

Bill No. 31 of 1948.

A BILL RESPECTING WORKMEN'S COMPENSATION

NOTE.

This Bill amends and consolidates the existing Act, Chapter 4 of the Statutes of Alberta, 1943, and the said Act is repealed by the Act proposed by this Bill. Only the material changes from the 1943 Act are referred to in this Bill.

The definition of "lumber" contained in paragraph (n) of section 2 is new. The definition of "workman" in paragraph (aa) of section 2 is clarified by being subdivided into clauses and by the addition of clause (iv).

Subsection (1) of section 10 of the Bill has been changed by providing that the Board may proceed to hear and determine all questions arising under the Act with or without notice to the parties interested. Subsection (2) of the same section has been changed to make it agree with the above change made in subsection (1).

Subsection (2) of section 13 of the Bill provides for an establishment, etc., being brought under the Act on the application of a majority of the workmen employed therein, but excludes from this privilege outworkers and persons employed in an industry of an itinerant nature, assessment with regard to which it is impracticable or difficult to collect, while casual workers employed otherwise than for the purposes of the employer's trade or business and farm and ranch employees can only be brought under the Act with the consent of the employer. Under the section now in force none of the above classes could be brought under the Act except farm and ranch employees, with the consent of the employer.

In subsection (2) of section 15 of the Bill dealing with the authority of the Board to enter premises of employers to examine the premises from the standpoint of safety, etc., the following words at the end are new "and whether the working conditions, including sanitation and ventilation, are safe or for any other purpose which the Board may deem necessary", replacing the following words in the Act now in force: "and whether the sanitary and health conditions are proper, or for any other purpose which the Board may deem necessary for the purpose of determining the proportion in which the employer should contribute to the Accident

Fund". Subsection (5) of section 15 of the Act now in force provides for a payment to the Accident Fund by an employer in cases where an accident is in the opinion of the Board due "entirely" to the failure of the employer to comply with the directions of the Board or regulations. This is changed in subsection (5) of section 15 of the Bill to read "entirely or mainly".

Subsection (4) of section 19 of the Bill is new. Subsection (1) of this section provides that compensation shall be paid where personal injury by accident "arising out of and in the course of employment" is caused to a workman. The new subsection (4) provides that if one of these conditions exists the other one is presumed to exist unless the contrary is shown. There is a change in the proviso to subsection (5) of section 19 of the Bill (subsection (4) of the Act now in force). Under the proposed subsection where the disability lasts for more than "six days" compensation shall be payable from the date of disability. In the section now in force the disability was required to continue beyond "fourteen days" before the workman could recover compensation from the date of disability. The first proviso to subsection (6) of section 19 of the Bill extends the time for filing proof of an accident, etc., with the Board to three years, and the Board may award compensation upon certain conditions being complied with. The last proviso to this subsection brings up to date the provisions as to pensions awarded to persons in enemy territory or in territory occupied by the enemy and provides that pensions in such cases shall become payable only from the date when trading with such country is resumed, and that pension payments which would otherwise have been paid to the dependants are to be paid into the Accident Fund. This is subject to the provisions of paragraph (p) of subsection (1) of section 33 which enables the Board to pay the accumulated pensions to the dependants in certain cases (other than enemy aliens) and is intended to cover principally cases of persons residing in countries occupied by the enemy during the war such as Holland, Belgium, etc.

Section 20 of the Bill deals with the matter of members of an employer's family being approved as workmen under the Act and also with the matter of the employer himself being so approved. The proviso to subsection (3) is new and prevents such persons from being considered as workmen unless they are in the *bona fide* regular full time employment of the employer. Subsection (4) is also new and fixes the amount of the average weekly earnings upon which compensation will be based of a member of the employer's family in cases where the assessment of the employer is based on production and not on the pay-roll. Subsection (5) deals with the application of an employer to be considered a workman under the Act and with the method of computing compensation, etc. His average weekly earnings on which compensation will be payable in the event of injury are to be based on a sum of not less than twelve hundred dollars and

not more than two thousand dollars per year. Subsection (6) provides for councillors of a municipal district being considered workmen of the district while actually engaged on the business of the district on the basis of earnings of eighteen hundred dollars per year. Subsection (7) authorizes the Board to revoke its approval of any application made under section 20 to become workmen under the Act.

Section 22 deals with the case of a workman whose usual place of employment or residence is in Alberta who is injured in the North-West Territories while employed by an employer whose chief place of business is in Alberta, where his employment out the Province has lasted less than one year. The proviso to subsection (1) is new and authorizes the Board to extend from time to time the said period of twelve months. Subsection (2) which requires a workman to assign his right of action for his injuries to the Board is changed only by insertion of the word "personal" before the word "injuries", while subsection (3) requires the workman to bring such action when so directed by the Board. If he fails to do so the Board may refuse to pay compensation under the Act to him. The first proviso to subsection (3) of section 22 prohibits the workman taking an action for damages save upon the direction of the Board under penalty of forfeiture of compensation under the Act, and the second proviso makes provision as to repayment of costs incurred by the workman in an action by him on the direction of the Board.

Subsection (4) of section 23 deals with cases where a workman has been over-paid compensation and creates the over-payment a debt from the workman to the Board which may be off-set against compensation.

Section 24, in subsections (4) to (8) deals with a case where a workman entitled to compensation under the Act also has a cause of action against a third person. In such cases the Board is subrogated to the rights of the workman. Subsection (8) is new and authorizes the Board, upon settlement of any such claim to release the person from liability in respect of the injuries to the workman. Subsection (9) is also new and provides that if the Board receives from the third person more than sufficient to pay the Board the amount of the cost of the accident to the Board, it may retain the surplus or pay it to the workman or his dependants upon the terms stated in the subsection, namely, a release of the Board from all claims in respect of the accident.

Section 25 of the Bill deals with notice of accident reports, etc. Subsection (5) dealing with the duty of the employer is changed slightly and will require the employer to notify the Board when he has knowledge or notice of an accident or of the allegation of the happening of an accident. Subsection (7) is new and authorizes the Board, in cases where the employer has failed to make the required report, to make a special investigation of the accident and to charge the cost of same to the employer. Subsection (10) is also

new and provides that mere payment by the Board of a medical account of an injured workman shall not be considered a claim by the workman or acceptance of a claim by the Board.

Section 26 of the Bill deals with the medical examination of a workman when required by the Board and the consequence of the failure of a workman to submit himself for examination when so required. The last part of subsection (3) is new, beginning with the words "and the condition found".

Section 29 of the Bill is a new section in substitution for section 29 now in force. That section authorized the Board to reduce, suspend or terminate any payment when satisfied that his recovery was prevented or retarded by his own misconduct.

Section 30 deals with special surgical and medical treatment, supplying of apparatus, etc., and is substantially the same as the section now in force with the exception that where the cost of providing these various services, etc., was to be defrayed out of the accident, that provision is omitted from the new section 30.

Subsection (6) of section 31 now in force has been omitted from the new section 31. This subsection in the Act now in force provided that where an application was made to commute periodical payments for the purpose of living in a country other than Canada, the Board might award a sum less than the full capitalized value of the payments if the cost of living was less in such other country than in Canada. Subsection (8) of section 31 of the Bill is new and enables the Board to require certain information from a workman or his dependants.

Section 33 of the Bill deals with the scale of compensation. The following changes are made in subsection (1) :

Under (a) one hundred and twenty-five dollars is increased to one hundred and seventy-five dollars.

Under (b) a payment of one hundred dollars is provided for a dependent widow or dependent invalid widower. This is limited to a widow in the Act now in force.

Under (c) forty dollars is increased to fifty dollars, and a condition as to a widow or invalid widower being the sole dependant is omitted.

Under (d) the payment to a dependent child under eighteen is increased from twelve dollars to fifteen dollars per month.

Under (e) a payment to a dependent invalid child is provided in the sum of fifteen dollars per month to continue as long as the Board is of opinion that the workman, if he had lived, would have supported the child.

Under (f) authority is given to the Board to make additional monthly payments not exceeding ten dollars to children where a workman leaves no widow or widower, or where a surviving widow or widower subsequently dies or is confined in a jail, etc.

Under (g) the payment authorized is limited to the widow herself and her illness.

Under (h) provision is made for additional payments because of illness to dependent children up to ten dollars per month.

Under (i) provision is made for additional payment of ten dollars per month to a dependent child between the ages of sixteen and eighteen if the child is attending an academic, technical or vocational school and making satisfactory progress.

Under (j) the payment of thirty-five dollars is increased to fifty dollars and the payment of seventy dollars is increased to eighty-five dollars.

Under (k) directions are given as to how payments to or for a child are to be made.

Under (l) the payment of four hundred and eighty dollars is increased to six hundred dollars, and provision is made for monthly payments up to fifty dollars being resumed if the dependent widow subsequently (after the lapse of one year) becomes in necessitous circumstances through the death of her husband, etc.

Under (n) provision is made for any amount in excess of one hundred thousand dollars in the special reserve at the end of a year being transferred to the newly created rehabilitation reserve.

Under (o) pension payments suspended under the War Measures Act are to be paid into the Accident Fund, subject to the next paragraph.

Under (p) the Board is given authority to pay all or part of accumulated suspended pensions to the dependants if not enemy aliens.

Section 34 of the Bill deals with the compensation payable in cases of permanent total disability. Paragraphs (b) and (c) are new and give the Board wider scope in awarding compensation by taking into account the average earnings of the workman in other industries to which the Act applies.

By subsection (1) of section 35 of the Bill similar provisions are made with respect to permanent partial disability as in section 34 to give the Board a wider scope in estimating the compensation to be awarded.

Subsection (4) of section 39 is new. Paragraph (a) provides that where a workman is receiving compensation or a pension and suffers a further disability for which he is

entitled to compensation, the total compensation he may receive shall not exceed the maximum authorized by the Act estimated on the basis of sixty-six and two-thirds of two thousand dollars per annum. Paragraph (b) provides that where a pension has been commuted to a lump sum, the periodic payments which have been commuted shall be deemed for the purpose of the subsection to be still payable.

In subsection (1) of section 40 of the Bill the minimum payment of compensation of twelve dollars and fifty cents per week is increased to fifteen dollars per week.

By subsection (6) of section 42 of the Bill a workman is not entitled to compensation, medical aid, etc., for disability or death from silicosis unless he has been exposed to silica dust in Alberta for periods amounting to three years. In the Act now in force this period is five years. By subsection (7) silicosis is excluded from the limitation of twelve months for filing a claim as fixed by section 19 (6) and subsection (1) of this section. Subsection (9) is new.

Section 44 (8) of the Bill transfers certain moneys to the rehabilitation reserve and the Accident Fund. The moneys transferred to the rehabilitation reserve are certain deductions and payments for medical aid which, by the 1943 Act, were transferred to the Accident Fund. The moneys in the "Reserve Section 33 (1) (k)" were accumulated under section 33 (1) (k) of the 1943 Act which authorized the payment of compensation on a lesser scale than provided in the Act to aliens residing outside Canada in accordance with conditions and the cost of living in the place of residence, which scale of payment would, in the opinion of the Board, enables them to live in a degree of comfort equal to dependants residing in Canada and receiving full compensation. The amounts withheld in these cases were put in a reserve fund to be applied to additional payments to widows in necessitous circumstances through illness in the family. The balance of these moneys will now be transferred to the Accident Fund, the widows in question being provided for in another section.

Provision is made in subsection (1) (f) of section 51 of the Bill for the creation of a rehabilitation reserve for the purpose mentioned and to include it in the matters to be considered in fixing the assessment. Subsection (2) of section 51 provides that in computing the levy on classes in Schedule 2, that is, employment by the Dominion, Province, etc., the reserves mentioned in (c), (d), (e), (f) and (g) of subsection (1) shall not be taken into consideration, nor the reserve authorized by section 33 (1) (n) in cases where a workman dies leaving no widow.

Section 52 of the Bill in subsection (5) provides for assessment by publication in *The Alberta Gazette* of a statement of the percentages, rates or sums and the industries to which they respectively apply. This publication is deemed to be an assessment upon and notice of assessment to each

employer at the date applicable to his class. Subsections (6), (7), (8) and (9) of section 52 are new. Subsections (11) to (15) in section 52 are unchanged but are subsections (7) to (11) of section 51 of the Act now in force.

Section 55 (12) has been changed by including agencies or departments of the Dominion or Provincial Governments among those entitled to get information from an officer of the Board when authorized by the Board.

Subsection (7) of section 60 of the Bill changes the penalty for a breach in subsection (7). The penalty in the Act now in force is a penalty of not less than five dollars per day nor more than an amount equal to the debt of the employer. The imprisonment on default of payment is changed from not more than three months to not more than six months.

Subsection (4) of section 61 is changed from the present subsection to make it clear that the workmen of sub-contractors shall be deemed to be workmen of the principal to the contract as well as of the principal contractor.

There is a slight change in subsection (2) of section 65 of the Bill by the addition of the words "workman or other person" after the word "employer". This addition is made on account of the legal claim given to the Board to recover over-payment of compensation from a workman.

In subsection (3) of section 66 of the Bill the words "of the forest" have been inserted after the word "products". Subsection (5) of the same section is new and prohibits the extension of time provided for in the proviso to subsection (4) if the lumbering, etc., operation are carried on by two or more persons in partnership.

In section 67 of the Bill subsection (9) is new and its purpose is to avoid the expense of two seizures in cases where a distress warrant of the Board is placed in the sheriff's hands and the goods of the debtor are already or are subsequently seized by the same sheriff at the instance of another creditor.

Subsection (6) of section 70 of the Bill is new and authorizes service of orders, etc., of the Board by registered mail.

