

MEMORANDUM

TO: All Members of the House of Representatives

FROM: Representative Brandon P. Neuman

DATE: October 1, 2012

SUBJECT: Co-sponsorship of Legislation – Workers' Compensation Legislation

I soon will be introducing a bill to amend the Pennsylvania Workers' Compensation Act to give workers the right to recover damages from their employers when they have suffered physical harm due to an employers' **reckless, willful and wanton disregard** for that worker's safety.

The Pennsylvania Workers' Compensation Act, enacted in 1915, established a no-fault system, administered by the Department of Labor and Industry, to ensure that employees injured on the job receive assistance until they recover from the injury. Under the act, the employee gives up his or her right to recover damages from the employer; in return, the employer agrees to pay the injured employee's medical costs and a partial wage. That "contract" between the injured worker and the employer is the exclusive remedy for workplace injuries in Pennsylvania.

However, in one key respect, I believe this remedy is not sufficient compensation for certain injured workers. It is my belief that an injured worker should have the ability to recover damages when they have suffered physical harm because an employer has **intentionally** placed him or her in unsafe working situations.

Please know that the language in my bill has been carefully crafted to ensure that employers, who may make honest mistakes or whose workers violate safety rules, are protected from legal action.

However, our workers' compensation system should not protect those who choose to violate safety practices and cause harm to their employees. A number of other states maintain laws similar to that proposed by this legislation (laws that do not allow employers to intentionally harm their employees), and Pennsylvania should join them.

If you are interested in joining me in sponsoring this important legislation, please contact Holly in my office at 717-783-4834 or email her at hstimely@pahouse.net.