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Esteemed Lawmakers

We, the injured workers of the state of Florida and across the nation, respectfully request a nationwide congressional investigation into the Workers Compensation System of each of the individual states. We are a nation whose injured workers are under siege and being held hostage by the very system that was conceived to help, not further injure its workers, who are the very backbone of this great nation.

There can be a peaceful resolution to this war being waged against injured workers. But, this can only be accomplished by your intervention. A framework for a peaceful resolution was written in 1973, by the distinguished Senator from New York, Jacob Javits. His proposed bill, "The National Workers' Compensation Standards Bill SB2008" and, the revival of the standards set by the National Commission on State Workman's Compensation Laws would successfully resolve all disputed issues.

Please carefully read our enclosures and consider our request for intervention on behalf of injured workers across this nation.

Respectfully Yours,  
Beverly Haire, VP  
VOICES INC.

Mary Bailey,  
President of VOICES INC.

WE, THE INJURED WORKERS OF THE STATE OF FLORIDA AND ACROSS THE NATION CONTENTEND THE FOLLOWING INIQUITIES OF THE WORKERS' COMPENSATION SYSTEM: The Workers Compensation System does NOT enforce it's own laws and statutes already in place for the benefit of injured workers:

- a. Timely diagnosis and medical treatment and approval of such treatment within the time frame set by existing laws
- b. Timely automatic benefits within the time frame set by existing law

The Workers Compensation system often obtains medical as well as personal information on injured workers which has no pertinence to the claim and serves no necessary purpose in resolving the claim, but rather is used as a tactic to deter and frighten claimants out of litigation and into unfair settlement.

The Workers Compensation System willfully prolongs litigation, knowing the compensations courts are overloaded with cases, causing further severe psychological, physical and financial damage to the claimants, in hopes of pushing claimants into premature and unfair settlement.

The Workers Compensation System takes advantage of their exemption from repercussion or liability from lawsuit leaving injured workers with no recourse.

The Workers Compensation System knowingly and willingly makes fraudulent charges against many claimants in order to intimidate them and to avoid having to medically or financially compensate claimants.

The Workers Compensation System consistently cuts and denies benefits in order to starve claimants out and force their acceptance of inadequate, unfair settlements, causing many claimants to lose everything they have worked for i.e. homes, vehicles, savings, etc., and forcing many into

many cases and resulting in suicide of others.

The Workers Compensation System forces injured workers back to work on a light duty status prior to their recovery until their compensation has expired and then their employer discriminates against them with termination because they are unable to perform their job at 100% capability.

The Workers Compensation System consistently contends that claimants attorney fees are the major cause for insurance premium increases to the employer when in fact litigation in the majority of cases is NOT pursued by the claimant until the Workers Compensation System forces the claimant to seek an attorney because he has been continuously denied necessary medical treatment, medications and/or supplemental benefits. The system itself is in fact, the cause of most compensation related litigation.

The Workers Compensation System is in collusion with many physicians to deny diagnosis and treatment in favor of getting the claimant back to work despite their medical problems, willfully neglecting needed treatment. Many physicians comply because to buck the system means the loss of a substantial number of patients.

The Workers Compensation System willfully and knowingly shifts the burden of responsibility for permanently disabled injured workers onto the already over burdened Social Security Disability system for which the injured worker paid half, himself. Why is the Workers Compensation System allowed to get off the hook and shift this burden?

There are many more iniquities of the Workers Compensation System, that are too numerous to list one by one, but an investigation into the Workers Compensation system of any individual state will begin to reveal these iniquities enough to convince you that further investigation is indeed warranted.

We feel confident, that you as the guardians of our great nation and representatives of we, the people, will share our concerns and act upon our request for help.

#### WORKERS COMPENSATION A Modern Fairy Tale

Once upon a time, in the greatest nation in the world, the United States Congress passed the "Occupational Safety and Health Act of 1970," (or the OSHA act in acronyms). It was a very, very good law for the hard working people of this very great nation. It said:

"...the vast majority of American workers, and their families, are dependent on workmen's (sic worker's) compensation for their basic economic security in the event such worker suffers disabling injury in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation..."

A short time later, The American Congress remarked:

"In recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living."

