

company was no longer liable for the injuries that were sustained. Now, under this system of workers' compensation, there are certain protections that are afforded to the employer and if this amendment is adopted, those protections are not given to the employer. And in our statutes, under Section 48-103, it talks about the defenses of an employer and you might recall that when we talked about workers' compensation at the beginning an employee, prior to workers' compensation, had the ability to file an action against an employer for his injuries that he sustained. And it was similar to, well it was a master-servant type of relationship. The employee had the burden of proving negligence and the employer had three defenses, that being contributory negligence, that the injuries were from the employer's negligence. Secondly, there was the assumption of risk because the job had certain hazards, it was assumed that working with a machine that could result in the loss of fingers, of arms, that was the risk that was assumed and he assumed it and so he was not entitled to compensation or payment of medical bills. And finally, there was the fellow servant rule, providing that an employee could not recover against an employer if the injury was caused by a co-employee. Those were the three basic defenses that they had. Now, what we provide for in our state statutes is that if an employer carries workers' compensation insurance, which they are required to do, then they are protected from personal liability. But if they choose not to carry workers' compensation insurance, it states in our statute that an employer who does not carry a policy of workers' compensation insurance, nor qualify as a self-insurer, loses the right to impose the three defenses mentioned in the Section 48-102 in any action brought against him for personal injury or death of that employee. Now those three defenses are that the employee was negligent or unless it also appears that the negligence was willful; secondly, that the injury was caused by the negligence of a fellow employee or, third, there was assumed that the risk inherent in or incidental to that particular injury. So the three basic defenses that were always available out there for the employer were taken away because they were no longer a concern of liability. Now what does this say? If an employer realizes that there is an inherent hazard or a serious hazard and he chooses to disregard the recommendation of the safety committee that there was a serious or imminent hazard, he loses that protection of workers' compensation towards personal liability to his company. There's a couple of different ways we could do this. One is to fine the employer; one is to provide that that employer...well, we've