The classification in Schedule 1 has been rearranged so as to bring them in conformity with the Board's rate list. Changes in the arrangement have been made from time to time in connection with the fixing of the assessment rates.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 31 of 1948.

An Act Respecting Workmen's Compensation.

(Assented to _____, 1948.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Workmen's Compensation Act, 1948.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

- (a) "Accident" includes a wilful and intentional act, not being the act of the workman and shall also include a chance event occasioned by a physical or natural cause, as well as disablement arising out of and in the course of the employment;
- (b) "Accident Fund" means any fund provided for the payment of compensation and other outlays and expenses authorized under this Act;
- (c) "Assessment" includes rates, levies and all other charges imposed by the Board under the provisions of this Act;
- (d) "Board" means the Workmen's Compensation Board;
- (e) "Child" includes an illegitimate child, and any child of any child and the child of a husband or wife by a former marriage;
- (f) "Compensation" includes medical aid;
- (g) "Construction" includes reconstruction, repair, alteration, renovating, painting, decorating and demolition;
- (h) "Dependants" means such of the members of the family of a workman as were wholly or partially dependent upon his earnings at the time of his death or who, but for the incapacity due to the accident, would have been so dependent:

Provided that a person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;

- (i) "Employer" means every person, firm, association, body or corporation having in his or its service one or more workmen and shall include the Crown in the right of the Province and the Crown in the right of the Dominion of Canada in so far as the latter, in its capacity as master, may submit to the operation of the Act;
- (j) "Employment" means employment in an industry or any part, branch or department of an industry;
- (k) "Industrial disease" means any of the diseases mentioned in the enumeration of industrial diseases contained in Schedule 3 and any other disease which by the regulations is declared to be an industrial disease;
- (l) "Industry" means any establishment, undertaking, trade and business included in the Schedules hereto, whether the same be carried on in conjunction with other occupations or separately;
- (m) "Invalid" means a person who is physically or mentally incapable of earning;
- (n) "Lumber" includes logs, laths, shingles, ties and all other forest products the manufacture and production of which is an industry or is within an industry within the scope of this Act;
- (o) "Manufacturing" includes making, preparing, altering, repairing, renovating, dyeing, cleaning, ornamenting, printing, finishing, packing, assembling the parts of and adapting for use or sale any raw material, goods, article or commodity;
- (p) "Medical aid" includes the several matters and things which the Board is empowered by this Act to provide for injured workmen and may as and when the Board sees fit include nursing, hospitalization, drugs, dressing, X-ray treatment, special treatment by all those who are licensed to practice the healing art in the Province, transportation and such other matters and things as the Board may authorize or provide;
- (q) "Member of a family" means and includes wife, husband, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister and a person who stood in *loco parentis* to the workman or to whom the workman stood in *loco parentis*, whether related to him by consanguinity or not so related; and where the workman is the parent or grandparent of an illegitimate child, shall include such child and where the workman is an illegitimate child shall include each of his parents or grandparents;
- (r) "Mine" means a mine as defined by *The Coal Mines Regulation Act*;

- (s) "Mine rescue and first aid work" includes the equipment necessary for such work, the repairs thereof, the training necessary for such work and the supplies used therein;
- (t) "Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for use or sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;
- (u) "Permanent total disability" without restricting the general meaning of the term, shall be conclusively presumed in all cases where the injuries suffered consist of or include,—
 - (i) total and permanent loss of the sight of both eyes;
 - (ii) the loss of both feet at or above the ankle;
 - (iii) the loss of both hands at or above the wrist;
 - (iv) the loss of one hand at or above the wrist and one foot at or above the ankle;
 - (v) any injury to the spine resulting in permanent and complete paralysis of legs or arms or one leg and one arm;
 - (vi) any injury to the skull resulting in incurable imbecility or insanity;
- (v) "Person" includes female as well as male persons and bodies corporate;
- (w) "Physician" means an authorized person skilled in the art of healing;
- (x) "Regulations" means regulations made by the Board under the authority of this Act, so long as and to the extent that they, under and by the aforesaid authority, remain in effect;
- (y) "Secretary" means Secretary of the Workmen's Compensation Board;
- (z) "Wages," "pay-roll," "pay-roll statements," where such terms are used in this Act, include production or other relative or descriptive terms when the assessment is based thereon;
- (aa) "Workman" means a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise and includes,—
 - (i) any person engaged in training for mine rescue work or who with the knowledge and consent of the management or the person in charge of an authorized mine rescue crew, is doing recovery work after an explosion, accident or catastrophe; and
 - (ii) the employees of a contractor contracting for the performance of mining operations for

another person engaged in the industry of mining and also such contractor whilst actually working; and

- (iii) the driver of a vehicle doing work for another whether the former supplies the vehicle or does not supply it, providing that the relationship of master and servant exists between the driver and the other person; and
- (iv) any person not otherwise coming within the foregoing definition, who under the provisions of this Act or under any direction or order of the Board is deemed to be a workman.

THE BOARD.

3. There is hereby constituted a commission for the administration of this Act, to be called "The Workmen's Compensation Board," which shall consist of three commissioners to be appointed by the Lieutenant Governor in Council and shall be a body corporate.

4.—(1) One of the commissioners shall be appointed by the Lieutenant Governor in Council to be Chairman of the Board.

(2) In the case of death, illness or absence from the Province of a commissioner or of his inability to act from any cause, the Lieutenant Governor in Council may appoint some person to act *pro tempore* in his stead and the person so appointed shall have all the powers and perform all the duties of a commissioner.

(3) In the case of a vacancy in the office of the Chairman of the Board or in the office of a commissioner, the Lieutenant Governor in Council may appoint some person to act *pro tempore* in the office of the Chairman or commissioner and the person or persons so appointed shall have all the powers and perform all the duties of the Chairman of the Board or a commissioner, as the case may be.

5.—(1) The Chairman shall hold office for ten years from the date of his appointment and the other commissioners shall hold office for ten years from the date of appointment:

Provided, however, that any commissioner may be removed from office by the Lieutenant Governor in Council or by the Lieutenant Governor in Council on address of the Legislative Assembly.

(2) No commissioner shall engage in any other business or employment for remuneration.

6. The office of the Board shall be situated in the City of Edmonton and its sittings shall be held there except where it is expedient to hold sittings elsewhere and in that case sittings may be held in any part of the Province.

7. A commissioner shall receive such salary as may be fixed by the Lieutenant Governor in Council.

8.—(1) The Board may appoint such officers as it may deem necessary for carrying out the provisions of this Act and may prescribe their duties and fix their remuneration.

(2) Every person so appointed shall hold office during the pleasure of the Board.

9. The Board may acquire, either by purchase or otherwise, such premises as it may deem necessary.

JURISDICTION OF THE BOARD.

10.—(1) The Board shall have exclusive jurisdiction, either with or without notice to any person or persons interested, to examine, inquire into, hear and determine, all matters and questions arising under this Act and the action or decision of the Board thereon shall be final and conclusive and shall not be open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceedings in any court or be removable by *certiorari* or otherwise into any court, nor shall any action be maintained or brought against the Board or any commissioner in respect of any act or decision done or made in the honest belief that the same was within the jurisdiction of the Board.

(2) Nothing in subsection (1) of this section shall prevent the Board either with or without notice to any person or persons interested from reconsidering any matter which has been dealt with by it or from rescinding, altering or amending any decision or order previously made, all of which the Board shall have authority to do.

(3) The decisions of the Board shall be upon the real merits and justice of the case and it shall not be bound to follow strict legal precedent and no decision or ruling of the Board shall be binding upon it as a precedent for any other decision or ruling, the intent of this provision being that each case shall be decided on its own merits.

(4) All awards heretofore made or purporting to have been made by, on behalf of, or on the authority of the Board and each and every one of them, are validated and declared to be legal, valid and binding and shall not be open to question in any court.

(5) (a) The Board shall have the like powers as the Supreme Court for compelling the attendance of witnesses and of examining them under oath and compelling the production and inspection of books, papers, documents and things.

(b) The Board may cause depositions of witnesses residing within or without the Province to be taken before any person appointed by the Board in manner similar to that prescribed by the Rules of the Supreme Court.

(6) (a) The Board may act upon the report of any of its officers and any inquiry which it shall deem necessary may be made by a commissioner or by an officer of the Board or by some other person appointed to make the inquiry and the Board may act upon his report as to the result of the inquiry.

(b) The person appointed to make the inquiry shall for the purposes thereof have all the powers conferred upon the Board.

(7) Every copy or extract from an entry of any book or record of the Board and of any document filed with the Board certified by the Secretary of the Board to be a true copy or extract, shall be received in any court as *prima facie* evidence of the matter so certified without proof of the Secretary's appointment, authority, or signature.

(8) Without thereby limiting the generality of the provisions of subsection (1) of this section, it is declared that the exclusive jurisdiction of the Board shall extend to determining,—

- (a) whether an injury has arisen out of or in the course of an employment within the scope of this Act;
- (b) the existence and degree of disability by reason of an injury;
- (c) the permanence of disability by reason of an injury;
- (d) the degree of diminution of earning capacity by reason of an injury;
- (e) the amount of average earnings;
- (f) the amounts of any refunds or adjustments of assessments which in its discretion, it may deem proper to make;
- (g) the existence, for the purpose of this Act, of the relationship of any member of the family of an employer or of a workman;
- (h) the existence of dependency;
- (i) whether or not an industry or any part, branch or department of any industry is within the scope of this Act and the class to which any industry or any part, branch or department of any industry within the scope of this Act should be assigned;
- (j) whether or not any person or aggregation of persons, is an employer within the meaning of this Act;
- (k) whether or not any person is a workman within the meaning of this Act;
- (l) whether or not any workman is entitled to compensation under this Act.

11. The Board may in any case where it is deemed necessary and shall on the application of any employer or workman interested in any order, ruling or decision of the

Board, issue a certificate under the seal of the Board, embodying the substance of any such order, ruling or decision.

REGULATIONS.

12. The Board may make such regulations and prescribe such forms as may be deemed expedient for carrying out the provisions of this Act and not inconsistent therewith and any such regulations shall come into force at the expiration of thirty days from the date of their publication in *The Alberta Gazette*.

13.—(1) The Board is empowered,—

- (a) to add to, withdraw or rearrange any of the industries which are or may be included in the Schedules hereto;
- (b) to divide any industry into one or more classes and any class into one or more subclasses.

(2) Upon the application of a majority of the workmen engaged in any establishment, undertaking, trade or business or in any branch, subdivision or component part thereof or of the persons employing workmen so engaged, the Board may declare the same to be an industry to which this Act applies:

Provided, however, that the Board shall not give effect to any application made under any of the provisions of this subsection affecting persons excluded from the provisions of this Act by paragraphs (b) and (c) of section 73 nor to any such application affecting persons excluded by paragraphs (a) and (d) of said section except with the consent of the employer.

(3) The inclusion of any industry, establishment, trade or business or of any employer, employee or workman, within the scope of this Act, under or pursuant to any of the provisions of this section, shall continue and remain in effect until the Board upon application or of its own volition, rescinds the same.

14. The Board may establish such subclassifications, differentials and proportions in the rates as between the different kinds of employment in the same class as the Board may deem proper and where any particular industry is shown to be so circumstanced or conducted that the hazard is greater than the average of the class or subclass to which the industry is assigned, the Board may impose upon the industry a special rate, differential or assessment, to correspond with the excessive hazard of such industry.

ACCIDENT PREVENTION.

15.—(1) The Board shall have power,—

- (a) to investigate from time to time employments and places of employment within the Province and de-

termine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all employments or places of employment;

- (b) to determine the requirements for safe working conditions including the proper sanitation and ventilation of the employer's premises;
- (c) to determine what suitable devices or other reasonable means or requirements for the prevention of disease shall be adopted or followed in any or all employments or places of employment;
- (d) to make regulations whether of general or special application and which may apply to both employers and workmen, for the prevention of accidents and the prevention of diseases and for the provision of safe working conditions including proper sanitation and ventilation in employments or places of employment.

(2) The Board or any member thereof or any officer or person authorized by it for that purpose may at any time enter into the establishment of any employer who is liable to contribute to the Accident Fund and the premises connected with it and every part of them, for the purpose of ascertaining whether the ways, works, machinery or appliances therein are safe, adequate and sufficient and whether all proper precautions are taken for the prevention of accidents to the workmen employed in or about the establishment or premises and whether the safety appliances or safeguards prescribed by law are used and employed therein and whether the working conditions, including sanitation and ventilation, are safe or for any other purpose which the Board may deem necessary.

(3) Where, in any employment or place of employment, safety devices are in the opinion of the Board necessary for the prevention of accidents or of disease, the Board may order the installation or adoption of such appliances or devices and may fix a reasonable time within which they shall be installed or adopted, and the Board shall give notice thereof to the employer and the employer shall post or cause to be posted, in a conspicuous place upon the place of employment a copy of the notice, which shall remain so posted until the order has been complied with and the employer so notifies the Board and the Board has authorized its removal.

(4) In any case where safety devices or appliances are by order of the Board required to be installed or adopted or are prescribed by the regulations and the employer fails, neglects or refuses to install and adopt such safety devices or appliances in any employment or place of employment to the satisfaction of the Board, or where under the circumstances the Board is of the opinion that conditions of immediate danger exist in any employment or place of employment which would be likely to result in injury to any

person, the Board may, in its discretion, order the employer forthwith to close down the whole or any part of such employment or place of employment and the industry carried on therein and the Board shall notify the employer of the order and a copy of the order, to be provided by the Board, shall, if the Board so requires, be posted by the employer in a conspicuous place upon the employer's premises:

Provided that nothing herein contained shall take away or abridge any of the powers and duties of the Provincial Board of Health or local boards of health, as constituted under *The Public Health Act*:

Provided further that the Board or any member of it or any officer appointed by it may forthwith report to the Provincial Board of Health any breach of *The Public Health Act* or regulations of the Provincial Board of Health passed under the said Act.

