



FARM ACCIDENTS COSTLY

Insurance Lessens the Burden

By

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Among recent cases of farm accidents are the following:

A farm hand tried to unclog an ensilage cutter while in operation. He lost three fingers. Total costs of \$1,304 were paid from the Workmen's Compensation Fund.

A boy, 14, fell off the tractor, was run over by the manure spreader, breaking his back. Was an invalid for four years, then died. Total compensation, \$8,907.11.

A farm hand, age 61, died of a crushed skull when a tractor upset. He left a widow and two minor children. Total compensation \$6,780.50.

An apple picker, age 54, fell from a tree. Total compensation, \$3,722.75.

A bull knocked down and gored a farm hand. Total compensation, \$427.

A farm hand, age 40, injured back when team ran away. Partial disability resulted. Total compensation, \$4,660.29.

In all the above cases, the employer was carrying Workmen's Compensation insurance. Hence, all these awards were paid from that fund, which covers doctor, nurse, and hospital bills arising from injury or occupational disease, as well as compensation for loss of time, disability, or death.

But not all farmers carry this insurance and the cost may then fall upon the farmer himself.

A farm hand crushed a finger in a corn picker. Because the farmer had no workmen's insurance his farm was mortgaged to pay the bill of \$568.36.

A boy, 16, slipped from the drawbar of a tractor. A broken leg and ruptured blood vessel cost the farmer \$445.10.

A wedge used by a farm hand broke; a piece of steel penetrated his eye, destroying the vision. The employer paid \$1,605.

A farm hand suffered death from sunstroke. Death award and expenses of \$3,843 were paid by the employer.

A farm hand riding in an auto was killed when struck by a train. Death award and funeral expenses of more than \$5,000 were paid by the employing farmer.

The smallest of these five awards would pay the premium on a \$1,000 yearly pay roll for more than 20 years. Can a farmer afford to be without this protection?

Why have a Workmen's Compensation Law?

The view has developed that efforts to reduce the cost of accidents by safety and sanitary devices and education of employees are in the public interest. Some unavoidable risks remain. The states have, therefore, adopted laws providing insurance against such risks. Premiums are paid by the employer into a public fund. Awards are granted those injured workers whose employers have contributed. The employer who contributes is protected from legal action for damages.

Accidents that happen on farms and farming are included in the operation of Ohio's Workmen's Compensation Law.

But are farm accidents frequent?

Information gathered through rural safety committees in nine Ohio counties gives some measure of the frequency and costs of farm accidents. During 1945, members of farm families and farm employees were involved in about 400 accidents per county, counting only accidents involving some loss of time or medical care. Applying this accident experience to the entire State indicates about 35,000 accidents to farm people causing an annual loss of about 800,000 man days and costing about \$6,000,000 in lost time, medical bills, and material damage.

A previous study covering the year ending in February, 1943, indicated accidents to Ohio farm people in that year cost about \$7,000,000.

How is an industry's rate determined? Each industry's rate is determined by the experience of that industry. The total compensation for injuries, deaths, loss of time, for that industry during the preceding five years is computed; the percentage which this total constitutes of the total payrolls for the same period becomes the rate for that industry. The present insurance rate on Ohio farm risks is now less than one-half as high as in 1940. Two other changes in recent years have further reduced the cost. First, the system of charging a flat sum, or minimum premium, on small payrolls has been abolished. Second, beginning July, 1947, machine custom work, which formerly carried a relatively high premium rate, is covered by the relatively low rate applying to general farm work.

Premium rates are revised as of July 1 each year. The rate for the year beginning July 1, 1948, for farmers who have been carrying the insurance for at least a year is \$1.65 per \$100 of payroll.

What rates does a farmer pay when he first takes out this protection?

When an employer first registers, he pays a rate of 30 per cent above the basic rate for his industry. Hence, the farmer who is for the first time taking out Workmen's Compensation insurance during the year beginning July 1, 1948, pays at the rate of \$2.15 per \$100 of payroll.

