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Ruling upholding Act 57 likely to see union appeal

Pittsburgh Business Times - by [Anthony Todd Carlisle](#)

After a major setback, Pennsylvania **AFL-CIO** leaders say they may take their fight against workers' compensation reform to the state Supreme Court.

Joined by the Pennsylvania Federation of Injured Workers Inc. and The Philadelphia Area Project on Occupational Safety and Health, the Pennsylvania AFL-CIO had sued to strike down the 1996 reforms, which were designed to lower the cost of employer-paid premiums to cover compensation for injured workers.

The union argued the law was enacted improperly. But Commonwealth Court ruled April 1 that last year's changes to Pennsylvania workers' compensation law were valid, saying passage of the bill did not violate any constitutional provisions with regard to how bills are introduced.

Reached last week, AFL-CIO president Bill George said the labor union is leaning toward appealing the court's decision, with an announcement possible in the near future.

Mr. George has said the bill, which moved through both chambers of the state Legislature in less than 24 hours, was rushed through without sufficient public input.

He said that under state law, the bill should have been considered by each chamber on three separate days.

To circumvent this requirement, the suit contended, lawmakers added the workers' comp reforms as an amendment to an unrelated bill on the state workers' insurance fund, a bill that had already received due consideration.

"What we are appealing here is the process," Mr. George said. But his political opponents said the suit is just a gimmick to stop a policy the union finds distasteful.

"This was an attempt by union leadership to accomplish in court what they couldn't do in the House and Senate," said Tim Reeves, Gov. Tom Ridge's spokesman. "The process used to enact the bill has been used to enact a number of bills the union supported."

The governor and Secretary of Labor and Industry Johnny Butler were named in the lawsuit.

Although the suit confines its complaint to the process, the leader of the AFL-CIO has no qualms about expressing the union's opposition to the content of last year's reforms, contained in Act 57.

The organization also opposed the previous workers' comp reform, Act 44, which passed four years ago. Mr. George said Act 57 makes workers "second class citizens. Our issue with the workers' compensation law is that injured workers are exploited."

The governor's office disagrees.

"That's just not the fact," Mr. Reeves said. "The law still protects workers who are injured. It just shifts Pennsylvania workers' compensation system away from being one of the more costly."