(5) Where an accident causing injury to a workman in respect of which compensation is payable has occurred and where, in the opinion of the Board, the accident was due entirely or mainly to the failure of the employer to comply with the directions of the Board or with the regulations made under this Act, the Board may levy and collect from the employer as a contribution to the Accident Fund, a sum of money not exceeding one-half of the amount of the compensation payable in respect of the injury and the payment of such sum may be enforced in the same manner as the payment of an assessment may be enforced.

(6) Where in the opinion of the Board sufficient precautions are not taken for the prevention of accidents to workmen in the employment of any employer or where the working conditions are not safe or the first aid requirements provided by the Act or regulations have not been complied with, the Board may add to the amount of any contribution to the Accident Fund for which the employer is liable, such a percentage thereof as the Board may deem just and may assess and levy the same upon the employer.

(7) The powers conferred by the next preceding subsection may be exercised from time to time and as often as in the opinion of the Board occasion may require.

(8) The Board, if satisfied that the default was excusable, may in any case relieve the employer in whole or in part from liability under this section.

16.—(1) No employer shall, for the purpose of any industry within the scope of this Act,—

- (a) commence the operation of any mine, plant or establishment in which power-driven machinery is used;
- or
- (b) recommence the operation of any mine, plant or establishment in which power-driven machinery is used, which has been out of operation for more than seven months last preceding;

until leave therefor is obtained from the Board in the manner provided in subsection (2).

(2) Application for leave under this section shall be made to the Board in writing, signed by the employer and stating that the mine, plant or establishment is ready for operation. Upon receipt of the application, the Board or some member of the Board or some other person appointed by the Board for that purpose, shall make an inspection of the mine, plant or establishment and if on such inspection the mine, plant or establishment is found to be reasonably free from danger to persons employed therein, the Board shall grant leave for the operation of the mine, plant or establishment. Pending inspection, the Board may, by a temporary permit, grant leave to the employer for the operation of the mine, plant or establishment.

17.—(1) The Board shall engage in and carry on the education and instruction in accident prevention and first aid work of workmen and others and may impart such education and instruction by demonstration, exhibits, lectures, classes or otherwise and shall hold examinations and issue certificates to persons whom it may deem sufficiently skilled in such matters as to warrant the issue to them of such certificates.

(2) Certificates issued by the Board under subsection (1) hereof may be cancelled by the Board at any time when, in its opinion, the holder thereof does not continue to have the necessary qualifications in accident prevention and first aid work.

ADDITIONAL DUTIES.

18. Notwithstanding anything herein contained the Board in addition to the duties imposed upon it by this Act may administer any other Act or perform any other duty that may be referred or assigned to it at any time by the Lieutenant Governor in Council, and for that purpose all powers, authorities and functions expressed or provided in such other Act shall be vested in and exercisable by the Board.

COMPENSATION.

19.—(1) Where in any employment to which this Act applies, personal injury by accident arising out of and in the course of employment is caused to a workman, compensation shall be paid unless the injury is attributable solely to the serious and wilful misconduct of the workman and death or serious disablement does not result from it.

(2) Where the personal injury consists of disease, in part due to the employment and in part due to causes other than the employment, compensation shall be paid in the same proportion to the whole of the compensation that would have

been payable had the personal injury been wholly due to the employment, as the part thereof that is due to the employment is in proportion to the whole of the personal injury.

(3) Where a workman is found dead at a place where the workman had a right in the course of his employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and in the course of his employment, unless there be evidence sufficient to rebut the presumption.

(4) Where the accident arose out of the employment, unless the contrary is shown, it shall be presumed that it occurred in the course of the employment and where the accident occurred in the course of the employment, unless the contrary is shown, it shall be presumed that it arose out of the employment.

(5) If the injury does not disable the workman longer than the period of three days from earning full wages at the work at which he was employed, no compensation, other than medical aid, shall be payable under this Act. If the injury disables the workman longer than the period of three days, no compensation, other than medical aid, shall be payable for the first three days of disability:

Provided that where the disability is of more than six days' duration, compensation shall be payable from the date of disability.

(6) No compensation shall be payable in respect of any claim for the same unless the claim is made to the Board by the claimant within twelve months from the happening of the accident or where death results from such accident, by a dependant, within twelve months from the date of the death:

Provided that the Board may, on proof of the accident and injury to a workman being filed with the Board within three years from the date of its happening, pay the compensation provided under this Act if,—

- (a) the workman gave notice of the accident to his employer as soon as practicable after its occurrence and it was thereupon noted upon the records of the employer; and
- (b) in the opinion of the Board the claim is a just one and ought to be allowed:

Provided further that, in respect of persons residing in territories with whom trading is or has been suspended under and by virtue of the regulations respecting trading with the enemy the said period of twelve months or any portion thereof shall not run against such persons for or during the time of such suspension:

And provided further that in the case of awards of pensions to or for dependants residing in any of the aforesaid territories made subsequent to the aforesaid suspension, the capital value of the pension shall be computed from the date of the death in respect of which the pension is awarded, but

the pension in such cases shall become payable to or for the dependants to or for whom it is awarded only as of and from the date trading under the aforesaid regulations is resumed with the country or territory in which the pensioner concerned resides and the pension payments that would otherwise have been payable to or for such dependants shall be applied as provided by paragraph (o) of subsection (1) of section 33.

20.—(1) Members of the family of an employer employed by him and dwelling in his house shall not be deemed to be workmen within the scope of this Act and compensation shall not be payable out of the Accident Fund to them unless application to have them brought within the scope of this Act has been received and approved by the Board.

(2) The application shall be made by the employer and shall contain the names of all the members of his family employed by him, together with the estimated amount of their wages for the current year or balance thereof or in cases where no regular or stated wage is paid or received, a sum in lieu of wages not exceeding two thousand dollars and not less than twelve hundred dollars for or in respect of each member of his family named in the application.

(3) Upon the application being approved by the Board, the members of the family of the employer included in the Board's approval shall, whilst so employed, be deemed workmen for the purposes of this Act for and during the balance of the then current year:

Provided that in industries where assessments are based upon the employer's production, such approval shall be void *ab initio* in respect of such members of the family who were not in the *bona fide* regular full-time employment of the employer.

(4) Assessments shall be levied upon the said estimates and compensation shall be payable on the basis of the same, provided that in industries where assessments are based upon the employer's production the weekly equivalent of twelve hundred dollars per year shall be deemed to be the average weekly earnings, for the purposes of the computation and payment of compensation, of each such member of the employer's family included in the Board's aforesaid approval.

(5) (a) Compensation shall not be payable to an employer unless application to come within the scope of this Act has been received and approved by the Board.

(b) The application shall be made by the employer and shall contain the stated sum for which compensation coverage is desired in an amount not exceeding two thousand dollars and not less than twelve hundred dollars, and such assessment as the Board may fix in respect of such application shall be levied on such sum for the then current year or balance thereof, as the case may be.

(c) Upon the application being approved by the Board, the employer shall, during such time as he employs workmen be deemed to be a workman for the purposes of this Act for and during the balance of the then current year and for the purposes of the computation and payment of compensation, the weekly equivalent of the aforesaid stated sum shall be deemed to be the average weekly earnings of such employer.

(6) The council of any municipal district may apply by resolution to have the members of the council and the municipal district brought within the scope of this Act and upon the approval of such application by the Board the members of the council shall be deemed to be workmen of such municipal district as employer on a basis of earnings of eighteen hundred dollars a year each whilst actually engaged in the business of the municipal district.

(7) The Board either with or without notice to the employer may revoke its approval of an application made under the provisions of this section at any time and upon the making of such a revocation by the Board, the person referred to in the approval shall cease to be a workman within the scope of the Act as of the date of such revocation.

(8) Notice of any revocation made pursuant to the provisions of subsection (7) shall be forwarded by the Board by ordinary mail to the employer.

21.—(1) Where an accident which would entitle the workman or his dependants to compensation under this Act, if it had happened in the Province, happens while he is employed elsewhere than in the Province, the workman or his dependants shall be entitled to compensation under this Act, if the workman is a resident of the Province and the nature of the employment is such that in the course of the work or service which the workman performs, it is required to be performed both within and without the Province.

(2) Where by the law of the country or place in which the accident happens the workman or his dependants are entitled to compensation or other remedy in respect of it, he or they, as the case may be, shall be bound to elect whether they will claim compensation or other remedy under the law of that country or place or compensation under this Act and to give notice of such election; and if such notice of election is not given it shall be presumed that they have elected not to claim compensation under this Act:

Provided that where there is in existence an agreement under the provisions of subsection (4) any right of election shall be subject to the terms of such agreement.

(3) Notice of the election shall be given to the Board within thirty days after the happening of the accident or, in case it results in death, within thirty days after the death or within such longer period as, either before or after the expiration of such thirty days, the Board may allow.

(4) The Board may enter into an agreement with the Workmen's Compensation Board of any other province of Canada providing for the payment of compensation in conformity to the provisions of this Act for injuries to workmen who are employed under such conditions that part of the work incidental to the employment is performed in Alberta and part of the work in another province, for the purpose of ensuring to such workmen or their dependants payment of compensation either in conformity with this Act or in conformity with the Act in force in the other province relating to workmen's compensation, as the case may be.

22.—(1) Where an accident which would entitle the workman or his dependants to compensation under this Act, if it had happened in the Province, happens while he is employed in a province, state or territory where there is no system of state insurance similar to that effected by this Act, the injured workman shall be entitled to compensation under this Act if,—

- (a) the place or a chief place of business of the employer is situate in the Province; and
- (b) the residence or usual place of employment of the workman is in the Province; and
- (c) his employment out of the Province has immediately followed employment by the same employer within the Province and has lasted less than twelve months:

Provided, however, that where the operation in which the workman is and has been employed in such province, state or territory, continues beyond the period of twelve months and the workman continues to be employed therein, the said period of twelve months may upon application by the employer be extended by the Board for a further period of twelve months or such lesser period as the Board may order and on further applications by the employer may be further extended by the Board from time to time as it may see fit.

(2) If any workman entitled to compensation under the provisions of this section has any right of action in respect of his personal injuries, he shall assign all compensation or damages to be recovered thereunder to the Board.

(3) In the event of the Board directing any such injured workman to take any such action, the workman shall commence and prosecute the action with diligence and in the event of his not so doing, the Board may refuse to pay any compensation or may withhold any part of the compensation otherwise payable:

Provided that in the event of any such injured workman taking any such action, save upon the direction of the Board, he shall forfeit all claim to compensation or to further compensation, as the case may be:

Provided further that if and when the Board directs the workman to take such action it shall repay to him the costs necessarily incurred by him in the prosecution thereof, but

the Board shall not be required to pay the costs of any appeal unless the appeal is taken under the direction of the Board.

(4) Except as provided by sections 21 and 22, no compensation shall be payable under this Act where the accident to the workman happens elsewhere than in the Province.

23.—(1) Except as authorized by the provisions of this Act, it shall not be lawful for any employer, either directly or indirectly, to deduct from the wages of his workmen any part of any sum which he is or may become liable to pay to the Board or to require or to permit any of his workmen to contribute in any manner towards indemnifying him against any liability which he has incurred or may incur under this Act.

(2) It shall not be competent for a workman to agree with his employer to waive or to forego any of the benefits to which he or his dependants may become entitled under this Act and every agreement to that end shall be absolutely void.

(3) Except as herein otherwise provided, no sum payable as compensation or by way of commutation of any periodical payment in respect of it, shall be capable of being assigned, charged or attached unless with the approval of the Board.

(4) If and when compensation payments have been made by the Board to a workman beyond the period of his disability, the amount thereof may be recovered by the Board as a debt due the Board by such workman and, without in any way limiting the Board's remedies for recovery, may be set off against any compensation that may be or become payable to him.

24.—(1) No action shall lie for the recovery of compensation, but all claims for compensation shall be determined by the Board.

(2) The provisions of this Act shall be in lieu of all rights and rights of action, statutory or otherwise, to which a workman or his legal personal representative or his dependants are or may be entitled against the employer of the workman by reason of personal injury to or the death of the workman arising out of any accident happening to the workman while in the employment of the employer and no action in respect of such personal injury or death shall lie against the employer.

(3) Any party to an action may upon notice to the other party or parties thereto, apply to the Board for adjudication and determination of the question of the plaintiff's rights to compensation under this Act or as to whether the action is one the right to bring which is taken away by this section, and such adjudication and determination shall be final and conclusive.

(4) Where an accident happens to a workman in the course of his employment entitling him or his dependants to compensation under this Act and the circumstances

thereof are such as to entitle him or his legal personal representative or his dependants to an action against some person other than his employer, the Board shall be subrogated to all the rights of the workman or his legal personal representative or his dependants as against such other person for the claim of the workman or his legal personal representative or his dependants against such other person for or in respect of the personal injury to or death of the workman.

(5) Where an accident happens to a workman in the course of his employment in such circumstances as entitle him or his legal personal representative or his dependants to an action against some person other than his employer, the workman or his legal personal representative or his dependants may, subject to the provisions of the next preceding subsection, bring such action.

(6) In any case within the provisions of subsection (4) neither the workman nor his legal personal representative nor his dependants nor the employer of the workman shall have any right of action in respect of the personal injury suffered by or the death of the workman as a result of the accident against an employer in any industry within the scope of this Act; and in any such case where it appears to the satisfaction of the Board that a workman of an employer in any class is injured or killed owing to the negligence of an employer or of the workman of an employer in another class within the scope of this Act, the Board may direct that the compensation awarded in such case shall be charged against the last mentioned class.

