

## MISSOURI MAKES IT A LITTLE EASIER TO SUE YOUR CO-WORKER



Missouri lawmakers have sent the governor legislation that will prohibit workers from suing one another for accidental workplace injuries, the operative word being accidental. Lawsuits would be permissible only when the injury has been caused "purposefully and dangerously." This was the least contentious part of the 3-part plan that was seeking changes to the workers' compensation fund and its Second Injury Fund. The Senate passed the Bill unanimously, with the House passing it with a 122-29 vote on Tuesday. Nixon said in his veto message that the workers' compensation system could not adequately compensate workers for incapacitating diseases that will eventually take their lives and said such cases should be handled by civil courts as they currently are. Senate Majority Leader Tom Dempsey said Tuesday, that legislation adding claims, related to deadly work-related diseases, into the workers compensation, would not meet with lawmakers approval. Democratic Governor Jay Nixon, who had earlier this year vetoed the bill, said in a letter to Senate members that he now agrees with the lawmakers that such lawsuits should not be allowed. The Governor in his veto message had said that the workers compensation did not have enough teeth to adequately recompense workers for incapacitating diseases that can prove fatal to them and that they were serious enough to merit handling by civil courts. The Governor was earlier opposed to the bill containing provisions that included claims for diseases caused by exposure to toxic chemicals. Dan Mehan, president of the Missouri Chamber of Commerce and Industry, which had advocated the changes said that "Failure by lawmakers and the administration to reach compromise on these issues is a significant blow to Missouri employers and employees. Both employers and employees will pay a heavy price." Dempsey said that his proposals, rejected by Gov. Nixon, would have compensated sick workers by payment equaling 200 percent of the state's average weekly wage. This worked out to around \$1,546.16 per week, to be paid for 200 weeks. This settlement would give the workers a total of more than \$309,000. Dempsey said that the Governor rejected it, because he felt that it was inadequate and that the victims should receive more than double that amount, around \$700,000 by his estimates. Business groups found that amount impractical and not viable. Dempsey said that fighting toxic exposure regulations was, "like fighting the seven-headed mythical hydra. Every time you cut one of its heads off, two appear in its place." The bill also leaves the outcome of Second Injury Fund unanswered. Workers with disabilities who receive workplace injuries receive benefits under this fund. The fund is financed by a surcharge on companies' workers' compensation insurance premiums. However, it has fallen steadily, since the surcharge was capped at 3 percent in 2005. A spokesman said that for more than \$17 million unpaid bills, the funds were way short at \$9.45 million.

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