THE WORKMEN'S COMPENSATION ACT AND THE TESTING OF WORKMEN'S EYESIGHT.

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In this paper I propose to deal with one side only of the subject, namely, the difficulty of obtaining evidence regarding the eyesight of men previous to an accident, and the importance of such evidence in the settlement of claims. I exclude such questions as the greater liability to injury of defective eyes over sound eyes.

Under the Workmen's Compensation Act, 1897, a person whose wage-earning power has been lessened by any injury incurred while at work is entitled to receive from his employer half the amount per week by which his average weekly wage is reduced, or an equivalent capital sum. In estimating the amount of compensation due for any injury, everything turns upon the answer to the question, "To what extent, if any, has the injury reduced the person's wage-earning power?"

Let us consider the bearing of this upon injuries to the eye and some of the problems which may have to be solved before the required answer can be found.

1. Assume that before the accident the man saw well with each eye. One eye is seriously injured, the other remains sound. If the man can do the work he is accustomed to with his one sound eye, he receives no compensation. But can he do the same work? He will likely as not say that he cannot, and much depends upon the nature of his work.

2. A sightless or almost sightless eye receives some slight injury; the other and sound eye remains good. The wage-earning power is not reduced, and the man is not entitled to any compensation, but he now, by an effort of memory, assisted by the promptings of his friends, distinctly recollects that he had quite an appreciable amount of sight in that eye. Was the eye altogether useless?

3. One eye was already a more or less defective eye (with or without the knowledge of the claimant), when the other and good eye met with an accident. Was there really a difference between the eyes, and is it the better eye that has been injured?

4. Both eyes have been injured. Was either, or were both eyes good before the accident, and to what extent has the injury lessened the wage-earning power?

These are some of the problems one is called upon to solve.

The first point then to be settled for all cases is—"What is the minimum degree of sight which will enable men to do the work which they are respectively engaged in and earn full wages?" It seems to me that this can be ascertained only by testing and recording the vision (each eye separately), of large numbers of men engaged in various kinds of work. Such an inquiry would probably reveal the fact that in many occupations a great many persons were able to do good work with defects in one or both eyes, and it would decide whether, other things being equal, the persons with defective eyesight earned as much as those with perfect sight.

The second point to be decided is, how much sight in each eye had the individual whose claim is under consideration, before the accident? This can be settled in one way only—by systematically testing and recording the sight of every workman who comes under the Act.

The third point is: How much sight has the claimant after recovery from the accident, and what chances has he of retaining such vision as he possesses?

The last point will always have to be settled by the skill and the knowledge of the ophthalmic expert, but unless reliable information can be obtained on the first and second points, the expert's opinion is not of much assistance in the settlement of the claim.

In order that this information may always be available, I would suggest that in every mine or works coming under the Act a simple record of the sight of each eye of each workman should be appended to the workman's name in the wage-book. An approximation to the truth would be sufficient for practical purposes, so that the examination need not be elaborate, may even be "rough and ready." It must be suited to those who cannot read as well as to those who can;

and so long as employers refuse to allow their men to wear glasses at work, it must be a test of the vision of the naked eye; above all, each eye must be tested separately.

Dot counting at 5 or 6 feet distance is a simple test which could be applied by a clerk or manager, and which would suffice to bring out most defects, including errors of refraction. Of course it would be much better to have a thorough and scientific examination, but I am afraid this is not "within the range of practical politics." To prevent any suspicion of unfairness, I would allow any workman to substitute for the employer's record a report of his vision signed by a qualified medical man.

I foresee three objections to the proposal I have made:

1. It may be held by some ophthalmologists that it is always possible to tell by objective examination whether or not there existed any defect in either or both eyes before the alleged accident.

I do not admit this. (a) Even where the media are clear it is not always easy to tell whether changes seen in the fundus are due to disease, old injury, or recent injury; (b) it is notoriously difficult to estimate the effects of corneal opacities upon the vision without subjective tests of the sight; (c) nystagmus, which is so common in miners, may account for all the loss of sight which is attributed by the claimant to some trivial injury, and, on the other hand, one has seen miners' nystagmus with very good vision; (d) after serious injury to an eye it might be impossible to say that that eye previous to the accident had been practically useless from a large error of refraction or from amblyopia. It is a matter of common experience that intelligent persons may have a serious defect of sight in one eye without finding it out, and after an injury to such an eye the patient is often prepared to swear in good faith that the eye was perfectly normal before the accident.

2. It may be objected on behalf of the men that the inquiry into the condition of their sight might lead to the dismissal or degradation of large numbers of men.

This is not a likely occurrence; so long as the men are able to get through their work satisfactorily the masters will probably be content, knowing that wholesale dismissals would send up wages, or at least cause strikes. But suppose such a result did follow the application of eye tests, it would probably benefit the men in the long run; for those who were unfit for the work they were doing would find work they could do before their defective sight had caused injuries to themselves or to their fellow workmen; moreover, the higher standard of sight required would entail compensation for injuries which are now considered comparatively trivial, such as partial loss of sight of one eye. Already some firms of ironworkers, I am told, are dismissing one-eyed men, though with amusing inconsistency they do not consider a blind eye *in situ* a disqualification.

3. As injuries to the eye form only a small proportion of all injuries for which compensation is claimed (about 1 in 20), it may be objected, "Why examine the eye and not make a general examination?" I raise no objection to a general examination, but I may point out that it would require to be made by a medical man, and would probably be excluded by employers on the score of expense and by actuaries as being unnecessary. But the test I have proposed for the eyes could be made by any intelligent clerk, and would cost nothing.

AN EXCEPTIONAL INCREASE OF PLAGUE IN BOMBAY.—The hot weather decrease of the plague has been unusually short-lived in the Bombay Presidency, where very soon after the onset of the rainy season the mortality began once more to rise with unprecedented rapidity for the season of the year, so that during the last week of August there were nearly 3,500 deaths in the whole of Bombay out of a total for the whole of India of but 3,849, and in the first week in September the number had risen to 4,132 out of a total of 4,822. As at the same time last year only 532 deaths a week were returned for the whole of the Western Presidency, the present recrudescence of the disease on the Bombay side is eight times as great as last year—a most disquieting occurrence. Mysore is the only other place which shows any marked increase, the disease causing under 50 deaths a week in Bengal.