

CHAPTER II

COMPARISON OF NEW YORK COMPENSATION LAW WITH THOSE OF OTHER STATES

A WORKMEN'S compensation law presumably represents the peculiar requirements of the state upon whose statute books it stands. It is to be expected that, in the drafting of the original law and subsequent amendments, existing conditions are taken into account and the endeavor is made to serve the best interests of the many elements in the state. From this point of view a comparison of the New York compensation law with the provisions of similar laws in other states is immaterial.

From other points of view, however, a comparative study of the provisions of laws in other states may be quite important. The fact can not be ignored that workmen's compensation has added a definite cost to manufacturing expense and that consequently a state whose benefit schedules are particularly liberal may be placing its manufacturers in a difficult competitive position. While the ideal solution of this difficulty might be, as some have suggested, a federal compensation law which would place all employers upon the same footing, the recent trend of public opinion has been definitely against the interference of the Federal Government in matters covered by the police power of the states, and consequently workmen's compensation is likely to remain a matter for state legislation.

Many factors contribute to the relative liberality and costliness of workmen's compensation legislation, and all must be taken into account before any law may be said to be more liberal than another. The injuries and diseases covered by the law, the benefits provided, the maximum weekly payment, the length of the waiting period, the payment of compensation for the waiting period, are leading factors to be considered in appraising the liberality of a law. To facilitate