Who must take out industrial insurance?

Section 1465-60 reads: "Every person, firm, or private corporation that has in service three or more workmen regularly in the same business, or in or about the same establishment under any contract or hire, express or implied, oral or written," is "subject to the provisions of the act."

What is meant by "regularly"?

"Regularly" does not refer to the length of time of employment. Farm workers are "regularly employed" if engaged in any of the regular or normal tasks of farming even though the task be seasonal. If a farmer has three or more persons employed at the same time, he is subject to the laws. Safe procedure dictates that to be forearmed he would better carry the protection all the time. In "exchanging work" in threshing, or other tasks, one should have a definite understanding that it is exchange of labor, not employment for hire.

Can the farmer who has fewer than three employes carry this protection?

Yes, he can. He applies and receives insurance just the same as if he employed three or more. He must further post in some conspicuous place notice to his employees that he is carrying the Workmen's Compensation insurance.

What does a farmer subject to the law lose by failing to carry the insurance?

Ordinarily nothing, if none of his employees suffers injury. If, however, any employee does suffer injury, such injured employee either—

1. May sue his employer for damages, in which case the employer is not allowed to plead in his defense "contributory negligence," "fellow servant rule," or "assumption of risk."
2. May apply to the Industrial Commission for compensation, in which case the Commission will make and pay the same award as if the employer were carrying the insurance; then the award must be paid by the employer to the Compensation Fund. The employer may further be compelled to pay back premiums due from him had he obeyed the law. And remember, these awards may be as much as the value of a fairly good farm.

Does Workmen's Compensation insurance give complete protection to an employer?

An employer who has complied with the law is protected against all claims for damages arising from injuries suffered by an employee in the course of "regular" employment in a business or occupation. A casual employee engaged for some purpose not connected with the usual business of the employer is not covered by the law until arrangements have been made for such additional coverage.

Can an employee waive his rights to compensation?

No. Such an agreement is not valid in court or before the Industrial

Commission. There is one exception: A blind employee can waive his right to compensation for injuries caused by or due to his blindness.

What is the time limit on reporting accidents?

An employer should report an accident within one week. Penalties apply for failure to report. In case of injury or death, claims for compensation must be filed within two years after such injury.

Is a farmer liable when work is done by contract?

In case the contractor carries the insurance both he and the farmer are protected. In case the contractor has three or more employees and fails to carry the insurance, an injured employee can elect to consider the farmer as his employer.

When a contractor employs less than three persons, can such employees elect to consider the farmer as the employer? No.

How may a landlord find himself liable for farm accidents?

The landlord may contract with a tenant or with others to do such work as build a fence or repair a building. For the special purpose he may become an employer. Or, if it can be shown that the landlord and tenant are operating as a partnership, even for some limited or special purpose, both might be held responsible jointly or separately. To protect himself, a landlord should demand that a tenant, employing three or more people, carry Workmen's Compensation insurance.

Are the wife and minor children of a farmer regarded as his employees?

Ordinarily, no. If it can be established that the member of his family is receiving money wage or an agreed upon part of the product of the farm or some particular enterprise given him as a wage, such member of the family is regarded as an employee, can be included in the reported payroll, and is covered by the insurance.

What does "pay" of an employee include?

Not alone the money he receives, but a fair valuation for board, room, laundry, tenant house, land for garden, milk, meat, flour, or other produce he receives. Be sure to report these as part of the payroll, for failure to do so may make the employer responsible for part of an injury award, or for other penalties.

Where can a farmer go for information or help in preparing his application?

The farmer will find at the county agricultural agent's office application blanks, information, and help in making out the application. If he wishes still further information, he may call on any of the branch offices of the Industrial Commission, which are maintained in the following Ohio cities: Akron, Canton, Cincinnati, Cleveland, Dayton, Hamilton, Lima, Mansfield, Martins Ferry, Toledo, Youngstown, Zanesville; or he may call on or write to The Actuarial Section, The State Industrial Commission, Columbus, Ohio.