

section; provided, however, that the compensation payable in any such case shall be limited to a period not to exceed the average life expectancy of a person of the age and sex of the deceased.

1939, ch. 465, sec. 32E.

**38.** Where an employee, though not actually disabled, is found to be affected by silicosis or asbestosis, he may, subject to the approval of the Medical Board, hereinafter created, be permitted to waive in writing full compensation for any aggravation of his condition that may result from his continuing in his hazardous occupation. In the event of total disablement or death as a result of the disease with which the employee was so affected, after such a waiver, compensation shall nevertheless be payable as herein elsewhere provided, but in no case, whether for disability or death or both, for longer than one hundred (100) weeks, but in no case to exceed two thousand dollars (\$2,000) in the aggregate. A waiver so permitted shall remain effective, for the trade, occupations, process or employment for which executed, notwithstanding a change or changes of employer. The State Industrial Accident Commission shall make reasonable rules and regulations relative to the form, execution, filing or registration and public inspection of waivers or records thereof.

1939, ch. 465, sec. 32F.

**39.** Written notice shall be given to the employer of an occupational disease by the employee or someone in his behalf within ten (10) days after the first distinct manifestation thereof, and in the case of death from such an occupational disease, written notice of such death shall also be given to the employer within thirty (30) days thereafter. Failure to give either of such notices shall be deemed waived unless objection is made at a hearing on the claim prior to any award or decision thereon. Actual knowledge of an occupational disease and of exposure to the conditions causing it, by the employer in whose employment the employee was last injuriously exposed, or by the responsible superintendent in charge of the work, shall be deemed notice of its contraction. If no claim for disability or death from an occupational disease be filed with the State Industrial Accident Commission within one (1) year from the date of disablement or death, as the case may be, the right to compensation for such disease shall be forever barred; provided, however, that the failure to file a claim within the time limited herein shall be deemed waived unless objection to such failure be made at a hearing on such claim before any award or decision thereon. Notice or claim shall be deemed waived in case of disability or death where the employer or insurance carrier makes compensation payments therefor, or within the time above limited, the employer or his insurance carrier by his or its conduct leads the employee or claimant reasonably to believe that notice or claim has been waived by his or its affirmative conduct.

Whenever a disability from an occupational disease occurs to any employee it shall be the duty of the employer promptly upon obtaining knowledge or notice thereof, to at once report such disability to the Commission, and also to any local representative of the Commission. Such report shall state (a) the time, cause and nature of the disability, and the probable duration; (b) whether the disability from an occupational disease arose out of and in the course of the injured person's employment; (c) any other matters the rules and regulations of the Commission may prescribe.