

Mo. Lawmakers Approve Of Major Worker's Comp. Overhaul

Chris Blank, Associated Press

JEFFERSON CITY, Mo. (AP) — Missouri senators gave first-round approval Tuesday to legislation that restricts employees from suing co-workers over injuries incurred on the job.

The legislation also expressly states that occupational diseases, such as health problems associated with asbestos exposure in a workplace, are covered by the state workers' compensation system. Supporters said the change would keep such cases out of court.

Both issues emerged after lawmakers in 2005 set tougher standards for injured employees to qualify for workers' compensation in Missouri. The state's system allows injured workers to get money to cover medical expenses and some lost wages.

Sen. Jack Goodman said his measure is designed to clear up uncertainty in the workers' compensation system and ensure that workers are protected.

"I never want it to be cheaper to sacrifice the lives of employees than to make the upgrades to protect their safety," said Goodman, R-Mount Vernon.

The changes approved Tuesday were in part prompted by court cases, including a lawsuit involving a man who died after being exposed to asbestos at a manufacturing plant. The courts allowed the lawsuit to proceed in civil court.

Goodman's bill requires that such claims be handled through the workers' compensation system. It also prevents workers from being sued by colleagues over workplace injuries unless they negligently did something that intentionally and dangerously increased the risk of injury.

Several Missouri business organizations said the changes were a priority this legislative session.

The legislation had been considered several times in the Senate over the past few weeks and ran into opposition, but it was endorsed Tuesday after about four hours of debate.

Senators approved the bill after a provision was added to prevent employers from being reimbursed after they pay out through workers' compensation if the injured employee collects a settlement with a third party. That would only apply in cases where the injured worker is affected by the toxic exposure to chemicals, dusts, fumes, fibers, solvents, radiation or other materials that can cause disease, death,

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mutations, cancer, deformities or reproductive abnormalities.

The change was offered by Sen. Jason Crowell, R-Cape Girardeau.

The provision is important because businesses should be held partially accountable, or have "some skin in the game," when workers are hurt after exposure to dangerous substances, said Sen. Kevin Engler, R-Farmington.

"I want some exposure to these companies that are chemically hurting people," Engler said.

Some critics remained unhappy with the legislation, including Andrew O'Brien, an attorney who represented the family in the asbestos case. O'Brien argued that workers' compensation is ill-suited for some types of cases and said that efforts to improve the bill amounted to "putting a Band-Aid over a huge, open wound."

The Missouri Chamber of Commerce and Industry, which supported the bill, said clarifying that occupational diseases were covered by workers' compensation was important.

The business group also said the lawsuit protections for workers is needed because employers otherwise could find it difficult to hire employees for important supervisory and safety positions within their companies.

Senators gave the legislation first-round approval by voice vote on Tuesday. It requires another round of approval before moving to the state House.

Last month, the House approved its own version of the legislation. That measure has been referred to a Senate committee.

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