

TESTIMONY OF JAMES W. MACKIE
BEFORE THE
JOINT HOUSE JUDICIARY AND LABOR RELATIONS COMMITTEE
NOVEMBER 30, 1989

CHAIRMAN CALTAGIRONE, CHAIRMAN COHEN, MEMBERS OF THE HOUSE JUDICIARY AND LABOR RELATIONS COMMITTEES, I AM JAMES W. MACKIE, CHAIRMAN OF THE WORKER'S COMPENSATION COMMITTEE OF THE CHAMBER OF BUSINESS AND INDUSTRY AND DIRECTOR OF RISK ADMINISTRATION FOR ACME MARKETS, INC.

THE QUESTION OF HOW TO PROPERLY ADDRESS THE PROBLEMS OF INTENTIONAL INJURY TO AN EMPLOYEE IS A SERIOUS CONCERN TO THE BUSINESS COMMUNITY. TO INTENTIONALLY INJURE AN EMPLOYEE CANNOT BE CONDONED BY ANY EMPLOYER, LARGE OR SMALL.

THE ISSUES OF WORKPLACE INJURY AND THE CURRENT WORKER'S COMPENSATION SYSTEM IS A CONCERN TO BOTH BUSINESS AND LABOR IN THE COMMONWEALTH OF PENNSYLVANIA. IN APRIL OF 1988, SIXTY INDIVIDUALS FROM BUSINESS AND LABOR, MET FOR TWO DAYS IN A "THINK TANK SEMINAR" HELD AT "LINDEN HALL", THE STEEL WORKER'S CONFERENCE CENTER IN DAWSON, PENNSYLVANIA. THE GROUP OF APPROXIMATELY 30 BUSINESS AND 30 LABOR REPRESENTATIVES MET AT THE REQUEST OF SECRETARY OF LABOR AND INDUSTRY, HARRIS WOFFORD, TO DISCUSS AND IDENTIFY PROBLEMS EXISTING IN THE CURRENT WORKER'S COMPENSATION LAW AND THE ADMINISTRATION OF THE LAW. SECRETARY WOFFORD, ASSISTANT SECRETARY, FRANK DEAL, WORKER'S COMPENSATION DIRECTOR, TOM COOK, CLIFF JONES, PRESIDENT OF THE CHAMBER OF BUSINESS AND INDUSTRY AND JULIUS UEHLEIN, PRESIDENT OF THE PENNSYLVANIA AF OF

L- CIO WERE IN ATTENDANCE OF THIS MEETING. THE SUBJECTS DISCUSSED WERE WIDE RANGING, WITH CONSENSUS GAINED ON APPROXIMATELY 90% OF THE CONCERNS OF BOTH PARTIES. THE HIGH DEGREE OF AGREEMENT INDICATES THAT BOTH THE BUSINESS AND LABOR COMMUNITIES PERCEIVE SIGNIFICANT COMMON PROBLEMS IN THE CURRENT WORKER'S COMPENSATION SYSTEM.

OUT OF THE LINDEN HALL MEETING AROSE FURTHER DISCUSSIONS BETWEEN THE REPRESENTATIVES OF BUSINESSES, DEPARTMENT OF LABOR AND INDUSTRY, LABOR AND THE LEGISLATURE AS TO THE STEPS TO BE TAKEN TO IMPROVE THE CURRENT WORKER'S COMPENSATION LAW AND ITS ADMINISTRATION. UNFORTUNATELY, THESE DISCUSSIONS ENDED REASONS THAT HAVE NOTHING TO DO WITH THE MATTERS THAT WERE UNDER DISCUSSION. THE BUSINESS COMMUNITY STANDS READY AND WILLING TO MEET WHEN THE SECRETARY OF LABOR AND INDUSTRY CAN RECONVENE THE PARTIES TO THE DISCUSSIONS.

THE BUSINESS COMMUNITY BELIEVES THAT THE SOLUTION OF THE QUESTIONS RAISED BY HOUSE BILLS 1012 AND 1013 CAN BEST BE DEALT WITH BY THE APPOINTMENT OF A SMALL COMMITTEE OF REPRESENTATIVES OF BUSINESS AND LABOR TO WORK WITH THE LEGISLATURE. ONCE A CONSENSUS IS REACHED, THE SUGGESTED SOLUTION CAN THEN BE INCLUDED IN THE DISCUSSIONS OF THE OVERALL WORKER'S COMPENSATION LEGISLATION WHEN THE GROUP RECONVENES UNDER THE LEADERSHIP OF THE SECRETARY OF LABOR AND INDUSTRY.

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THE BUSINESS COMMUNITY FERVENTLY BELIEVES IN WORKPLACE SAFETY. WE BELIEVE THAT A GREAT IMPETUS FOR WORKPLACE SAFETY CAN BE BETTER ACHIEVED THROUGH THE USE OF THE CURRENT WORKER'S COMPENSATION SYSTEM RATHER THAN THE REMEDIES CONTAINED IN THE BILLS UNDER CONSIDERATION. WE ASK FOR THE OPPORTUNITY TO RESOLVE THESE VERY IMPORTANT CONCERNS IN A MANNER THAT WILL PRODUCE THE APPROPRIATE REWARD FOR THE INJURED EMPLOYEE WHILE IMPOSING THE PROPER PENALTY ON THE EMPLOYER INVOLVED. TO DO OTHERWISE IS NOT LIVING UP TO THE RESPONSIBILITY WE HAVE FOR OUR EMPLOYEES IN PENNSYLVANIA.

THANK YOU.

DRAFT
November 22, 1989

Worker's Compensation Statement
for use before the Joint House Judiciary & Labor Relations Committee
November 30, 1989

Chairman Caltagirone, Chairman Cohen, members of the House Judiciary and Labor Relations Committee, I am Donald FioRito, Manager of Insurance at Pennsylvania Power & Light Company, where I have been employed for the past 16 years. I serve as Vice Chairman of the Pennsylvania Chamber of Business & Industry Worker's Compensation Committee and am a member of the Worker's Compensation Advisory Council to the Bureau of Worker's Compensation. I am here today as a representative of the Chamber to testify regarding safe work practices at PP&L. At the Pennsylvania Power & Light Company we strive to create a safe working environment for our employees and the general public and have consistently achieved a safety record that is among the best for comparable electric utility companies. We understand the concerns with respect to workplace safety and emphasize that safety is an issue that labor and management must jointly address in a non-confrontational environment. Every PP&L employee makes a personal commitment to prevent accidents and avoid injuries. This commitment receives support from labor and management. These Bills, however, could undermine the purpose of the worker's compensation statutes as a remedy without regard to fault by allowing litigation and creating an adversarial atmosphere. We are concerned, therefore, that the tort changes suggested in House Bills 1012 and 1013 could create a confrontational environment which could serve to hinder management and labor's efforts to achieve safety in the workplace.

Worker's Compensation Laws are the result of an agreement that labor and management forged many years ago to compensate the injured employee. The prevention of injuries, thus eliminating the need for worker's compensation, will ultimately not be achieved by the tort and law changes that are a part of the house bills we are discussing today. I feel we must continue to support worker's compensation statutes as the exclusive remedy for workplace injury and achieve workplace safety via joint labor and management conference.

Thank you for giving me the opportunity to appear before you today.