(7) Where the Board has become subrogated to the rights of a workman or his legal personal representative or the dependant of a deceased workman under the provisions of subsection (4) of this section, no payment or settlement shall be made to or with the workman or his legal personal representative or dependant for or in respect of such rights or for or in respect of any claim, cause of action or judgment therefor or arising thereout, without the consent of the Board, and any payment or settlement made in contravention hereof, shall be entirely null and void and of no effect against the Board and as against such workman or his legal personal representative or dependant.

(8) Upon payment to the Board of its claim against any such person the Board may accept the same and give a receipt therefor and release such other person or his legal personal representative, as the case may be, from liability in respect of the personal injuries suffered by the workman in or because of the accident in question.

(9) Any amount received by the Board from such other person in excess of the cost of the accident to the Board may be retained by the Board as part of the Accident Fund or may be paid over to the injured workman or his legal personal representative or his dependant, as the case may be, upon the Board receiving from such injured workman or his legal personal representative or his dependant, as the case

may be, a release from any further claim upon the Board in respect of the accident for or on account of which payment was or is being received, in which case the workman or his legal personal representative or his dependant, as the case may be, shall not thereafter be entitled to receive from or be paid by the Board any further compensation or medical aid for or in respect of injury or death arising out of such accident.

25.—(1) In every case of injury to a workman by accident in any industry within the scope of this Act, it shall be the duty of the workman or in the case of his death, the duty of a dependant, as soon as practicable, after the happening of the accident, to give notice thereof to the employer.

(2) The notice shall give the name and address of the workman and shall be sufficient if it states in ordinary language the cause of the injury and where the accident happened.

(3) Failure to give notice as required by virtue of subsections (1) and (2) unless excused by the Board on the ground,—

- (a) that notice for some sufficient reason could not have been given; or
- (b) that the employer or his superintendent or agent in charge of the work where the accident happened had knowledge of the injury; or
- (c) that the Board is of opinion that the claim is a just one and ought to be allowed;

shall be a bar to any claim for compensation under this Act.

(4) Notice of the accident shall also be given by the injured workman to the Board either by mailing or delivering it to the office of the Board.

(5) Every employer to whom the Act applies, having knowledge or notice of the happening of an accident or of the allegation of the happening of an accident to a workman in his employ, shall forward to the Board within twenty-four hours after the same comes to his knowledge or notice, notification of the happening of the accident or of the allegation of the happening of an accident and shall also, in the event of the injured workman or the allegedly injured workman returning to his work or being able to return to his work, forward to the Board within twenty-four hours after the fact of the return or ability to return comes to his knowledge, notification thereof and make such further and other reports respecting the accident or alleged accident and workman as may be required by the Board.

(6) Every employer who fails to make any report required by virtue of this section, unless excused by the Board on the ground that the report for some sufficient reason could not have been made, shall be guilty of an offence and liable upon summary conviction to a penalty not exceed-

ing fifty dollars and costs, and in default of payment to imprisonment for a period not exceeding three months.

(7) In case an employer fails to make any report required by virtue of this section, the Board may make a special investigation of the accident and of the facts and circumstances surrounding it and may charge the cost to the Board of such investigation against such employer, and if and when so charged and in addition to any penalty or other liability to which an employer may be subject, it may be added to and made a part of his assessment, and the Board shall have the same rights and powers in the collection thereof as in the case of unpaid assessments.

(8) A physician who attends an injured workman shall forward to the Board,—

- (a) a report within two days after the date of his first attendance upon the workman; and
- (b) upon the first and fifteenth days of each month progress reports, during such time as the injured workman is unable to work as a result of the injuries; and
- (c) a final report within three days after the workman is in his opinion able to resume work; and
- (d) from time to time such reports in respect of the injury in such form as may be required by the regulations or by the Board.

(9) The physician shall also give all reasonable and necessary information, advice and assistance to the injured workman and his dependants in making application for compensation and in furnishing in connection therewith such certificates and proofs as may be required, without charge to the workman.

(10) Payment by the Board of a medical account for medical services rendered to an injured workman shall not of itself constitute the making of a claim by such workman or acceptance of a claim by the Board.

26.—(1) A workman who claims compensation or to whom compensation is payable under this Act shall submit himself for medical examination in such manner and at such time and place as the Board may require.

(2) A workman shall not be required to submit himself for examination save as required by the Board.

(3) If a workman does not submit himself for examination as and when required by the Board so to do or in any way obstructs an examination, his right to compensation, or if he is in receipt of a periodical payment, his right thereto, shall be suspended until the examination has taken place, and the condition found upon such examination shall, unless the Board otherwise directs, be deemed to have been the condition of the workman in relation to his disability, at the date for which the examination was called.

27.—(1) If and when a workman has applied to the Board for compensation under the provisions of this Act and claims,—

- (a) a greater disability than that found by the Board; or
- (b) a continuance of compensation beyond the period allowed by the Board; or
- (c) error on the part of the Board in some feature or circumstance of his claim as affected by his physical condition; or
- (d) that the medical opinion upon which the disputed finding was made is erroneous;

the Board after consultation with the workman's attending physician shall nominate two duly qualified medical practitioners recognized as specialists in the particular class of injury or ailment in respect of which the workman has claimed compensation, one of whom, to be selected by the workman, shall examine him and certify to the Board as to,—

- (a) the condition of the workman;
- (b) his fitness for employment;
- (c) if unfit, the cause of such unfitness;
- (d) the extent of his temporary or permanent disability by reason of the injury in respect of which he has claimed compensation; and
- (e) such other matters as may in his opinion or in the opinion of the Board be pertinent to the claim;

and such certificate shall be conclusive as to the matters certified unless the Board at any time directs otherwise.

(2) The Board shall notify the workman by registered mail of the names and addresses of the medical practitioners nominated, and if the workman does not within ten days after the mailing of the notice advise the Board of his selection, the Board may make the selection.

(3) The Board may also of its own motion refer a claim to such a medical practitioner and the latter shall examine the claimant and certify in the manner provided in subsection (1) of this section.

28. When a workman to whom compensation is payable leaves the Province, he shall not thereafter be entitled to receive compensation until permission to reside or remain outside the Province is granted by the Board:

Provided, however, that if, in the opinion of the Board, the disability resulting from the injury is likely to be of a permanent nature and the Board so directs, the workman shall be entitled to the amount of periodical payments accruing due while a resident without the Province if he proves in such manner as may be prescribed by the Board his identity and the continuance of the disability in respect of which the same is payable.

29. If an injured workman persists in unsanitary or injurious practices which tend to imperil or retard his recovery or refuses to submit to such medical or surgical treatment as in the opinion of the Board, based upon independent expert medical or surgical advice, is reasonably essential to promote his recovery, the Board may, in its discretion, reduce or suspend the compensation of that workman.

30.—(1) Where in any case, in the opinion of the Board, it is in the best interests of an injured workman, in order to cure and relieve him from the effects of the injury, to provide a special surgical operation or other special medical treatment, the Board shall have the right to provide such surgical operation or other special medical treatment.

(2) Where in the case of any claim for compensation the Board is of the opinion that the injury would be alleviated to some appreciable extent by the supplying of any apparatus usually provided in such cases, it shall supply such apparatus to the workman, but any such action shall not affect in any way the payments made to the workman.

(3) To aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries, the Board may take such measures and make such expenditures as it may deem necessary or expedient.

(4) The Board shall provide for the repair, maintenance or renewal of any apparatus provided by the Board whether such apparatus was provided before or after enactment hereof, which becomes in need of repair, maintenance or renewal by reason of accident or ordinary wear and tear and through no misconduct on the part of the workman, so long as the disability in respect of which such apparatus was supplied continues.

(5) The Board shall have authority to assume the expense of replacement and repair of dentures, eye-glasses, artificial eyes or limbs or hearing aids, broken as a result of an accident arising out of and in the course of the employment of the workman, if such breakage is accompanied by objective symptoms of personal injury.

(6) If an autopsy is deemed by the Board necessary to assist in determining the cause of any death, the Board may direct that the autopsy be made within a time to be fixed by the Board, and if the dependant or dependants refuse to permit the autopsy, the Board may reject any claim for compensation under this Act.

(7) Where the death of a workman to whom this Act applies occurs whilst he is confined to a hospital, the hospital authority shall report the same to the Board immediately after the death has occurred.

31.—(1) Any payment to a workman may be reviewed on the Board's own motion or at the request of the workman or employer, and on the review the Board may put an end to or diminish the payment or may increase it to a sum not beyond the maximum hereinafter prescribed.

(2) Where compensation is payable the Board may commute the payments payable to a workman or a dependant to a lump sum.

(3) The Board may in any case where in its opinion, the interest or pressing need of the workman or any dependant residing in Alberta warrants it, advance or pay to or for the workman or the dependant such lump sum as the circumstances warrant and as the Board may determine, and any sum so advanced or paid shall be on account of and chargeable against the compensation payable to the workman.

(4) Where a lump sum payment has been made by the Board to a workman or a dependant as a settlement in full of his claim and has been so accepted by the workman or dependant, such workman or dependant shall not be entitled to receive or be paid any further or other compensation for or in respect of the degree of disability for which he was being compensated, provided that this subsection shall not in any way affect the application of the provisions of subsection (4) of section 30 of this Act.

(5) In case of death or permanent total disability or in case of permanent partial disability where the impairment of the earning capacity of the workman exceeds ten per cent of his earning capacity at the time of the accident, no commutation of periodical payments shall be made except upon the application of and at an amount agreed to by the dependant or workman entitled to the payments.

(6) Where any person entitled to compensation under this Act is committed to a jail or prison, compensation shall not be payable to him for the period of his confinement therein, but the Board may pay the whole or any part of the compensation to any dependant of any person so committed.

(7) If any person entitled to compensation under this Act is committed to any institution, the compensation otherwise payable to or in respect of such person may in the discretion of the Board be paid to the governing body of the institution.

(8) The Board may from time to time require from any person entitled to compensation, whether a workman or dependant, such particulars of his place of residence, address and other information relative to the disability and compensation, as it may deem necessary, and pending the receipt of such particulars, the Board may withhold further payments.

32. Where a workman is entitled to compensation and it is made to appear to the Board,—

(a) that he is no longer residing in the Province but that the spouse or child or children under eighteen

years of age are still residing therein without adequate means of support and are or are apt to become a charge upon the municipality where they reside or upon private charity; or

- (b) that he, although still residing in the Province, is not supporting the spouse and children as aforesaid and an order has been made against him by a court of competent jurisdiction, for the support or maintenance of the spouse or children or for alimony;

the Board may divert the compensation in whole or in part from the workman for the benefit of the spouse or children of the workman.

SCALE OF COMPENSATION.

33.—(1) Where death results from the injury, the amount of the compensation shall be,—

- (a) the necessary expenses of the burial of the workman, not exceeding one hundred and seventy-five dollars;
- (b) to a dependent widow or dependent invalid widower the sum of one hundred dollars as a contribution to the additional expense occasioned consequent upon the death of the deceased workman;
- (c) to a dependent widow or dependent invalid widower a monthly payment of fifty dollars;
- (d) to a dependent child under the age of eighteen years other than a dependent invalid child a monthly payment of fifteen dollars to continue until the child attains the age of eighteen years or dies before attaining that age;
- (e) to a dependent invalid child irrespective of the age of the child, a monthly payment of fifteen dollars to continue as long as in the opinion of the Board it might reasonably have been expected had the workman lived he would have continued to contribute to the support of the child;
- (f) where a workman leaves no widow or widower or where a surviving widow or widower subsequently dies or is confined to a jail, prison or institution, the Board may make from time to time such additional payments not exceeding ten dollars monthly to a dependent child under the age of eighteen years or to a dependent invalid child as in the discretion of the Board appears necessary to adequately maintain and support such child;
- (g) to a dependent widow in necessitous circumstances because of illness such additional amount as the Board may see fit up to but not exceeding fifteen dollars a month during the duration of such illness;
- (h) to a dependent child under the age of eighteen years or a dependent invalid child such additional amount

because of illness as the Board may see fit up to but not exceeding ten dollars per month during the duration of such illness;

- (i) to a dependent child for the period between the ages of sixteen and eighteen years during which such child is attending an academic, technical or vocational school and making progress satisfactory to the Board, an additional payment of ten dollars monthly until such child attains the age of eighteen years, provided that where a child who is receiving payments under this paragraph attains the age of eighteen years during a school year, the Board may extend the payments under this paragraph and also the payments under paragraph (d) to the end of the then current school year;
- (j) where the only dependants are persons other than those mentioned in the foregoing paragraphs, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding fifty dollars per month to a parent or parents and not exceeding in the whole eighty-five dollars per month;
- (k) any payment to or for a child may be made to the parent of the child or the Board may direct that the payment be made to such other person or be applied in such manner as it may deem best for the advantage of the child;
- (l) if a dependent widow remarries, the monthly payments to her shall thereupon cease but she shall be paid a lump sum of six hundred dollars within one month after the date of her remarriage, provided that if such dependent widow is subsequently in necessitous circumstances by reason of the death of her husband or his confinement to jail, prison or other institution, the Board may recommence the payments to her in such amount not exceeding fifty dollars monthly as the Board considers proper in the circumstances and pay the same for such period or periods as the Board may see fit, provided further that no such payments to a dependent widow shall be recommenced sooner than one year after the date of remarriage;
- (m) where a workman leaves no dependants, such sum or sums as the Board may deem reasonable for the medical and surgical attendance, hospitalization, nursing, care and maintenance furnished him shall be paid by the Board to the persons furnishing the same;
- (n) where a workman leaves no dependent widow there shall nevertheless be computed an amount equal to the average capitalized cost of pensions awarded during the next preceding three years to the dependants of fatally injured workmen leaving widows, and there shall also be computed the capitalized cost

of pensions awarded to the dependants, if any, of the fatally injured workman; and the larger of the amounts so calculated shall be charged against the Accident Fund, and any excess of the amount so charged over the capitalized cost of the awards made shall be transferred to and be placed in a special reserve to provide for such part of the cost of claims of workmen suffering enhanced disabilities because of similar or other disabilities previously suffered as in the opinion of the Board are due to such previous disability:

