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Editorial.

NURSES AND EMPLOYERS' LIABILITY.—II.

We called attention last week to the important effects which the new Workmen's Compensation Act may produce upon the nursing profession. With reference to nurses working independently and receiving their own fees, we pointed out that each patient for the time being is the nurse's employer in the eyes of the law, and is, therefore, for the time being saddled with all liabilities under the new Act for any accident which may happen to the nurse.

It is clear that this introduces a novel and very important element into the relations between the public and private nurses; and that in order to prevent endless difficulties in future the whole position must be carefully considered and satisfactory measures must be adopted. For example, if a patient realises that he may involve himself in heavy liabilities by engaging a nurse, working on her own account, he will, naturally, refuse to do so, and will simply obtain his nurse from one of the Hospitals or Private Nursing Institutions which pay the nurse a small salary and charge the public the ordinary scale of fees—the Institution, therefore, being the direct employer of the nurse. The position will obviously be a serious one for the many hundreds of nurses who are working independently, or in connection with some Co-operation, which, so far as their fees go, amounts to much the same thing.

It appears to us that the only safe course to adopt will be for each Co-operation to insure its entire staff of workers against all liabilities under the Workmen's Compensation Act. They can do this by paying an average premium of 7s. 6d. on each £100 earned by their Staff, and their nurses then will not become a source of unexpected

and, perhaps, heavy liability to some chance patients upon whom they may be in attendance, and in whose service they may sustain some accident.

But this still leaves unsettled the question of the employers' liability with regard to nurses and midwives who are working entirely on their own account—unconnected, that is, with any Institution or Co-operation, and taking their fees direct from their patients. There is no doubt, we are advised, that nurses cannot contract themselves out of the Act—that they cannot, in fact, insure themselves against their employer's own liability to them in case of any accident. On the other hand, patients suddenly requiring a nurse would rarely, if ever, think of insuring themselves against their liability when the nurse would, probably, only remain in their employment for a few days or weeks.

If the public decline to employ nurses or midwives working entirely on their own account, it is very difficult to see how this hardship to the independent nurse can be obviated, because the numbers involved are so large, and they are scattered all over the United Kingdom. If State Registration were in force—that is to say, if only properly certificated nurses were at work—it would be a comparatively easy matter for Societies to be formed which would unite together the scattered nurses working independently, in membership, on the basis of a Co-operation, and then insure each member so as to protect both the worker and all their patients against possible liabilities under the new Act. But in the present position of affairs, with many hundreds of untrained nurses at work, it would be most unwise, and, we believe, would not be practicable, for any Co-operation to accept the responsibility for workers who were beyond professional control or recognition.

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