Because of these serious concerns, the Congress established the National Commission on State Workmen's Compensation Laws to "undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt and equitable system of compensation." July 31, 1972, was the date Congress decided upon for the transmittal of the report of the Commission to the President and Congress. The Commission was a large UN-unified group, and no one truly expected them to complete the report on time (as often happens in large committees). But, lo and behold, to everyone's surprise, the report was completed and turned

The 1972 Commission concluded: "...State workmen's compensation laws are, in general neither adequate nor equitable...Perhaps in another decade or two, an attractive alternative to workmen's compensation will emerge...For the foreseeable future we are convinced that, if our recommendations for a modern workmen's compensation program are adopted, the program should be retained."

It was asked by some, why this problem had gone unresolved for so long. "We know why," responded the

Commission. There are numerous reasons:

- a. Lack of interest by State legislatures and the general public
- b. Lack of understanding by State legislatures and the general public
- c. Infighting among special interest groups
- d. The complexity of the problems
- e. The irrational fear that the increases in premiums would drive employers away to States with less generous benefits and lower costs. THIS, was called "The Main Barrier."

The Congress, The OSHA and the Commission knew they had to conquer "The Main Barrier" before the problem could be resolved. Could they ever find the solution? YES!

After considering an immediate complete federal takeover, after considering voluntary guidelines followed by a complete federal takeover in a few years if deficiencies are not corrected promptly, the Commission decided that the main barrier could be overcome if: The States were required to meet certain minimum standards for the essential requirements of a State workmen's compensation law no later than July 1, 1975.

Now, you might very well be asking, "What are these Essential Elements" established by that great and benevolent Commission, so very long ago and meant to be fully complied with by the date of July 1, 1975, (those long ago days of yore).

#### THE ESSENTIAL ELEMENTS:

1. Compulsory Coverage
2. No occupational or numerical exemptions to coverage
3. Full coverage of work related diseases
4. Full medical and physical rehabilitation services without arbitrary limits
5. Employee's choice of jurisdiction for filing interstate claims
6. Adequate weekly cash payments for Temporary Total Disability (TTD), Permanent Total Disability (PTD) and Death cases
7. No arbitrary limits on duration or sum of benefits

The commission voted unanimously that Congressional intervention may be needed to bring about reforms in the State systems. The threat of, or if necessary, the enactment of Federal mandates will remove from each State the main barrier to effective workmen's compensation reform: The terrible irrational fear that compensation costs may drive employers to move away to States where protection for disabled workers is inadequate but less expensive. The Commission, on a majority vote, gave the States until July 1, 1975, to comply with The Essential Elements.

Keeping in mind, that this Commission mandated total compliance by the States by the date of July 1, 1975, you the reader of this tale must have concluded that this Fairy Tale had to have a happy ending as do all good Fairy Tale's. Sadly, I must inform you that THIS Fairy Tale has NO happy ending. As of this date, July 1, 2001, almost 26 years to the day that this mandate was supposed to have been complied with, NOT EVEN ONE STATE OUT OF 50 HAS COMPLIED WITH THE ESSENTIAL ELEMENTS! In fact, not even one State out of 50 has even come close to compliance!

The truth of the matter is that, in the intervening 26 years since this mandate was proclaimed, the individual State Worker's Compensation Systems

remotely as adequate as they were when the Commission decided they were inadequate enough to mandate The Essential elements!

An American worker who becomes injured under today's individual State Workers' Compensation Systems has become a victim of a holocaust, unequalled and unparalleled in American history. WE, THE INJURED WORKERS OF AMERICA, HAVE WAITED 26 YEARS FOR THAT CONGRESSIONAL INTERVENTION WHICH WAS PROMISED WHEN THE ESSENTIAL ELEMENTS MANDATE WAS PROPOSED. IT IS TIME THAT OUR CONGRESS ACTED ON THAT PROMISE.

But wait...our Modern Fairy Tale is still not complete until you have read a few personal Tales written by those who have lived them. Please finish reading these tales, then give serious consideration to our plea for a just and fair ending to this nightmare that we have called A Modern Fairy Tale. (THIS IS WHERE WE ATTACHED INDIVIDUAL LETTERS)  
We have many letters we can send upon request but there are too many to send by e mail. We will be sending you a package with letters included from Florida injured workers. I can e mail them upon request only because I do not want to tie up your e mail because we have hundreds of letters.

Respectfully, Mary Bailey  
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