

Ray Allen: Remembering the origins of Wisconsin's 106-year-old worker's compensation law

Posted on Wednesday, May 3, 2017

The column below reflects the views of the author, and these opinions are neither endorsed nor supported by WisOpinion.com.

Today, Wisconsin's Worker's Compensation law serves as a national model that reflects the commitment and investment of Wisconsin's employers in maintaining safe and healthy workplaces. With the many challenges that businesses face today, on the birthday of Worker's Compensation it is worth reminding ourselves about the purpose of this program and to take credit for designing a system that has provided security for our workforce, while creating a business environment that promotes success.

Back in 1911, at a time when the Ford Model T was coming off the line, workers who were injured at work needed to sue their employer in court to receive any medical and/or lost wage time compensation. In addition, the injured employee had to prove the employer was negligent in the accident, and that they didn't know the job was dangerous, making it difficult for workers to receive any care for an injury. Judges and juries began slowly changing their approach and started issuing awards in favor of the injured workers. Unfortunately, most of award went to the cost of trying case, not to the worker. The result was employers were facing growing tort liability while injured workers were receiving little compensation for their injury.

Employers and employees worked collaboratively and on May 3, 1911, the Wisconsin Worker's Compensation law was signed. Under this "Grand Bargain," both sides received a benefit in exchange for a stable system. Employers received tort protection from workplace injury lawsuits and employees received no fault workplace coverage and a defined schedule of benefits if an injury resulted in lost time from work. Employers could now focus on operating a successful business and finding ways to keep employees safe without spending their time in court. Employees could now work knowing that strong protections were in place if an accident occurs, and regardless of fault, they could obtain the care they needed to

get back into the workforce.

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

A key component of Wisconsin's Worker's Compensation program is its tradition of collaboration between employers and employees through the Worker's Compensation Advisory Council (WCAC). The WCAC provides a forum for representatives for both labor and management to work together toward continuous improvement of the worker's compensation system. Currently the council is working to provide the Wisconsin Legislature with recommendations on changes to the system.

As Wisconsin marks the birthday of its Worker's Compensation program, we can continue to take pride in our state's ingenuity and creativity in solving a daunting problem over 100 years ago and providing the nation with a solution that has withstood the test of time.

— Allen is secretary of the Wisconsin Department of Workforce Development.