

Column from Sen. Matt Bartle for  
week of March 28, 2005

The inside of a courtroom can be an intimidating place. Imagine just how intimidating it might be for a person hurt on the job and seeking to sue their own employer for their injuries. Not only would an employee have to find a lawyer but they would have to bring their employer before a judge, all the while contending with the effects of their injuries.

To provide a more "user-friendly" system for employees to be compensated for workplace injuries, states have developed workman's compensation programs. Under these systems, employers pay a tax into a fund administered by the State of Missouri. Injured workers can appear and make claims against this fund without having to hire a lawyer.

The problem is that in recent years this system has been opened up to claims that are in many cases frivolous. For example, a worker that stayed at a casino long past the end of his work-related meeting and was injured in the wee hours of the morning in an accident caused by his own drunkenness was able to collect against the workman's comp fund. An employee of TWA on lunch break who slipped and fell in a common area, not controlled by TWA was able to collect. A truck driver who didn't wear his seat belt in violation of company policy and who was injured was able to collect when he had an accident.

Partly as a result of abuses like these, the fund, supported by employer taxes, was being bankrupted. In response, and in an effort to keep this fund as a viable safety net for injured employees, the legislature moved to restore some common sense to this system.

There are several changes to be aware of in the bill just passed by the legislature and signed by the governor. This bill tightens the definition of a work related injury, by requiring the work accident to be the "prevailing factor" for an injury, not simply a "substantial factor." An injury that occurs while traveling to and from work will no longer be considered for compensation. Those who are injured while legally drunk will also not receive compensation. The bill also limits the amount lawyers collect from injured workers. These are important steps to ensure that worker's compensation best meets the needs of both workers and employers.

It is my hope that these reforms will bring stability to our workman's comp program and will keep it operating as a viable alternative for injured employees.

If you have comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at [matt\\_bartle@senate.state.mo.us](mailto:matt_bartle@senate.state.mo.us) or by phone at (888) 711-9278.