

ON THE ESTIMATION OF DISABILITY AND DISEASE DUE TO INJURY.*

BY

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The literature in regard to the medico-legal aspect of disability and disease resulting from injury is at present almost exclusively German. I know of no work in English which deals with the subject in a general way, though several of those referring to special parts of it are among the most valuable we possess. The reason for the preponderance of German literature in this field lies in the very extensive system of government insurance against industrial accidents, introduced into Germany in 1884 and controlled by the German Imperial Insurance Bureau. This has resulted in the training of a class of medical officials whose unbiased and thoroughly scientific study of the questions involved cannot be placed too high.

The principle of an equitable compensation of labour accidents has been enforced by law in Switzerland (1884), Austria (1887), Italy (1893), Belgium (1894), Norway (1894), Denmark (1893), Finland (1897), England (1898) and France (1898), and will before long probably be adopted by all civilized countries. Russia and Sweden have similar laws already drafted. A bill aiming at this was introduced recently in the Ontario Legislature, but has not yet become law. I understand that similar legislation is contemplated for the Province of Quebec.

The above legislation is in all cases based on the principle that in the case of personal injury received through accident, occurring in connection with occupation and not intentionally caused by the employee or specific negligence on the part of the employer, the loss should be shared between employer and employee under conditions fixed by the government, which also guarantees the payment of such indemnity as may be decided upon, if the employer becomes financially unable to do so. The amount of such indemnity paid by the employer varies from 50 per cent. in England and France to 60 per cent. in Austria, and 66 2-3 per cent. in Germany and Switzerland. The non-compensated part of the loss represents the workman's share. As a rule the loss is equalized by systems of liability insurance or by mutual benefit societies guaranteed by government, the assessment varying with the localities.

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It is proposed to supplement the present article by subsequent ones dealing with the topics of "Methods of Examination for Disability," "Trauma in Relation to Disease," and "Disability Due to Sickness."