

No. 107

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2nd Session, 15th Legislature, Alberta  
13 Elizabeth II

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## **BILL 107**

A Bill to amend The Workmen's Compensation Act

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HON. MR. REIERSON

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## Explanatory Note

### 1. This Bill amends chapter 370 of the Revised Statutes.

### 2. Section 2, clauses (i), (x) and (cc) read:

- (i) "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, so long as 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;
- (x) "person" includes a female as well as a male person and a body corporate;
- (cc) "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,
  - (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 while actually working,
  - (iii) the driver of a vehicle doing work for another, whether the former supplies the vehicle or does not supply it, so long as the relationship of master and servant exists between the driver and the other person,
  - (iv) a learner, and
  - (v) 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;

Striking out the definition of "person" will make the broader definition in The Interpretation Act, 1958 applicable. The clause being removed from the definition of "workman" is in conflict with section 73 of the Act.

### 3. Section 12 presently reads:

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

Under The Regulations Act the regulations are effective on publication in the Gazette.

### 4. Section 15, subsection (5) reads:

(5) 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 that 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.

### 5. Section 19, subsection (7), and subsection (8), clause (a) presently read:

(7) No compensation shall be paid in respect of any claim 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.

(8) Notwithstanding subsection (7),

- (a) 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
    - (i) 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
    - (ii) in the opinion of the Board the claim is a just one and ought to be allowed,
- and

# BILL

No. 107 of 1965

An Act to amend The Workmen's Compensation Act

(Assented to \_\_\_\_\_, 1965)

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

1. *The Workmen's Compensation Act* is hereby amended.
2. Section 2 is amended
  - (a) as to clause (i) by striking out the words "so long as" and by substituting the word "but",
  - (b) by striking out clause (x),
  - (c) as to clause (cc) by striking out subclause (iii).
3. Section 12 is amended by striking out the words "and any such regulations come into force at the expiration of thirty days from the date of their publication in *The Alberta Gazette*".
4. Section 15 is amended by adding the following subsection after subsection (5):

(5a) Where an employer fails to obey an order given under subsection (5), the Board may apply to the Supreme Court by way of originating notice, on not less than three days' notice, for an injunction or other order and the Court may grant or refuse the injunction or other order or make any other order that in its opinion the justice of the case requires.
5. Section 19 is amended
  - (a) by adding the following subsection after subsection (4):

(4a) Where a workman is required as a condition of his employment to attend any classes or take any course of instruction, the classes or course of instruction shall, for the purposes of this Act, be deemed to be part of the employment.
  - (b) by striking out subsection (7) and by substituting the following:

(7) No compensation shall be paid to a workman

**6. Section 20, subsections (1), (3), (7) and (8) presently read:**

20. (1) Members of the family of an employer employed by him and dwelling in his house as members of his household shall not be deemed to be workmen within the scope of this Act and compensation is not 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.

(3) Upon the application being approved by the Board, the members of the family of the employer included in the Board's approval shall, while so employed in the industry named in the application be deemed to be workmen for and during the balance of the then current year and until the twentieth day of the following year.

(7) 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 five thousand dollars and not less than two thousand five hundred dollars, and such assessment as the Board fixes in respect of such application shall be levied on such sum for the then current year or balance thereof as the case may be.

(8) Upon the application being approved by the Board, the employer shall be deemed to be a workman in the industry named in the application for and during the balance of the then current year and until the twentieth day of the following year.

unless a claim is made to the Board by the workman within one year of the date of the accident.

- (c) as to subsection (8), clause (a) by striking out all the words preceding subclause (i) and by substituting the following:

(a) upon a claim being made by a workman to the Board within three years of the date of the accident, the Board may pay compensation to the workman if,

- (d) by adding the following subsections after subsection (8):

(8a) Where a workman dies after making a claim to the Board, there is no limitation on the time within which a dependant may make a claim to the Board.

(8b) Where a workman dies without making a claim to the Board, no compensation shall be paid to a dependant unless

(a) the death occurs within one year of the date of the accident, or

(b) the death occurs within three years of the date of the accident and the conditions contained in clause (a) of subsection (8) have been met, and, in either case, the dependant makes a claim to the Board within one year of the death of the workman.