Provided that the moneys in such special reserve at the end of each calendar year in excess of the sum of one hundred thousand dollars shall be transferred to the rehabilitation reserve:

Provided also that in the event that the moneys in the special reserve should at any time be insufficient to provide for the cost of claims of workmen suffering enhanced disabilities because of similar or other disabilities previously suffered as in the opinion of the Board are due to such previous disability, the Board may provide for such insufficiency out of the rehabilitation reserve;

- (o) in the case of pension payments which have been suspended by the Board under the provisions of *the War Measures Act*, Revised Statutes of Canada, 1927, Chapter 206, or regulations thereunder, and such further pension payments as may, for the same or similar reasons, be suspended, they, subject to paragraph (p) of subsection (1) of this section, shall be paid into the Accident Fund;
 - (p) in any case where payment is resumed of a pension, payment of which was suspended or withheld pursuant to the provisions of *the War Measures Act* and regulations, the Board in its sole discretion may pay to the pensioner an amount equal to the amount of the suspended or withheld payments or such lesser amount as the Board deems just and proper, provided that no such payment shall be made in any case where it appears to the Board that the pensioner was during the period his pension was suspended, an enemy alien within the meaning of the Defence of Canada Regulations.
- (2) (a) In this subsection, unless the context otherwise requires,—
- (i) "Existing household" means any household where all the children entitled to compensation are maintained and taken care of by one foster-mother;
 - (ii) "Foster-mother" includes a natural mother.
- (b) Where the workman leaves no widow or the widow subsequently dies and it seems desirable to continue the existing household, and an aunt, sister or other suitable

person acts as foster-mother in keeping up the household and maintaining and taking care of the children entitled to compensation in a manner which the Board deems satisfactory, the foster-mother while so doing shall be entitled to receive the same compensation for herself and the children as if she were the widow of the deceased, and in such case the children's part of the payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive.

(c) All payments to foster-mothers under the provisions of this section shall cease when all the children have either reached the age of eighteen years or have died.

PERMANENT TOTAL DISABILITY.

34. Where permanent total disability results from the injury, the amount of the compensation shall be a weekly payment during the life of the workman equal to sixty-six and two-thirds per cent of,—

- (a) the average weekly earnings of workmen employed at similar work in the same occupation as shown by the records of the Board for the eight consecutive years immediately preceding the first day of January preceding the date of the injury; or
- (b) the average weekly earnings of the workman in industries to which this Act applies during the eight consecutive years immediately preceding the first day of January preceding the date of the injury; or
- (c) the average weekly earnings of the workman in industries to which this Act applies during the twelve months immediately preceding the date of the injury;

whichever in the opinion of the Board is the most beneficial to the workman.

PERMANENT PARTIAL DISABILITY.

35.—(1) Where permanent partial disability results from the injury, the Board shall estimate the impairment of earning capacity from the nature and degree of the disability by reason of the injury and award compensation accordingly based upon sixty-six and two-thirds per cent of,—

- (a) the average weekly earnings of workmen employed at similar work in the same occupation as shown by the records of the Board for the eight consecutive years immediately preceding the first day of January preceding the date of the injury; or
- (b) the average weekly earnings of the workman in industries to which this Act applies during the eight consecutive years immediately preceding the first day of January preceding the date of the injury; or
- (c) the average weekly earnings of the workman during the previous twelve months;

whichever in the opinion of the Board is most beneficial to the workman and the compensation shall be payable during the lifetime of the workman.

(2) When deemed just, the impairment of earning capacity may be estimated from the nature of the injury having in view the workman's fitness to continue the employment in which he was injured or adapt himself to some other suitable occupation.

(3) Where the impairment of the earning capacity of the workman does not exceed ten per cent of his earning capacity instead of such weekly payment the Board shall, unless in its opinion it would not be to the advantage of the workman to do so, direct that such lump sum as may be deemed to be the equivalent of it shall be paid to the workman.

(4) Notwithstanding the provisions of this section, the Board may in case a workman has been seriously and permanently disfigured about the face or head or otherwise permanently injured, recognize an impairment of earning capacity and may allow lump sums or periodical payments or both, as compensation.

TEMPORARY TOTAL DISABILITY.

36. Where temporary total disability results from the injury, the amount of the compensation shall be a weekly payment so long as the disability lasts, equal to sixty-six and two-thirds per cent of the workman's average weekly earnings, computed in accordance with the provisions of section 39.

TEMPORARY PARTIAL DISABILITY.

37. Where temporary partial disability results from the injury, the Board shall estimate the impairment of earning capacity from the nature and degree of the disability by reason of the injury and award compensation accordingly based on sixty-six and two-thirds per cent of the workmen's average weekly earnings computed in accordance with the provisions of section 39 but such compensation shall be payable only so long as the disability lasts.

38. In case of workmen suffering injury by accident arising out of and in the course of the employment whilst doing rescue work in a mine after an explosion, accident or catastrophe or in any other industry or the premises thereof during or immediately after a fire or other catastrophe for the saving of human life, the compensation payable in such case shall be computed on the basis of one hundred per cent in lieu of the sixty-six and two-thirds per cent as herein otherwise provided.

COMPUTATION OF COMPENSATION.

39.—(1) The average weekly earnings of a workman for the purposes of this Act shall be based upon the earnings of the workman during the previous twelve months in industries to which this Act applies where the same are ascertainable:

Provided, however, that if by reason of the shortness of the time during which the workman has been in the employment of his employer or the casual nature of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average earnings which were earned by a person in the same grade of employment for the previous twelve months:

Provided further that nothing in this subsection shall apply to any case in which the basis of compensation is fixed by sections 34 and 35.

(2) Where in any case in the opinion of the Board the provisions of the next preceding subsection are inapplicable, the Board may award compensation having regard to the earnings of the workman at the time of the accident.

(3) For the purpose of ascertaining the amount of compensation payable under the provisions of sections 34 to 38 inclusive, average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated, but not so as in any case to exceed two thousand dollars per annum.

(4) (a) Where a workman is receiving compensation for a permanent or temporary disability, he shall not receive compensation for any further or other disability in any amount which would result in him receiving in the aggregate compensation at a rate in excess of a rate computed on the basis of sixty-six and two-thirds per cent of annual earnings of two thousand dollars.

(b) Where a workman has received a lump sum in lieu of the periodic payments which otherwise would have been payable for a permanent disability, he shall for the purposes of this subsection be deemed to be still in receipt of the periodic payments.

(5) Where the workman had entered into concurrent contracts of service with two or more employers in industries to which this Act applies under whom he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(6) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of the employment, the sum so paid shall not be reckoned as part of the earnings.

40.—(1) The amount of compensation to which an injured person shall be entitled for temporary total or permanent total disability under the provisions of this Act shall not be less than fifteen dollars per week or where his average earnings are less than fifteen dollars per week, the amount of such earnings.

(2) The Board may, wherever it is deemed advisable, provide that the payments of compensation may be monthly or semi-monthly instead of weekly, or where the workman or dependant is not a resident of Alberta, or ceases to reside therein, the Board may fix the periods of payment or commute the compensation as it may deem proper:

Provided, however, that if a workman or dependant entitled to compensation at the rate of twenty dollars a month or more files with the Board a request in writing that the compensation payable to him be paid semi-monthly, the compensation payable to such workman or dependant shall thereafter be paid semi-monthly.

(3) For the purpose of ascertaining the amount of compensation due, such amount may be computed on a daily basis.

(4) Where a workman or dependant is under the age of twenty-one years or is under any other legal disability, the compensation to which he is entitled may be paid to him or be applied in such manner as the Board may deem best for his advantage.

(5) Where the workman was at the date of the accident under twenty-one years of age and it is established to the satisfaction of the Board that under normal conditions his wages would probably increase, that fact shall be considered in arriving at his average earnings.

41. In fixing the amount of a payment, regard shall be had to any payment allowance or benefit which the workman may receive from his employer in respect of the period of his disability, including any pension, gratuity or other allowance provided wholly at the expense of the employer, and any sum deducted under this section from the compensation otherwise payable may be paid to the employer out of the Accident Fund:

Provided that where such payment, allowance or benefit has been charged against the workman for repayment to his employer whether such workman is on relief or otherwise, such payments of compensation as may be made by the Board to the employer shall be by him credited to the account so charged.

INDUSTRIAL DISEASES.

42.—(1) Where,—

- (a) a workman suffers from an industrial disease as defined by this Act and is thereby disabled from earning full wages at the work at which he was employed; or

(b) the death of the workman is caused by such industrial disease;

and the disease is due to the nature of the employment in which the workman was employed at any time within the twelve months previous to the date of the disablement, whether under one or more employments, the workman or his dependants shall be entitled to compensation under this Act as if the disease were a personal injury by accident arising out of and in the course of that employment and the disablement shall be treated as the happening of an accident.

(2) If the workman at or immediately before the date of the disablement was employed in any process mentioned in the second column of the enumeration of industrial diseases contained in Schedule 3 and the disease contracted is the disease in the first column of the said Schedule set opposite to the description of such process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

(3) The Board may by the regulations require every physician treating a patient who is suffering from an industrial disease to report to the Board such information relating thereto as it may require.

(4) Nothing in this section shall affect the right of a workman to compensation in respect of a disease to which this section does not apply, if the disease is the result of an injury in respect of which he is entitled to compensation under this Act.

(5) "Silicosis" means a fibrotic condition of the lungs caused by dust containing silica and evidenced by specific X-ray appearances accompanied by a substantially lessened capacity for work.

(6) Nothing in this Act shall entitle a workman or his dependants to compensation, medical aid or payment of burial expenses for disability or death from silicosis, unless in the opinion of the Board the workman has been exposed to silica dust in his employment in Alberta for periods amounting in all to at least three years preceding his disablement.

(7) In any case of silicosis the limitation as to time contained in subsection (6) of section 19 and subsection (1) of this section shall not apply.

(8) Any workman who has heretofore ceased or may hereafter cease to be usually and regularly employed in an industry under this Act in which, in the opinion of the Board, he was exposed to silica dust, shall make his claim for disability therefrom within five years from the date of leaving such employment or his claim shall be completely barred.

(9) The provisions of subsection (8) of this section shall not prevent allowance by the Board of any claim due to silicosis which the Board considers is entirely due to employment in Alberta.

MEDICAL AID.

43. In addition to the compensation herein already provided for, the Board shall have authority to furnish or provide for the injured workman such medical or other remedial attention including nursing, hospitalization, drugs, dressings, X-ray treatment, special treatments and transportation as it may deem reasonably necessary at the time of the injury and thereafter during the disability to cure and relieve from the effects of the injury, and the Board shall have full power to adopt rules and regulations with respect to furnishing medical aid to injured workmen entitled thereto and for the payment thereof.

44.—(1) Where any employer has established or hereafter establishes in connection with any industry carried on by him an arrangement for furnishing medical aid to his workmen exclusively, which in the opinion of the Board is at least as favourable to the workman as that herein provided for, the Board after investigating the facts and considering the wishes of both workman and employer may approve such arrangement and as long as such approval remains unrevoked such arrangement may be continued in lieu of the medical aid herein provided for and if the industry is in Schedule 1, the employer shall be entitled to such reimbursement out of the Accident Fund or to such reduction in his rate of assessment as the Board shall deem just.

(2) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished, shall be determined by the Board.

(3) When the Board provides or is liable to pay for medical or other remedial attention as hereinbefore provided, the amount payable to any person in respect of such or any attention shall be as the Board shall direct and no action shall lie against the Board for or in respect of any amount greater than that fixed by it, nor in any event against the injured workman, his employer or any other person in respect of such attention:

Provided, however, that when the Board provides or is liable to pay for hospital services, the amount shall be at such rates as have been mutually agreed upon by the Board and the hospital authority.

(4) The Board may make a *per diem* allowance of two dollars and fifty cents on account of his subsistence to an injured workman when under its direction he is undergoing treatment at a place other than a hospital or at a place other than wherein he resides.

(5) The Board shall have full power and authority,—

- (a) to contract with doctors, nurses and hospitals or any other institutions for any medical aid required;
- (b) to construct, equip, maintain and conduct one or more hospitals at one or more points in the Province

as may in the opinion of the Board be necessary or advisable for the purpose of providing medical aid;

- (c) to establish, equip, maintain and conduct therapeutic clinics for the treatment and rehabilitation of injured workmen:

Provided that upon the establishment of a hospital under the authority herein provided, the Board may extend the services of a hospital so established to persons other than those entitled to medical aid under the provisions of this Act, to such extent and on such terms and conditions as it may see fit.

(6) Without in any way limiting the power of the Board under this section to supervise and provide remedial aid, in every case where the Board is of the opinion that the exercise of such power is expedient, the Board may permit the injured workman to select as his medical attendant such duly qualified and competent physician as he may desire.

(7) Every employer shall at his own expense furnish to any workman injured in his employment who is in need of it, immediate conveyance and transportation to a hospital or to a physician or to the workman's home or to such other place as in the opinion of the Board the condition of the workman required him to be sent, and any employer failing so to do shall be liable by order of the Board to pay for such conveyance and transportation as may be procured by the workman or by anyone for him or as may be provided by the Board and the amount for which the employer is made liable by such order shall be added to and become part of the next maturing assessment of the employer.

