

History of Occupational Safety
and Health Legislation



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A While Back...

- Like about 400 B.C (Before Christ)....
- A gentleman by the name of Hippocrates observed a high mortality rate among lead miners and their children and noted the toxicity of lead.
- Then about 50 B.C....
- Pliny the Elder recognized hazards of molten lead and silver, mercury & designed first crude face mask

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And a little later...

- 150 A.D.(Anno Domini) --Galen, a Greek physician wrote a length on occupational disease among lead and copper miners
- 1473--Ellenbog publishes pamphlet on hazards of dusts, fumes, vapors
- 1540—Paracelsus *“All substances are poison...The right dose differentiates a poison and a remedy.”*
 - known as *“Father of Toxicology”*

More historical hysteria

- 1770--Bernardino Ramazzini--"Father of occupational medicine"
 - "When a doctor visits a working class home, he should be content to sit...and he should take time for examination, and to questions recommended by Hippocrates, he should add one more--*What is your occupation?*"

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More titillating tidbits...

- 1775--Sir Percival Pott associates scrotal cancer with chimney sweeping
 - 1st occupational cancer identified
- 1895--Rehn associates bladder cancer with aniline dye workers
- 1904--Institution of Sanitary Engineering measures at Panama Canal dropped malaria case rate from 821 per 1000 to 76 per 1000 in 10 years

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The 20th Century

- 1912--“Phossy” jaw noted in phosphorus match workers.
- 1925--Necrosis of the jaw noted in radium dial painters.
- 1936--Walsh -Healy Act—FLSA (Fair Labor Standard Act) gives min. wages and working hours
- 1959--Dr. Selikoff found a high incidence of cancer among NYC insulators using asbestos.

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Modern Occupational Health History

- 1970--Congress passes Occupational Safety and Health Act
- 1972—(National Institute For Occupational Safety And Health) NIOSH began writing criteria for standards
- 1974--Vinyl chloride found to cause rare liver cancer in Goodrich employees
- 1976--Toxic Substance Control Act (TSCA) passes, giving EPA power to regulate chemical development

Modern continued....

- 1977- - Pesticide DBCP(Dibromochloropropane) found to cause male sterility
- 1977– Mine Safety Health Administration (MSHA) passed
- 1977--Clean Air Act & Clean Water Act
- 1978--Benzene standard proposed to drop from 10 ppm to 1 ppm
- 1979--Supreme Court ruled new Benzene std. unjustified

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Modern continued...

- 1980--Comprehensive Env. Response Comp. And Liability Act (Superfund)
- 1981--Hearing Conservation Amendment proposed (finalized in 1983)
- 1983--Asbestos emergency std. Lowered from 2 fiber/cc to 0.5 fiber/cc
- 1986--Hazard Communication Standard in operation
- 1986--Asbestos std. Lowered to 0.2 fiber/cc ⁹

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Manchester in England: Cotton mills



**Lancashire Cotton
Corporation Limited,
in Failsworth, circa
1935**



Cotton mill child labour







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Why employer denied compensation

- *Assumption of risk.*
- *Contributory negligence.*
- *The fellow servants rule.*

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Problems to address

- Worker's lost wages.
- Poor public image for employer.
- Lost productivity.
- Higher production costs.
- Reduced tax revenue.
- Less marketable products.
- Financial burden on society.

Early Worker's Compensation

- 1708--Sailor's hospital established in Boston (\$.06/m. Deduction)
- 1789--Marine Hospital Service established (predecessor to U.S. Public Health Service)
- 1852--Massachusetts passes first safety law dealing with steam engines.
- 1867--Massachusetts Factory Inspection Act.

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*Moving Along..Bismarch in Germany
developed the law.*

- 1887--Massachusetts passes textile spinning machinery safeguards law.
- 1908--Federal Employees' Worker's Compensation Act.
 - Applied only to certain federal employees.
 - Teddy Roosevelt outraged that burden fell on injured or diseased worker.
- 1911--First state Worker's Comp law in Wisconsin (New Jersey).

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Worker's Comp. Laws

- Purposes
- Income replacement.
 - 2/3 normal salary (non-taxable).
- Vocational rehabilitation.
 - work hardening.
- Reduce accidents.
- Fair and equitable cost allocation.

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Worker's Comp Laws

- Eliminate suing employer.
 - exception is gross negligence.
- Injury must result from the accident.
- Injury must have arisen out of employment.
- Injury must have occurred during course of employment.

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In Indiana

- Law passed in 1915.
- Statute of limitations
 - most cases--3 years.
 - radiation illness--must file within 2 years of diagnosis.
 - asbestos--35 years from last exposure.
 - all other occupational diseases--2 years from last exposure.

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There are three basic parts to the workers' compensation system:

- 1.The benefit structure.
- 2.The benefit delivery system.
- 3.The benefit financing system.

How Workers' Compensation Works?

There are five basic types of workers' compensation benefits:

- *Medical care.*
- *Temporary disability benefits.*
- *Permanent disability benefits.*
- *Vocational rehabilitation services.*
- *Death benefits.*

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How Is Coverage Structured in a Workers' Compensation Policy?

- Worker's compensation coverage is offered under Part One of a worker's compensation insurance policy.

- In Part one, the insurance company agrees to promptly pay all benefits and compensation due to an injured worker.
- Employers Liability insurance can provide important coverage in addition to workers' compensation insurance.-Comes under part -2 *.conditional*

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How Is Workers' Compensation Insurance Purchased?

- Employers must purchase workers' compensation insurance from either a licensed insurance company or through the State Compensation Insurance Fund (SCIF).
- What if not purchased ?

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Players Involved in the Implementation of the Workers' Compensation Program:

- 1. Injured workers.*
- 2. Labor unions and workers' organizations.*
- 3. Insurance companies.*
- 4. Employers and employer organizations.*
- 5. Attorneys and their organizations.*
- 6. The medical profession in the broadest definition*
- 7. of medical.*
- 8. State agencies that regulate and implement the program:*
- 9. Workers' compensation Insurance Rating Bureau*
- 10. Dept. of Insurance.*

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