General Headquarters
August 18, 1936

Ill. Legislation

Mr. S. A. Williams,
Vice-President.

Re: Dust Diseases - New Illinois Law

I called to your attention in my memorandum of July 15th the fact that the new Illinois occupational diseases legislation becomes effective October 1, 1936. I pointed out that considerable advantage to the Corporation might be derived by weeding out all employees with incipient but non-disabling pneumonoconiosis. They can obtain no rights under the new Act unless they have been exposed during a period of sixty days after October 1, 1936, and it appears at the present time they have no remedy at common law or under any existing legislation.

I have not heard whether any steps have been taken to ascertain what number, if any, of our employees would have to be released if we were to take advantage of this opportunity but I assume that the possibility of taking the required steps is being considered.

I wish to supplement that memorandum and point out a compromise procedure which may be followed in the event, either for social reasons or on account of the difficulty of replacing skilled personnel, we should be unwilling to release some of those who may have the early stages of the disease. This compromise procedure consists of permitting the employee, within sixty days after October 1st, to file a request for permission to waive full compensation on account of disability or death resulting from silicosis or asbestosis. If this application is supported by medical evidence satisfactory to the Industrial Commission that the employee has actually contracted the disease but is not disabled thereby, and if the Industrial Commission approves the waiver, the compensation thereafter payable for any resulting disability or death of the employee after further exposure shall be 50% of the compensation which, in the absence of such waiver, would have been payable by the employer. However, as I understand the law, it will be necessary either to release the employee and thus compel him to file the waiver if he is to be re-employed by us or by anyone else in a trade which presents a dust hazard, or advise him that, unless he files the waiver within sixty days after the effective date of the Act, we will have to let him go.

I do not believe I have advised you heretofore that the compensation provisions of the law do not become automatically

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effective but that employers are given the option of electing whether they will be bound by the compensation provisions. If they do not file notice of election they will be liable for damages in suits at law in cases where the disease can be proven to have resulted from the employer's negligence. I had not heretofore considered it important to call to your attention this provision of the law as I do not feel there is any serious question that our best interests will be served by filing the notice of election.

The Industrial Commission has not as yet announced its requirements in regard to the form of notice of election or the procedure for the filing of same. The Illinois Manufacturers Association advises that, as soon as the Commission has announced its rulings upon these points, information will be promptly transmitted to member firms and we will, therefore, doubtless receive the necessary information in due course.

VANDIVER BROWN
Legal Department

VB:T

CC: Messrs. E. M. Voorhees
J. P. Kottcamp (Pers.&Conf.-Add.Only)

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