(8) All moneys transferred to the Accident Fund by subsection (8) of section 44 of The Workmen's Compensation Act, chapter 4 of the Statutes of Alberta, 1943, shall upon the coming into force of this Act be transferred to the rehabilitation reserve, subject to the additions thereto and deductions therefrom, and all moneys appearing on the records of the Board as "Reserve Section 33 (1) (k)" shall be transferred to the Accident Fund.

(9) No account for medical services or other feature of medical aid rendered to, for or in respect of an injured workman shall be recognized by the Board or be recoverable unless filed with the Board within three months from the termination of the treatment of such workman by the person filing the account.

45.—(1) Employers, whenever required by the Board so to do, shall at their own expense, install, maintain and provide such first aid appliances and service as the Board may direct, and after having done so shall advise the Board accordingly.

(2) Every employer shall keep in a book provided and kept for that purpose only, a record of all cases in which first aid treatment has been given to a workman for or in

respect of any injuries suffered by him, and the record shall set out the name of the workman, the nature of the injuries, the date they were suffered, the date they were treated and the nature of the treatment, together with the name and address of the person giving the treatment, and every such book shall be open at any and all times to inspection by the Board or any member or representative thereof.

ACCIDENT FUND.

46. An Accident Fund shall be provided by contributions to be made in the manner herein provided by all employers and compensation payable in respect of accidents and the costs of administration shall be paid out of the Accident Fund thus provided.

47. Where at any time there is not money available in the Accident Fund for payment of the compensation which has become due, the Lieutenant Governor in Council may direct that the same be advanced out of the General Revenue Fund, and in that case the amount advanced shall be repaid to the Provincial Treasurer after the next assessment.

48. Separate accounts shall be kept of the amounts collected and expended in respect of each employer, but for the purpose of paying compensation the Accident Fund shall nevertheless be deemed one and indivisible.

49. If in the opinion of the Board it is necessary to provide and maintain a reserve fund to meet the payments to be made in respect of compensation as they become payable and so as not unduly or unfairly to burden the employers in future years with payments which are to be made in such years in respect of accidents which have previously happened the Board may from time to time set apart an amount from the assessments for that purpose, and the amount so set apart shall form a reserve fund and may be invested by the Board in securities in which a trustee may by law invest moneys.

50.—(1) The accounts of the Board shall be audited by the Provincial Auditor.

(2) The Board shall, on or before the thirty-first day of March in each year, make a report to the Lieutenant Governor in Council of its transactions during the next preceding calendar year.

(3) Every such report shall be forthwith laid before the Legislature if the Legislature is then in session, and if it is not then in session, within fifteen days after the opening of the next session.

ASSESSMENT.

51.—(1) The Board shall from time to time assess and levy upon the employers in each of the classes and sub-classes, such percentage of the pay-roll or such other rate, or such specific sum as, allowing for any surplus or deficit in the class as the Board may require,—

- (a) to pay the expenses of the Board in the administration of this Act including mine rescue and first aid work, and of such other acts, duties and services as it may be required to administer or perform;
 - (b) to provide and pay all amounts payable from the Accident Fund;
 - (c) to provide capitalized reserves sufficient to pay all compensation payable in future years in respect of such accidents as have occurred or may occur during the period for which the assessment has been made;
 - (d) to provide a disaster reserve to meet the loss arising or likely to arise from disaster or other circumstances which, in the opinion of the Board, would unfairly burden the employers in any class;
 - (e) to provide a silicosis reserve for the payment of all moneys that may be or hereafter become payable by the Board for or in respect of silicosis by charge upon, as an accident cost, such of the classes or sub-classes, and in such amounts as the Board may from time to time determine;
 - (f) to provide a rehabilitation reserve for the payment of such expense as may be incurred by the Board for and in the retraining and rehabilitation of and other adjustments furnished to or provided for injured workmen;
 - (g) to provide such other reserves as the Board may deem advisable to ensure as nearly as possible within each class uniform assessments from year to year.
- (2) In the case of classes mentioned in Schedule 2, the Board shall not, in computing the amount of its levy, take into consideration the provisions of paragraphs (c), (d), (e), (f) and (g) of subsection (1) of this section, nor of paragraph (n) of subsection (1) of section 33.

52.—(1) Assessments may be made in such manner and form and by such procedure as the Board may deem adequate and expedient and may be general as applicable to any class or sub-class or special as applicable to any industry or part or department of an industry.

(2) Payments on account of their respective assessments shall in the first instance be made by employers in amounts determinable by and based upon the estimates furnished by them respectively under the provisions of section 54 of this Act or made by the Board under the provisions of section 56 of this Act and otherwise as the Board may direct.

(3) Where the assessment is based upon the pay-roll of the employer and the pay-roll shows in any one calendar year earnings in respect of any workman in excess of two thousand dollars for that year, every such excess shall be deducted from the amount of the pay-roll before it is used as a basis for assessment.

(4) It shall not be necessary that assessments upon employers in a class or sub-class be uniform but they may be

fixed, graded or varied in relation to the hazard or other circumstance of the operations of the employer as the Board may decide.

(5) Where publication of a notice containing a statement of percentages and rates determined and fixed by the Board and of the industries to which they respectively apply is made in *The Alberta Gazette*, such publication shall constitute an assessment upon and notice thereof to each employer in an industry named in the notice for the year or other period named therein, computed on the pay-roll or production of such employer at the percentage or rate set out in the notice as applicable to such industry:

Provided that publication of any percentage or rate as aforesaid shall not in any way limit the right of the Board to increase or decrease the same from time to time provided that notice of the increase or decrease shall also be published in *The Alberta Gazette* and upon such publication the increased or decreased percentage or rate shall have effect in the same manner and to the same extent as if it had been the percentage or rate originally fixed by the Board.

(6) All assessments made under the provisions of this Act shall be deemed to be due as of the first day of January in the year in which the same are made provided that without in any way affecting the foregoing provision, the Board may direct payment of assessments at such time or times by instalments or otherwise as the Board may see fit.

(7) Unless and until satisfactory evidence of an employer's actual pay-roll or production for any period is submitted to or obtained by the Board, the pay-roll or production estimated by the employer under section 54 or by the Board under section 56, as the case may be, shall for all purposes under this Act be deemed to be the actual pay-roll or production of the employer.

(8) Upon the inclusion of any industry within the scope of this Act pursuant to section 13 hereof or otherwise howsoever, the employer therein shall be liable to pay and shall pay to the Board the appropriate assessment in respect of such industry, in accordance with the rate of assessment applicable thereto, for the balance of the then current year or otherwise as the Board may require.

(9) Notwithstanding any provision of this Act respecting notice to employers, pay-rolls, production, estimates of pay-rolls or production, employers shall be liable to pay to the Board, with or without demand or notice from the Board, the full amount of every assessment assessed against him under the provisions of this Act.

(10) Every employer shall pay into the Accident Fund such assessments as may be made by the Board, and if any assessment or any part thereof is not fully paid in accordance with the terms of the assessment, the Board shall have a right of action against the employer in respect of any amount unpaid, together with the costs of the action.

(11) A system of merit and demerit rating may, in the discretion of the Board, be adopted.

(12) If an assessment or a special assessment is not paid at the time when it becomes payable, the defaulting employer shall be liable to pay and shall pay as a penalty for his default such percentage upon the amount unpaid as may be prescribed by the regulations or may be determined by the Board.

(13) Where in his statement to the Board of the amount or estimated amount he will expend for wages or the amount or estimated amount of his production for or during the then current year an employer understates or underestimates the same, he shall be liable to pay and shall pay as a penalty for such underestimate, such percentage upon the amount thereof as the Board shall or may determine.

(14) Where in the opinion of the Board, the ways, works, machinery and appliances in any industry conform to modern standards in such manner as to reduce the hazard of accidents to a minimum and the Board is convinced that all proper precautions are being taken by the employer for the prevention of accidents and where the accident record of the employer has in fact been consistently good, the Board may reduce the amount of any contribution to the Accident Fund for which the employer is liable.

(15) If in any calendar year or other fiscal period, as determined by the Board, the amount chargeable to the account of any employer is in excess of a sum equal to the amount of the ordinary assessment against such employer for the same year increased by five per cent, the Board may assess and levy upon the employer for that year a super-assessment of such amount as the Board may deem proper, having regard to the amount of the excess and the extent of the amounts previously chargeable at any time against such employer's account:

Provided always that the amount of the super-assessment shall not exceed thirty-three and one-third per cent of the ordinary assessment.

53.—(1) No assessment less than fifty dollars shall be levied in respect of employment in or about underground coal mines and of strip mining and in other cases no assessment shall be less than five dollars. For the purposes of this section, in case of the employment of safety committees by labour unions for safety purposes in and about a coal mine, the minimum assessment shall be five dollars.

(2) Where the workman or any group of workmen of any employer, employ a workman as a checkweigher, checker or otherwise howsoever, the employer shall pay to the Board an amount sufficient to pay the assessment in respect of the workman so employed and may deduct such amount from the wages of the said workman or group of workmen.

54.—(1) Subject to the regulations of the Board, every employer shall, before the twentieth day of January in each year or at such other time or times as may be required by the Board, prepare and transmit to the Board a statement of the total amount of all wages earned by all his workmen

during the calendar year then last past, or any part thereof specified by the Board and of the amount which he estimates he will expend for wages during the then current year or any part thereof specified by the Board, and such additional or other information as the Board may require, all verified by the statutory declaration or other form of certificate as the Board may require of the employer or the manager of the business, or where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matter to which the declaration or other form of certificate relates.

(2) Every person rendering service to a company where-soever and howsoever incorporated or constituted under a contract of service written or oral, express or implied, whether such person is or is not a member, officer or executive of the company, and whether or not the company is or is not under legal obligation to pay such person any wages, salary or other remuneration, shall be deemed to be and is hereby constituted a workman of the company and shall be included upon the pay-roll thereof, and in every such case where the person is not being paid any wages or salary, the Board shall, for the purposes of assessment, fix such sum as in its opinion shall represent a reasonable wage or salary for the service rendered by the person, having regard to the nature of the employment, but not in any case exceeding in any one year the aforesaid maximum sum of two thousand dollars and the Board shall for the purpose of its assessment add the sum so fixed by it to the amount of the pay-roll of the company.

(3) Within three days after the granting of any building permit involving an expenditure of over one hundred dollars in or by any city, town, village, municipal district or other municipal body, notice in writing thereof shall be given to the Board by the person whose duty it is to keep a record of such permits.

(4) Any such person shall be guilty of an offence and liable upon summary conviction to a fine of twenty dollars for each contravention of the provisions of the preceding subsection.

(5) Any work done or performed under such permit is hereby constituted an employment to which this Act applies and the employment by the permit holder of any workman therein or in connection therewith shall constitute him an employer within the meaning of this Act and as such, subject to all the provisions thereof.

(6) Every municipal assessor of a city, town, village, municipal district and the Department of Municipal Affairs in the case of improvement districts, shall yearly, on or before the last day for completing his assessment roll, make a return to the Board upon forms provided by the Board for the purpose, showing the names, addresses, nature of business and usual number of employees, of all employers of labour, carrying on in the city, town, village, municipal

district or improvement district, as the case may be, any industry or business other than farming, together with such information as the Board may require.

55.—(1) Every employer shall keep within the Province in such form and with such detail as may be required for the purposes of this Act, a careful and accurate account of all wages and earnings of his employees and of such other features and particulars of his operations as the Board may require.

(2) Any person who, in the opinion of the Board, may be an employer under the provisions of this Act, shall on request of the Board at any time furnish and deliver to the Board a statement signed by him giving full particulars of the nature of the different classes of work carried on and such particulars as may be required by the Board concerning his pay-roll or other feature or features of his business or industry as the Board may require.

(3) Where the business of the employer embraces more than one branch of business or class of industry, the Board may require separate statements to be made as to each branch or class of industry and such statements shall be made, verified and transmitted as provided by section 54.

(4) The Board and any officer or person authorized by it for that purpose shall have the right at all reasonable hours to enter into the establishment of any employer who is liable to contribute to the Accident Fund under this Act, and the premises connected with it and every part of them, for any purpose which the Board may deem necessary.

(5) The Board and any member of it and any officer of the Board or person authorized by it for that purpose, shall have the right to examine the books and accounts of every employer and to make such other inquiry as the Board may deem necessary for the purpose of ascertaining whether any statement furnished to the Board under any of the provisions of this Act is an accurate statement of the matters which are required to be stated therein or of ascertaining the amount of the pay-roll or of ascertaining whether any industry or person is within the scope of this Act.

(6) For the purpose of any examination or inquiry, the Board or person authorized to make the examination or inquiry may give to the employer or his agent notice in writing requiring him to bring and produce before the Board or person, at a place and time to be mentioned in the notice, which time shall be at least ten days after the giving of the notice, all documents, writings, books, deeds and papers in the possession, custody or power of the employer touching or in any way relating to or concerning the subject matter of the examination or inquiry referred to in the notice, and every employer and every agent of the employer named in and served with any such notice shall produce at the time and place required all such documents, writings,

books, deeds and papers according to the tenor of the notice and for the purpose of any such examination and inquiry the Board and any person so appointed shall have all the powers which may be conferred on a commissioner appointed under *The Public Inquiries Act*.

(7) Every member of the Board and every officer or person authorized by it to make examination or inquiry under this section shall have power and authority to require and to take affidavits, affirmations, or declarations as to any matter of such examination or inquiry and to take statutory declarations required under subsection (1) of section 54, and in all such cases to administer oaths, affirmations, and declarations and certify to the same having been made.

(8) An employer and every other person who obstructs or hinders the making of an examination or inquiry mentioned in this section or who refuses to permit it to be made or who neglects or refuses to produce such documents, writings, books, deeds and papers at the time and place stated in the notice mentioned in subsection (6) of this section shall be guilty of an offence under this Act.

