker's disability, or for life, without any limitations as to dollar amount or length of time.</p>		
<p>R3.21</p> <p>That, subject to the State's maximum weekly benefit, death benefits be at least 66 2/3 percent of the worker's gross weekly wage.</p>		
<p>R3.23</p> <p>That as of July 1, 1973, the maximum weekly death benefit be at least 66 2/3 percent of the State's average weekly wage, and that as of July 1, 1975, the maximum be at least 100 percent of the State's average weekly wage.</p>		
<p>R3.25</p> <p>That death benefits be paid to a widow or widower for life or until remarriage, <i>and</i> in the event of remarriage, two years' benefits be paid in a lump sum to</p>		

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<p>the widow or widower; that benefits for a dependent child be continued at least until the child reaches 18, or beyond such age if actually dependent, or at least until age 25 if the child is enrolled as a full-time student in any accredited educational institution.</p>		
<p>R4.2</p> <p>There be no statutory limits of time or dollar amount for medical care or physical rehabilitation services for any work-related impairment.</p>		
<p>R4.4</p> <p>That the right to medical and physical rehabilitation benefits not terminate by the mere passage of time.</p>		