**6. Section 20 is amended**

- (a) as to subsection (1) by striking out the words "not be deemed" and by substituting the words "be deemed not",

(b) as to subsection (2) by adding after the words "five thousand" the words ", six hundred",

- (c) as to subsection (3) by striking out the words "for and during the balance of the then current year and until the twentieth day of the following year." and by substituting the following:  
"of the employer

(a) in those industries where the year fixed by the Board coincides the calendar year until the last day of February in the year following the date of approval, and

(b) in all other industries until the last day of the second month following the end of the current year."

- (d) as to subsection (7)

(i) by adding after the words "five thousand" the words ", six hundred",

(ii) by striking out the words "then current year or balance thereof as the case may be" and by substituting the words "period during which coverage is to be provided",

**7. Section 21, subsection (5) presently reads:**

(5) 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, the purpose of such agreement being to ensure that such workmen or their dependants receive 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, and to avoid a duplication of assessments.

**8. Section 25, subsections (6) and (8) presently read:**

(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, is guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars, and in default of payment to imprisonment for a term not exceeding three months.

(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,
- (b) progress reports, on the first and fifteenth days of each month during such time as the injured workman is unable to work as a result of the injuries,
- (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, and in such form, as may be required by the regulations or by the Board.

**9. Section 33, subsection (1), clauses (d), (e), (e1), (f) and (g) presently read:**

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

- (d) to a dependent widow or dependent invalid widower a monthly payment of seventy-five dollars,
- (e) to a dependent child over the age of sixteen years, other than a dependent invalid child, a monthly payment of forty dollars to continue until the child attains the age of sixteen years or dies before attaining that age,
- (e1) to a dependent child over the age of sixteen years and under the age of eighteen years at the date of death of the workman, such amounts as would have been paid to the dependent child under section 36 at and subsequent to his age at the date of death of the workman had the child been under the age of sixteen years at the date of the death, subject to the same conditions as a payment under that section,
- (f) to a dependent invalid child irrespective of the age of the child, a monthly payment of forty dollars to continue for as long as in the opinion of the Board it might reasonably be expected that the workman had he lived would have continued to contribute to the support of the child,
- (g) where a workman leaves no widow or widower or where a surviving widow or widower subsequently dies or is confined to a gaol, prison or institution, the Board may make from time to time such additional payments, not exceeding twenty-five 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 appear necessary to adequately maintain and support such child,

**10. Persons presently receiving payments are entitled to receive the increased payments under section 33 of the Act.**

- (e) as to subsection (8) by striking out the words “and during the balance of the then current year and until the twentieth day of the following year” and by substituting the words “the period during which coverage is to be provided”,
- (f) by adding the following subsection:
  - (14) In this section “current year” means the period fixed by the Board.

**7.** Section 21, subsection (5) is amended by adding after the word “province” wherever it occurs the words “or territory”.

**8.** Section 25 is amended

- (a) by striking out subsection (6) and by substituting the following:
  - (6) Every employer who fails to make any report or to furnish particulars of any accident or claim required by reason of this section, unless excused by the Board on the ground that the report for some sufficient reason could not have been made, is liable to a penalty to be imposed by the Board of ten dollars a day for each day the failure continues, but not exceeding in total, one hundred dollars.
- (b) as to subsection (8)
  - (i) by striking out clause (b) and by substituting the following:
    - (b) progress reports, on the first and fifteenth day of each month, during the time he continues in attendance on the workman,
  - (ii) by striking out of clause (c) the word “final”.

**9.** Section 33, subsection (1) is amended

- (a) as to clause (d) by striking out the word “seventy-five” and by substituting the word “eighty-five”,
- (b) as to clause (e) by striking out the word “forty” and by substituting the word “forty-five”,
- (c) as to clause (e1) by striking out the word “eighteen” and by substituting the word “twenty-one”,
- (d) as to clause (f) by striking out the word “forty” and by substituting the word “forty-five”,
- (e) as to clause (g) by striking out the word “twenty-five” and by substituting the word “thirty-five”.

**10.** Section 34 is struck out and the following is substituted:

**34.** (1) On and after the first day of April, 1965, a dependent widow or a dependent invalid widower receiving compensation under any Workmen’s Compensation Act of the Province, irrespective of the date or time of the award

**11. Section 36 presently reads:**

36. (1) Where a dependent child approaching the age of sixteen years is attending an academic, technical or vocational school and making progress satisfactory to the Board, the Board may, in its discretion, continue the payments of compensation in respect of the dependent child until such time as the dependent child

- (a) fails to make satisfactory progress at school,
- (b) ceases to attend school, or
- (c) attains the age of eighteen years.