(9) No member or officer of the Board and no person authorized to make an examination or inquiry under this Act shall divulge or allow to be divulged, except in the performance of his duties or under authority of the Board, any information obtained by him or which has come to his knowledge in making or in connection with an examination or inquiry under this Act.

(10) Every person who violates the provisions of the preceding subsection shall be guilty of an offence against this Act.

(11) If a statement is found to be incorrect, the assessment shall be made on the true amount of the pay-roll or other basis of assessment as the Board may require, as ascertained by the examination and inquiry, or if an assessment has been made against an employer on the basis of his pay-roll or other basis of assessment as shown by the statement, the employer shall pay to the Board the difference between the amount for which he was assessed and the amount for which he should have been assessed.

(12) No member or officer of the Board shall divulge information respecting the business of an employer or a workman obtained by him in his capacity as such member or officer except under the authority of the Board to the persons directly concerned or to agencies or departments of the Dominion or Provincial Government.

56.—(1) If an employer does not make and transmit to the Board the prescribed statement within the prescribed time the Board may, in addition to any other remedy provided by this Act, base any assessment or supplementary assessment thereafter made upon him on such sum as in its opinion is the probable amount of the pay-roll or other basis

of assessment of the employer, and the employer shall be bound thereby, but if it is afterwards ascertained that the amount is less than the actual amount of the pay-roll or other basis of assessment, the employer shall be liable to pay to the Board the difference between the amount for which he was assessed and the amount for which he should have been assessed on the basis of his pay-roll or other basis of assessment.

(2) Whenever an employer fails to furnish to the Board within the prescribed time a statement of wages or production whether estimated or actual as required by any provision of this Act or of any regulation hereunder, he shall be liable to pay and shall pay as a penalty for such default such percentage upon the amount of his assessment as the Board shall or may determine.

57. If for any reason an employer liable to assessment is not assessed, he shall nevertheless be liable to pay to the Board the amount for which he should have been assessed and payment of that amount may be enforced in the same manner as the payment of an assessment may be enforced.

58. Notwithstanding that the deficiency arising from a default in the payment of the whole or part of any assessment has been made up by a special assessment, the defaulting employer shall continue liable to pay to the Board the amount of every assessment made upon him or so much of it as remains unpaid.

59.—(1) When any industry coming under the provisions of this Act is established, commenced or recommenced, the employer shall within ten days notify the Board of the fact and furnish to the Board an estimate of the probable amount of his pay-roll for the remainder of the year or such other information as the Board may require, verified by a statutory declaration, and shall pay to the Board a sum equal to that for which he would have been liable if his industry had been established or commenced before the last assessment was made or so much thereof as the Board may deem reasonable.

(2) The Board shall have the like powers and be entitled to the like remedies for enforcing payment of the sum payable by the employer under subsection (1) of this section as it possesses or is entitled to in respect of assessments.

60.—(1) The Board may at any time require an employer to furnish to it security in such amount as in the opinion of the Board shall be sufficient to provide for the assessments that are or may be levied against him by the Board for or in respect of the then current year.

(2) Within fifteen days after service upon him of notice of such requirement the employer shall lodge with the Board security in the amount and of the class or character

stated in the notice for the payment of the assessments levied or to be levied against him by the Board for or during the then current year.

(3) In case it may appear to the Board at any time that the amount of the security furnished by an employer has become inadequate by reason of an increase of employment by the employer, the Board may require the employer to lodge with it additional security and may prescribe the amount thereof, and the employer within fifteen days after notice to him of such requirement shall lodge with the Board additional security in the amount and of the class or character stated in the notice.

(4) The security shall consist of cash or a guarantee bond of a bonding company authorized to carry on business in the Province or such marketable bonds or securities as may be acceptable to the Board.

(5) In case default is made in the payment of any assessment payable to the Board by such employer levied in the period for which the security is given, the Board may proceed to realize upon any or all of the securities lodged with it under the provisions of this section and may take such proceedings and do all such acts and things as it may deem necessary having regard to the nature of the security to realize the same and the proceeds so realized shall be by the Board applied,—

- (a) in payment of the liability of the employer to the Board;
- (b) in payment of the costs and expenses of the Board in realizing the securities; and
- (c) in payment of the balance, if any, to the persons legally entitled thereto.

(6) In case default is made by the employer in furnishing any security which he is required by any of the provisions of this section to furnish, or in case default is made in the payment of any assessments due the Board by him, then and in each such case the Board may order the employer to cease to employ workmen until such time as the Board may by subsequent order determine, and notice of any such order shall be given to the employer.

(7) Every employer who being served with any such order continues to employ workmen in an industry to which this Act applies shall be guilty of an offence and liable on summary conviction to a penalty of not less than five dollars, nor more than one hundred dollars a day for each day that his failure or default continues, and in default of payment to imprisonment for a period not exceeding six months.

(8) A notice or order issued by the Board under the provisions of this section may be served upon the person for whom it is intended by registered mail, and if and when the post office receipt for the letter containing such docu-

ment purporting to be signed by such person is received by the Board, such service shall be deemed to be good and sufficient service of such notice or order.

61.—(1) Where any work within the scope of this Act is undertaken for any person (in this section referred to as the principal), by a contractor or subcontractor, the principal shall be liable to pay to the Board any sum which the contractor or any subcontractor is or may become liable to pay to the Board in respect of the work so undertaken, and the Board shall have the like powers and be entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of an assessment.

(2) Where contribution to the Accident Fund is claimed from the principal, in this Act reference to the principal shall be substituted for reference to the employer.

(3) Where the principal is liable to contribute to the Accident Fund under this section, he shall be entitled to be indemnified by any person who should have paid the same, and all questions as to the right to and the amount of any such indemnity shall be determined by the Board.

(4) For the purposes of the administration of this Act and to the extent and in such cases as the Board may deem necessary or advisable, the workmen of contractors shall be deemed to be and to have been workmen of the principal to the contract and workmen of subcontractors shall be deemed to be workmen of the principal to the contract and of the principal contractor and the subcontractor or either or all of them.

(5) Nothing in this section shall prevent the Board from levying or collecting contribution to the Accident Fund on or from the contractor or any subcontractor instead of on or from the principal.

(6) In the case of all contracts and subcontracts involving the employment of workmen, the parties thereto shall file or cause to be filed with the Board a copy of the contract or subcontracts within seven days of the making of same.

(7) Where any work within the scope of this Act is performed under contract for any municipal corporation or for any board or commission having the management of any work or service operated for a municipal corporation, any assessment in respect of the work may be paid by the corporation, board, or commission, as the case may be, and the amount of the assessment may be deducted from any moneys due the contractor or subcontractor, as the case may be, in respect of such work.

62. Assessments may, wherever it is deemed expedient, be collected in half-yearly, quarterly, or monthly instalments

or otherwise; and where it appears that the funds in any class are sufficient for the time being, any instalment may be abated or its collection deferred.

63. Employers to whom this Act applies shall be liable to contribute to the Accident Fund as herein provided.

64.—(1) Any employer who refuses or neglects to make or transmit any pay-roll, return or other statement required to be furnished by him under any of the provisions of this Act or any regulation or order made hereunder, or who refuses or neglects to pay any assessment or the provisional amount of any assessment or any instalment or part thereof shall, in addition to any penalty or other liability to which he may be subject, pay to the Board a sum of money not exceeding one-half of the amount of the compensation payable and not exceeding in any case three hundred dollars in respect of any accident to a workman in his employ which happens during the period of the default, and the payment of the amount may be enforced in the same manner as the payment of an assessment may be enforced.

(2) The Board, if satisfied that the default was excusable, may in any case relieve the employer in whole or in part from liability under this section.

(3) Where any employer makes default in the payment of an assessment and an execution issued upon a judgment entered or certificate filed under section 65 with respect to the assessment is returned with a certificate from a sheriff or his deputy that he was unable to wholly satisfy the same, and where the judgment debtor continues to carry on an industry within the scope of this Act in which workmen are employed, any judge of the Supreme Court, upon an application made on behalf of the Board by motion in Chambers, without the issue of any writ or the commencement of any action, may restrain the judgment debtor from carrying on any industry within the scope of this Act until the amount due on the execution of all assessments made by the Board and the costs of the application are paid.

65.—(1) Where default is made in the payment of any assessment or any special assessment or any part thereof or any other moneys due the Board, the Board may issue its certificate stating that the assessment was made, the amount remaining unpaid on account of it and the person by whom it was payable and directing the payment of the amount by such person, and the certificate or a copy of it certified by the Secretary under the seal of the Board to be a true copy, may be filed with the Clerk of the Supreme Court or the Clerk of the District Court of any district, and when so filed shall become an order of the Court and be enforced as a judgment of the Court.

(2) The Board shall have the like power and be entitled to the like remedies of enforcing payment of any sum

which any employer, workman or other person is required to pay to the Board under any of the provisions of this Act as it possesses or is entitled to in respect of assessments.

(3) Notwithstanding anything contained in any other Act, the amount due to the Board by an employer upon any assessment made under this Act or in respect of any amount which the employer is required to pay to the Board under any of its provisions or upon any judgment therefor, shall be a charge upon the property of the employer within the Province and shall have priority over all debts, liens, charges, mortgages or other incumbrances whatsoever whenever created or to be created:

Provided that such priority shall not apply against wages due to employees by their employer or employers in cases where the exercise thereof would deprive the claimant therefor of such wages.

(4) In the event of the sale of any business or any industry to which this Act applies or of the stock or equipment in bulk used in connection with any such business or industry, it shall be the duty of the purchaser before paying any part of the purchase price or giving the vendor any security therefor, to demand and secure from the vendor, and it shall be the duty of the vendor to furnish to the purchaser, a certificate by the Board that it has no claim in respect of the business or industry or stock or equipment in bulk.

(5) In case the vendor has not furnished such certificate, the purchaser of the business or industry or stock or equipment shall be liable to the Board in and indebted to it for a sum equal to the moneys due it by the vendor.

(6) Any real estate of an employer which is not otherwise bound by or subject to a lien created by this Act shall be bound to the same extent as by a registered judgment or mortgage by any assessment made under this Act against the employer from the date of the lodging of a certified statement of the moneys due the Board for assessment or otherwise in the Land Titles Office for the district in which the real estate is situated, and any judgment entered with respect to the statement shall bind the property from the date of the lodging of the statement so certified. The Registrar of such Land Titles Office shall record such statement.

66.—(1) Except in the matter of retail sales by regularly established retail dealers in the ordinary course of their business, it shall be the duty of each purchaser of lumber, before paying to the vendor the purchase price or any part thereof or giving him any security therefor, to demand and receive from the vendor, and it shall be the duty of the vendor to furnish to the purchaser a certificate by the Board that it has no claim in respect of such lumber for assessment or otherwise.

(2) In case the vendor has not furnished such certificate, the purchaser of such lumber shall be liable to the Board in and indebted to it for a sum equal to the moneys due by the producer or vendor of such lumber to the Board up to but not exceeding, except as hereinafter provided, the Board's assessment for the then current year in respect of the lumber so purchased:

Provided, however, that the purchaser shall be liable to the Board and indebted to it in such further amount per one thousand feet board measure of the lumber so purchased as the Board by written notice to the purchaser may stipulate and require:

Provided further that purchasers of lumber to whom this section applies shall keep in such form and with such detail as the Board may require, careful and accurate accounts of all lumber purchased by them, and when so required shall submit such accounts for examination by the Board or any duly authorized officer of the Board.

(3) Persons engaging in any of the industries of lumbering, logging, sawmilling, the planing or processing of lumber, the manufacture of lumber or lumber products including ties, shingles, laths and other products of the forest, shall advise the Board thereof within ten days after commencing to engage therein, and at the same time and other times if and when required by the Board so to do, shall furnish the Board with such particulars of their operations in such industries or any of them as the Board or its officers or agents may require.

(4) If any such person should consider himself or his operations or proposed operations without the scope of the Act he shall nevertheless be deemed to be an employer to whom and to whose operations the Act applies unless within ten days after commencing to engage in such operations he applies to the Board for a declaration that his operations are not within the scope of the Act and that he is exempt from assessment in respect thereof, and the Board has declared accordingly:

Provided, however, that the Board may, where in its opinion the circumstances so warrant, extend the time for the making of such application.

(5) Notwithstanding the proviso to subsection (4) of this section, where the operations are carried on and the work and labour therein is done and performed by two or more persons in partnership, the time for the making of such application shall not be extended beyond the aforesaid period of ten days.

67.—(1) In case any person fails to pay any assessment or part thereof which he is liable to pay within the time provided for such payment, the Secretary may by himself or his agent or by a sheriff, deputy sheriff or assistant sheriff collect the same with costs by distress of the goods and

chattels of the person against whom the assessment was made and the costs chargeable shall be the same as those allowed in the Schedules to *The Seizures Act*.

(2) In order to effect the seizure of any goods or chattels under the powers herein contained, the person duly authorized to effect the seizure shall serve upon the debtor and in case there is more than one debtor, upon each of them, or upon some adult member of his household, or shall attach to the goods to be seized or some or all of them, or shall put up in some conspicuous place on the premises upon which the goods or some part of them are at the time of seizure, a notice of such seizure.

(3) For the purpose of effecting the seizure of any goods and chattels authorized by any distress warrant under the provisions of this section, or obtaining the possession of any goods which have been previously seized, the Secretary or his agent or other person lawfully charged with the execution of such distress warrant,—

- (a) shall have the right to go upon any lands or premises whereon are situate any goods and chattels subject to distress hereunder and seize, sell or remove the same as he or they may require; and
- (b) may in case it is not possible otherwise to effect the seizure or obtain possession of the goods previously seized, as the case may be, either by himself or with the assistance of such persons as he may request, break open the door or doors of any building other than a private dwelling house in which any goods and chattels liable to seizure are contained and upon the order of a judge may similarly break open the door or doors of a private dwelling house.

