

Introduction

Before the early 20th century, workers' compensation did not subsist in the United States. At this point, most people worked for themselves. Excluding those who did not, in the early days of the industrial revolution, when a worker was injured at work, the case had to be taken all the way through the maze of the courts for "justice." Injured workers usually lost these cases, due to three common defenses used by companies. These defenses, which developed from common law in England, incorporated the "fellow servant" rule, the rule of "assumption of risk" in addition to the rule of "contributory negligence."

The "fellow servant" rule merely said that if another worker was even partly at liability for an accident, the company itself was not to be held in charge in any way. The rule of "assumption of risk" said that when workers were wounded working in "risky" occupations; it was their responsibility for accepting hazardous working circumstances in the first place. The third rule, of "contributory negligence," said that if a worker was even partly to blame for an accident or injury, the corporation also should not be held responsible.

As one may picture, most companies were much better prepared than their injured employees when it came to participating in the waiting game of the courts. Since most workers lost, it was usually useless to even try. For this reason it became obvious that workers needed a few measure of protection from the burden of injuries on the job (Matkin, 1985).

The Present System of the Worker's Compensation Law

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