

WORKER'S COMPENSATION BILL SHIFTS ONUS OF PROOF ON THE INJURED EMPLOYEE



The Worker's compensation law has caused a wide rift among opponents and proponents of the law. The Mississippi Legislature is divided in its opinion of what effect the changes to the law would usher. Rep. Mark Formby, R-Picayune, said that the bill made only minor changes to the law and would only ensure fair playing field for the employee, for the employer and for those who provide the insurance." However, Rep. Ed Blackmon, D-Canton, disagreed saying that "the changes benefited employers and insurers, not workers." Those opposed to it, feel that its implementation would make it loaded in favor of the employers and would be anti-workers, whilst those in its favour believe that, the current system which they feel favors workers, will become impartial and fair. The bill includes a provision to allow employers to make alcohol and drug related tests, on the employees, if they are injured on the job. This is to explore the possibility of the worker being injury whilst being under the influence of alcohol or drugs. Under the new bill, employees would also have to provide medical proof that their injury was caused during work. Even though this did not go well with the workers, the brighter side is that it would help in removing bogus injury complaints and reduce fraudulent legislation. The Mississippi Workers' Center for Human Rights urged legislators to defeat the bill, saying it challenged years of state Supreme Court decisions. Roger Doolittle, an attorney, for worker compensation cases, said, "I don't think this bill can survive constitutional scrutiny." Gov. Phil Bryant said that "I knew it would be a difficult issue, to balance between the employer's rights and those of the employee," "Fraud does exist, but I think we've got to be very careful to protect the rights of the average Mississippi worker." Honest workers feel antagonized that such bills, that question their integrity, come into force, owing to the handful claim millions in fraudulent claims every year. They may be a small number, but the damage they cause is far ranging. The House defeated a version of the bill 62-52 while the Senate passed a similar bill 38-13. Whether it will eventually be passed, only time will tell?

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