(2) Where a dependent child who is receiving payments under subsection (1), or clause (e1) of subsection (1) of section 33, attains the age of eighteen years during a school year the Board may extend the payments of compensation to the end of the then current school year.

**12. Section 39 presently reads:**

39. If a dependent widow remarries, the monthly payments to her shall thereupon cease but she shall be paid a lump sum of nine hundred dollars within one month after the date of her remarriage.

**13. The language of section 41 is changed to conform to that used in other sections of the Act.**

**14. Section 45, clauses (a) and (c) presently read:**

45. 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 seventy-five 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 three consecutive years immediately preceding the first day of January preceding the date of the injury,  
.....

(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 most beneficial to the workman.

**15. Section 46, subsection (1), clauses (a) and (c) presently read:**

46. (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 seventy-five 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 three consecutive years immediately preceding the first day of January preceding the date of the injury,  
.....

(c) the average weekly earnings of the workman in industries to which this Act applies during the previous twelve months,  
whichever in the opinion of the Board is most beneficial to the workman, and the compensation is payable weekly during the lifetime of the workman.



under or because of which the compensation is payable, or of the accident that occasioned the award, shall be granted an additional payment of compensation sufficient to bring the monthly payment to the dependent widow or dependent invalid widower up to the sum of eighty-five dollars per month.

(2) On or after the first day of April, 1965, a dependent child receiving compensation under any Workmen's Compensation Act of the Province, irrespective of the date or time of the award under or because of which the compensation is payable, or of the accident that occasioned the award, shall be granted an additional payment of compensation sufficient to bring the monthly payment to the dependent child up to the sum of forty-five dollars per month.

**11. Section 36 is amended**

- (a) as to subsection (1), clause (c) by striking out the word "eighteen" and by substituting the word "twenty-one",
- (b) as to subsection (2) by striking out the word "eighteen" and by substituting the word "twenty-one".

**12. Section 39 is amended by striking out the words "nine hundred" and by substituting the words "one thousand and twenty".**

**13. Section 41 is amended by striking out the words "industries in Class 13-2," where they occur in subsections (1) and (3) and by substituting the words "industries in which assessments are based upon the employer's production,".**

**14. Section 45 is amended**

- (a) by striking out clause (a) and by substituting the following:
  - (a) the average weekly earnings of workmen employed at similar work in the same occupation as determined by the Board,
- (b) as to clause (c) by striking out the words "during the twelve months immediately preceding the date of injury" and by substituting the words "as computed in accordance with section 50".

**15. Section 46, subsection (1) is amended**

- (a) by striking out clause (a) and by substituting the following:
  - (a) the average weekly earnings of workmen employed at similar work in the same occupation as determined by the Board,
- (b) as to clause (c) by striking out the words "during the previous twelve months" and by substituting the words "as computed in accordance with section 50".

**16. Section 50, subsection (1) reads in part:**

50. (1) Subject to subsections (5) and (9) of section 20, 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 such earnings 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 the remuneration, regard may be had to the average earnings that were earned by a person in the same grade of employment for the previous twelve months:

**Subsection (3) presently reads:**

(3) For the purpose of ascertaining the amount of compensation payable under the provisions of sections 45 to 49, 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 five thousand dollars per annum.

**17. Reimbursement for destruction of clothing.**

**18. Section 53, subsection (3) presently reads:**

(3) In any case of silicosis the limitation as to time contained in subsection (7) of section 19 does not apply.

**19. Section 63, subsection (1), clause (h) presently reads:**

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

.....

(h) to provide and maintain a reserve for the payment of 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, was due to such previous disabilities, and

**20. Section 64, subsection (3) presently reads:**

(3) Where the assessment is based upon the pay-roll of the employer and the pay-roll shows in any one year earnings in respect of any workman in excess of five 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.

**21. Section 65, subsections (1) and (2) presently read:**

65. (1) No assessment less than fifty dollars shall be levied in respect of employment in or about underground coal mines and in strip mining, and in other cases no assessment shall be less than fifteen dollars.

(2) 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 fifteen dollars.

