

LABOR COMMISSIONER:-Under Section 13321, R. S. Mo. 1929, commissioner has right to require report of industrial accidents even though employers are also required to make report of accidents to Workmen's Compensation Commission.

October 17, 1934.

Mrs. Mary Edna Cruzen,
Commissioner of Labor,
Jefferson City, Missouri.



Dear Mrs. Cruzen:

We are acknowledging receipt of your letter in which you inquire as follows:

"Has the Labor and Industrial Inspection Department the right to enforce section 13321 of the Missouri State Labor Laws in view of the fact that the Missouri Workmen's Compensation Commission is supplied with this information?"

You inquire whether or not your Department has a right to enforce Section 13321, R. S. Mo. 1929. That section reads as follows:

"All accidents in manufacturing, mechanical, mercantile or other establishments or places within this state where labor is employed which prevent the injured person or persons from returning to work within four days after the injury, or which result in death, shall be reported by the person in charge of such establishment or place to the commissioner of labor and industrial inspection or to one of the assistant or deputy inspectors provided for by this chapter, and also to the city or county physician, when there be such an officer, which notice may be given by mail."

Under the foregoing section all accidents are required to be reported to your Department where the injured person does not return to work within four days after the injury, or which result in death. You call our attention to the fact that there are certain requirements which require reporting of accidents to the Workmen's Compensation Commission. The section of the Workmen's Compensation Act which requires the reporting of accidents is No. 3332, which is as follows:

"Every employer in this state, whether he has accepted or rejected the provisions of this chapter, shall within ten days after knowledge of an accident resulting in personal injury to an employe, notify the commission thereof, and shall, within one month, file with the commission under such rules and regulations and in such form and detail as the commission may require, a full and complete report of every injury or death to any employe for which the employer would be liable to furnish medical aid or compensation hereunder had he accepted this chapter, and every such employer shall also furnish the commission with such supplemental reports in regard thereto as the commission shall require. Every such employer and his insurer, and every injured employe, his dependents and every person entitled to any rights hereunder, and every other person, receiving from the commission any blank reports with direction to fill out the same shall cause the same to be promptly returned to the commission properly filled out and signed so as to answer fully and correctly to the best of his knowledge each question propounded therein and a good and sufficient reason shall be given for failure to answer any question. No information obtained under the provisions of this section shall be disclosed to persons other than the parties to compensation proceedings and their attorneys, save by order of the commission, or at a hearing of compensation proceeding, but such information may be used by the commission for statistical purposes. Every person who violates any of the provisions of this section, or who knowingly makes a false report or statement in writing to the commission, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than one week nor more than one year, or by both such fine and imprisonment."

Section 13221 contains a provision dealing with the safety and health of employes. It is the evident intent of the Legislature that the reports required under the above section shall be made so that your Department may have a record of the accidents and hazards of employes engaged in industries. It is very essential not only for statistical purposes, but also for the reason that they afford information regarding the compliance by employers with the requirements dealing with the safety and health of employes. This section is enacted under the broad police power of the State and has no connection with the private rights of the employer or employe.

Section 3332, however, is purely a statute dealing with the private rights and liabilities of the employe and employer. These reports are required to be made to the Workmen's Compensation Commission, which is both an administrative and a judicial body. The commission interprets, construes and applies the Workmen's Compensation Act and settles the rights of employes and employers growing out of industrial accidents. These reports have no connection whatever with the police power of the State, nor with your Department, and are, as a matter of fact, confidential between the parties to the compensation proceedings. The Statute expressly so provides.

One theory upon which reports are required to the Compensation Commission is that the Commission may, upon information received, advise the employe of his rights. It has even been held that a failure on the part of the employer to make report of accidents would toll the running of the Statute of Limitations. This section, therefore, simply deals with the rights and liabilities of the employes and employers and is not in conflict and has no connection with Section 13221, which requires the furnishing of reports to you as the Commissioner of Labor.

It is therefore the opinion of this Department that irrespective of Section 3332 above, that you, as Commissioner of Labor and Industrial Inspection, may require the reporting of accidents to you under the provisions of Section 13221.

Very truly yours,

APPROVED:

FRANK W. HAYES,
Assistant Attorney General.

ROY McKITTRICK,
Attorney General.