(4) Any seizure made pursuant to the provisions of this section shall be deemed to be a continuing seizure until such time as the Secretary by notice in writing releases the seizure or until the goods or property under seizure have been sold.

(5) The Secretary or his agent or other person lawfully charged with the execution of the distress warrant shall by advertisement posted up in at least five public places in the district wherein seizure has been made, give at least ten days' public notice of the time and place of sale, the goods and chattels to be offered for sale and the name of the debtor for payment of whose assessment the property is to be sold; and at the time named in the notice the Secretary or his agent or such other person as aforesaid shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the moneys due with all lawful costs.

(6) In case any goods taken under any of the powers of this section contained have been offered for sale and remain unsold, the Secretary or his duly authorized agent or other person as aforesaid may sell the same by private contract,

either to the Board or any other person if the price offered for such property is in the opinion of the Secretary or agent a fair and reasonable price having regard to all the circumstances.

(7) If the property distrained has been sold for more than the amount of assessments due and costs, and if no claim to the surplus is made within six months from the date of the sale by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus, it shall be paid to the person in whose possession the property was when the distress was made.

(8) If any claim to the surplus is contested, the surplus money shall be paid by the Secretary or his agent or other person as aforesaid to the Clerk or Deputy Clerk of the District Court of the Judicial District within which the goods and chattels distrained are situated, and he shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

(9) When at the time a distress warrant issued by the Board under the provisions of this section is placed in the hands of a sheriff or deputy sheriff, goods and chattels of the person against whom the warrant is issued are already under seizure or distraint by the same sheriff or deputy sheriff or are subsequently seized or distrained by him acting under a distress warrant other than the Board's warrant, the said goods and chattels shall from the time of placing the Board's warrant in the hands of the sheriff or deputy sheriff or from the time the seizure or distraint is made, as the case may be, be deemed to have also been seized or distrained upon by the sheriff or deputy sheriff under the Board's warrant.

(10) Except as herein stated, *The Seizures Act* shall not apply to any proceedings under this section.

68.—(1) If an assessment or a special assessment or any part of it remains unpaid for thirty days after it has become payable, the Board in addition to any and all other proceedings as herein provided may issue its certificate stating the name and residence of the defaulting employer, the amount unpaid on the assessment, and the establishment in respect of which it is payable, and upon the delivery of the certificate to the clerk or secretary-treasurer of the municipality in which the establishment is situate, he shall cause the amount so remaining unpaid as stated in the certificate to be entered upon the collector's roll as if it were taxes due by the defaulting employer in respect of the establishment and it shall be collected in like manner as taxes are levied and collected, and the amount when collected shall be paid over by the collector to the Board.

(2) The collector shall be entitled to add five per cent thereof to the amount to be collected and to retain such percentage for his service in making the collection.

69. Subject to any Statute of the Dominion of Canada, there shall be included among the debts which, under *The Trustee Act*, *The Companies Act* or any other Act of the Province of Alberta, are in the distribution of the property in the case of an assignment or death or of the assets of a company being wound up under the said Acts or any of them or otherwise to be paid in priority to all other debts, the amount of any assessment or other debt due the Board, the liability for which accrued before the date of the assignment or death or the commencement of the winding-up respectively.

70.—(1) Where an employer ceases to be an employer he shall within ten days notify the Board by registered mail of his ceasing to be an employer within the meaning of this Act and shall at the same time transmit a statement of the total amount of wages earned by all his workmen for the portion of the then current year during which he has continued in business.

(2) Employers shall post and keep posted in a conspicuous place upon the premises where the work performed by their workmen is being carried on, and where they may be readily seen by such workmen, such notices as the Board may from time to time require to be posted.

(3) Any workman may before entering into any employment to which this Act applies satisfy himself that his employer has paid his assessment and that the same is paid thereafter when due.

(4) No employer shall keep or have in his employment any workman unless the employer has complied with the provisions of this Act, and where an employer is in default of payment of any assessment or part thereof or any other moneys due by him to the Board and default has continued for one month, the Board may order the employer to discontinue and thereafter refrain from employing any workman or workmen and the employer shall not thereafter employ any workman or workmen unless and until he pays to the Board all moneys due it by him.

(5) All books, returns, notices, reports, forms or other documents or papers and copies thereof required to be kept, posted or forwarded in accordance with the provisions of this Act or regulations made hereunder, shall be in a form approved by the Board.

(6) Orders, notices and other documents issued by the Board under the provisions of this Act may be served upon the person for whom they are intended by registered mail, and if and when the post office receipt for the letter containing such order, notice or other documents purporting to be signed by such person is received by the Board, such service shall be deemed to be good and sufficient service of such order, notice or other document. Every such order, notice or

other document shall be deemed to be served on the day of the date of the receipt which purports to be signed by the person required to be served.

PENALTIES.

71.—(1) Any person who violates any of the provisions of this Act or any regulations or orders made hereunder for which no other penalty is provided shall be guilty of an offence and liable on summary conviction to a penalty of not less than five dollars and costs nor more than one hundred dollars and costs and in default of payment to imprisonment for a period not exceeding three months.

(2) Any person being convicted for violating any of the provisions of this Act or of any regulations made hereunder and failing after the conviction to comply with the provisions of this Act or the regulations made hereunder for the breach of which he was convicted, shall be guilty of an additional offence and liable on summary conviction to a penalty of not less than five dollars nor more than one hundred dollars a day for each day his failure or default continues, and in default of payment, to imprisonment for a period not exceeding six months.

(3) All penalties imposed by this Act shall when collected be paid over to the Board and form part of the Accident Fund.

(4) No prosecution shall be instituted for a violation of any of the provisions of this Act except by some person appointed by the Board.

(5) In any prosecution for a violation of any of the provisions of this Act or any regulations made hereunder, whereby any person is required to transmit to the Board any statement or report or to pay to the Board any assessment or other amount or where it is sought to prove service of any notice, order, or other document by the Board upon an employer, workman or other person and unless herein otherwise provided, a certificate under the hand of the Secretary and under the seal of the Board, certifying that the statement or report or payment has not been received by the Board or that the notice, order, or other document has been duly served upon the person for whom it was intended, shall be *prima facie* evidence of the matters therein certified.

APPLICATION.

72.—(1) This Act shall apply to all classes of employment enumerated in Schedules 1 and 2.

(2) The Board shall have the power to define any of the industries contained in the said Schedules and to decide whether or not any establishment, trade or business is or is not an industry to which this Act applies.

73. This Act shall not apply to,—

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business, except as provided by section 13 of this Act;
- (b) outworkers;
- (c) persons employed in an industry of an itinerant nature, assessments with regard to which it is impracticable or difficult to collect;
- (d) persons employed in the industry of farming or ranching except as provided by section 13 of this Act.

74. Except as herein otherwise specially provided, the benefits provided by the provisions of this Act to workmen or their dependants shall apply only to accidents occurring on and subsequent to the date upon which the Act comes into force, and claims in respect of accidents occurring prior to that date shall be administered under and in accordance with the law in effect at the time the accident occurred.

75. *The Workmen's Compensation Act*, being chapter 4 of the Statutes of Alberta, 1943, is hereby repealed.

76. This Act shall come into force on the day upon which it is assented to.

SCHEDULE 1.

Coal-mining, operation of coke ovens, briquetting plants, mining other than coal-mining, any trade or business connected with the industries of lumbering, fishing, manufacturing, building, construction, engineering, transportation, operating of electric power lines and power plants, water-works and other public utilities, operation of municipal police forces, municipal fire departments, navigation, operation of boats, ships, tugs and dredges, operation of grain elevators, operation of warehouses, teaming, scavenging and street cleaning, painting, decorating and renovating, dyeing and cleaning, planing mills, flour milling, packing plants, printing, lithographing and engraving, telephone and telegraph systems, laundries run by mechanical power, excavation, well drilling, operation of gas and oil wells, operation and maintenance of freight and passenger elevators, including the work of janitors in buildings where such elevators are operated, quarrying, lumber yards, wood yards, ice, hotels, restaurants and retail stores, and commercial greenhouses, and any occupation incidental to or connected with the industries enumerated in this Schedule, also including moving pictures and theatres, and by way of

specific enumeration, but not so as in any way to interfere with or affect the generality of the preceding words thereof, the following classes of industries:

CLASSIFICATION.

- Class 1 —Employment in or about underground coal mines;
- Class 5 —Employees of workmen in or about coal mines, operation of coke ovens, strip mining;
- Class 13-2 —Manufacture of lumber and all work incidental thereto, shingles, ties, pulpwood;
- Class 13-3 —Operation of sash and door factories, lumber yards, manufacture of boats, canoes, artificial limbs, wooden boxes, mattresses, furniture, upholstering, creosoting of timber;
- Class 15-1 —Operation of lime kilns, marble works, manufacture of bricks, tile, sewer pipes, glass products, cement (including quarrying), cement products, stone cutting;
- Class 15-10—Drilling for and operation of gas or oil wells, natural ice operations;
- Class 15-11—Operation of refineries, absorption plants, manufacture of paints, chemicals;
- Class 15-12—Natural gas distribution;
- Class 20-1 —Operation of garages, auto repair shops, service stations, blacksmith shops, machine shops, ornamental iron works, foundries, rolling mills, bus lines, implement agencies, manufacture of agricultural implements, vehicles, locksmiths, gunsmiths, scrap and junk dealers, gas and electric welding, fabrication of structural steel, iron or metals, commercial aeroplane, transportation where such is the employer's main industry, overhaul, maintenance and repair of aircraft and aircraft engines, elevator operators;
- Class 27-1 —Operation of grain elevators;
- Class 27-2 —Operation of packing plants, abattoirs, flour mills, bottling works, manufacture of meat products, cereals, animal foods, liquor, beverages, aerated water, wine, vinegar, cider, sugar, soap, yeast, toilet preparations, irrigation operations, exhibition associations;
- Class 37-1 —Warehousing including wholesaling with warehousing, storage, cold storage, cold storage locker systems;

- Class 37-5 —Operation of bakeries, creameries, power laundries, cleaning works, dyeing works, commercial hatcheries, manufacture of wearing apparel, textiles, fabrics, food products, typewriters, cash registers, adding machines, rubber stamps, stencils, gold, silverware, jewelry, leather goods, rubber goods, tobacco products, optical products;
- Class 37-9 —Printing, lithographing;
- Class 38 —Operation of retail stores, restaurants, hotels, greenhouses, moving pictures, theatres, radio transmission;
- Class 39-1 —Carpentry, general construction (including telegraph and power line construction), highway construction, including trucking and teaming in connection therewith, paving, surfacing, dirt and gravel moving, excavating, cement construction, bricklaying, masonry, installation of machinery including freight and passenger elevators, fire escapes, engines, boilers, brush cutting with power driven equipment, operation of sand, shale or gravel pits, structural steel erection, wrecking, demolition, building moving, railroad construction, tunnelling, dredging, sewer construction;
- Class 39-3 —Painting, decorating, fumigating, plastering, stuccoing, lathing, shingling, tile setting, terrazo works, roofing, window cleaning, outdoor advertising;
- Class 39-4 —Operation of wood yards, coal yards, teaming, trucking;
- Class 39-5 —Boat and vessel transportation;
- Class 39-6 —Plumbing, steam and hot water heating including sheet metal where operations combined, metal roofing, sheet metal work, hot air heating, electric wiring, floor laying (wood), linoleum laying (including linotiles);
- Class 39-8 —Light and power operation and line construction, telephone and telegraph operation and line construction;
- Class 89-1 —Employment by towns and villages;
- Class 89-2 —Employment by municipal districts;
- Class 89-3 —Employment by cities;
- Class 91 —Employment by the Canadian Pacific Railway;

- Class 93 —Employment by the Canadian National Rail-
way;
- Class 94 —Employment by the Northern Alberta Rail-
way;
- Class 97-1 —Employment by the University of Alberta;
- Class 97-2 —Employment by City School Boards;
- Class 97-4 —Employment by the University Hospital;
- Class 99 —Employment by the Workmen's Compensa-
tion Board.

SCHEDULE 2.

- Class 95-1 —Employment by the Dominion of Canada;
 - Class 96-1 —Employment by the Province of Alberta;
 - Class 96-2 —Employment by the Department of Public
Works, Province of Alberta Labour Pay-rolls;
 - Class 96-3 —Employment by Alberta Government Tele-
phones.
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SCHEDULE 3.

ENUMERATION OF INDUSTRIAL DISEASES.

Description of Disease	Description of Process
Anthrax	Handling of wool, hair bristles, hides and skins.
Glanders	Care of equine animals suffering from glanders; handling of carcasses of such animals.
Lead poisoning or its sequelae	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelae	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelae	Any process involving the use of arsenic or its preparations or compounds.
Infection or inflammation of the skin or contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases or vapours.	Any industrial process involving the handling or use of oils, cutting compounds or lubricants or involving contact with dust, liquids, fumes, gases or vapours.
Pneumoconiosis, which shall be deemed to be— Silicosis. Siderosis. Lithosis.	Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal; mining.
Poisoning by benzol or by nitro and amidoderivatives of benzol, anilin and others.	Any industrial process involving the use of benzol or a nitro or anilin derivative of benzol or its preparations or compounds.
Subcutaneous cellulitis of the hand (Beat Hand).	Mining or other industries which require continued use of hand tools.

No. 31

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL
An Act Respecting Workmen's
Compensation

Received and read the

First time

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DR. ROBINSON.

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