**22. Maximum salary figure is changed from \$5,000 to \$5,600.**

**23. Section 73 presently reads:**

73. (1) For the purpose of subsection (2) "equipment" includes teams, trucks, tractors, bulldozers, drag lines, power shovels and such other equipment or apparatus as the Board may from time to time designate as equipment.

**16.** Section 50 is amended

- (a) as to subsection (1) by adding after the words "average earnings" where they occur in the first proviso the words "as determined by the Board".
- (b) as to subsection (3) by adding after the words "five thousand" the words ", six hundred".

**17.** The following section is added after section 50:

**50a.** The Board has authority to assume the expense of replacement and repair of any article of clothing of a workman destroyed or damaged as a result of an accident in respect of which the workman is entitled to compensation.

**18.** Section 53 is amended by striking out subsection (3) and by substituting the following:

(3) In any case of silicosis, the limitations as to time contained in subsections (7) to (8b) of section 19 do not apply.

**19.** Section 63, subsection (1), clause (h) is amended by striking out the word "was" and by substituting the word "is".

**20.** Section 64, subsection (3) is amended by adding after the words "five thousand" the words ", six hundred".

**21.** Section 65 is amended by striking out subsections (1) and (2) and by substituting the following:

**65.** (1) No assessment of less than fifteen dollars shall be levied in respect of any industry to which this Act applies.

**22.** Section 66, subsection (2) is amended by adding after the words "five thousand" the words ", six hundred".

**23.** Section 73 is struck out and the following sections are substituted:

**73.** (1) Where any work is performed by a contractor for any person (in this section called the principal),

- (a) both the principal and the contractor are liable for the amount of any assessment relating to that work, and
- (b) the assessment may, in the discretion of the Board, be collected from either of them, or partly from one and partly from the other,

but in the absence of any term in the contract to the contrary, the contractor is as between himself and the principal, liable for the amount of the assessment.

(2) Where in any undertaking a person enters into an arrangement for the supplying of equipment to another person, (who is in this subsection and in subsections (4) and (5) referred to as the "principal") if the person supplying the equipment

(a) operates it himself or hires other persons to operate it, and

(b) is paid or is to be paid for the services of both equipment and operators,

all persons operating the equipment shall be deemed to be workmen of the principal, unless the person supplying the equipment has established with the Board an account in an industry in which the equipment may be used and in respect of which he should have made his return for the year as provided for in subsection (1) of section 66, in which case the persons operating the equipment shall not be deemed to be workmen of the principal but, subject to the provisions of section 20, shall be deemed to be workmen of the person supplying the equipment and for the purposes of assessment the basis of the earnings of the workmen shall be such as the Board may from time to time determine.

(3) Where in any undertaking not coming within the provisions of subsection (2), a person enters into an arrangement for the performance of work for another person (who is in this subsection and in subsections (4) and (5) referred to as the "principal") and notwithstanding that that arrangement may also provide that he supply materials, equipment or other services, if the person undertaking to perform the work

(a) performs the work himself,

(b) has others perform the work for him, or

(c) has others assist him in the performance of the work,

all the persons performing the work shall be deemed to be workmen of the principal unless the person agreeing to perform the work has established with the Board an account in respect of which he should have made his return for the year as provided for in subsection (1) of section 66, in which case the persons performing the work shall not be deemed to be workmen of the principal but, subject to the provisions of section 20, shall be deemed to be workmen of the person agreeing to perform the work, and for the purposes of assessment the basis of earnings of the workmen shall be such as the Board may from time to time determine.

(4) Notwithstanding the provisions of section 20, the Board on the application of the principal may deem to be his workmen all persons operating equipment or performing work for him who would otherwise by reason of subsection 20 not be workmen.

(5) Where in the opinion of the Board it is advisable to do so, the Board may by regulation provide that any class of persons who but for the provisions of subsections (1) to (3) would not have been workmen of a principal shall not be deemed to be workmen of such principal.

(6) Nothing in this section affects the powers of the Board contained in section 13.

(7) In any undertaking contemplated by subsections (1) to (3) and without in any way relieving any person of his liability to the Board in respect of its assessment upon him, a person shall be liable to pay to the Board any sum that any other person participating directly or indirectly with or through him in the undertaking, is or may become liable to pay to the Board in respect of the undertaking, and he shall be indemnified to the extent of the payment by the person who should have paid the amount to the Board and all questions as to the right and the amount of any such indemnity shall be determined by the Board.

(8) Subsection (7) shall not be deemed to relieve any person supplying equipment or agreeing to perform work for another of liability to the Board in respect of its assessment upon him.

## **24. The minimum penalties under the Act are increased.**

- (2) Where any work is performed under a subcontract,
  - (a) the principal, the contractor and the subcontractor are each liable for the amount of any assessment relating to that work, and
  - (b) the assessment may, in the discretion of the Board, be collected from any of them or partly from one and partly from the other or others,

but in the absence of any term in the subcontract to the contrary, the subcontractor is as between himself and the others, liable for the amount of the assessment.

(3) A principal may withhold from any moneys payable to a contractor the amount which the principal is liable to pay under this section and pay that amount to the Board, and as between the principal, the contractor and the subcontractor the payment shall be deemed to be a payment on the contract or subcontract or both, as the nature of the payment requires.

(4) A contractor may withhold from any moneys payable to a subcontractor the amount which the contractor is liable to pay with respect to the subcontractor or under this section and pay that amount to the Board, and as between the contractor and the subcontractor the payment shall be deemed to be a payment on the subcontract.

**73a.** (1) Where a person does any work

- (a) in an industry to which this Act applies, and
- (b) for a person engaged in an industry to which this Act applies (in this section called the principal),

the person doing that work shall, for all purposes of this Act, be deemed to be a workman of the principal except when the person doing the work

- (c) is an employer in an industry to which this Act applies or the workman of such an employer, or
- (d) is an employer in an industry to which this Act does not apply or the workman of such an employer, or
- (e) is a person deemed not to be a workman by reason of subsection (1) of section 20.

(2) Notwithstanding subsection (1) the Board, upon the application of a principal, may deem all persons doing work for the principal to be his workmen for the purposes of this Act.

(3) Notwithstanding subsection (1) the Board, if it considers it advisable to do so, may by order declare subsection (1) not to apply to any designated class of persons.

**24.** Section 83 is amended

- (a) as to subsection (1) by striking out the word "five" and by substituting the word "twenty-five",
- (b) as to subsection (2) by striking out the word "five" and by substituting the word "twenty-five".

**25. Section 84, subsection (1) presently reads:**

84. (1) Subject to such additions, withdrawals or re-arrangements as have been or are hereafter made by the Board under the provisions of section 13, this Act applies to all classes of employment enumerated in Schedules 1 and 2.

**26. Section 84a presently reads:**

84a. Where

- (a) an employer engaged in an industry to which this Act applies directs an employee who is working in or is on the pay-roll of such industry to do work for the employer that is not in an industry to which this Act applies, and
  - (b) the employee is injured in the course of such work,
- the work so done by the employee shall be deemed to be an industry to which this Act applies and the employer shall pay an assessment on such industry for the balance of the current year not less than the assessment he would have paid had he made an application to the Board to have such work added to the Schedule as an industry coming under this Act.

**27. Section 85, clause (d) presently reads:**

85. This Act does not apply to

.....

- (d) persons employed in the industry of farming or ranching, except as provided by section 13.

**28. Schedules 1 and 2 are revised.**

**25.** Section 84, subsection (1) is amended by striking out the words "classes of employment" and by substituting the word "industries".

**26.** Section 84*a* is struck out and the following is substituted:

**84*a*.** (1) Where

- (*a*) an employer engaged in an industry to which this Act applies directs a workman who is working in that industry to do other work that is not in an industry to which this Act applies, and
- (*b*) the workman is injured in the course of that other work,

that other work shall be deemed to be in the industry of the employer to which this Act applies and the employer shall pay to the Board in respect of that other work an additional assessment equal to the full cost of the claim in respect of the injury up to a maximum of fifty dollars.

(2) Any person who has control and direction of a workman and who directs him to do other work as mentioned in subsection (1) shall be deemed to have given the direction on behalf of the employer.

**27.** Section 85, clause (*d*) is amended by adding after the words "by section 13" the words "and by section 84*a*".

**28.** Schedule 1 and Schedule 2 are struck out and the following are substituted:

#### SCHEDULE 1

Coal mining

Mining other than coal mining

Lumbering

Manufacturing

Quarrying

Construction

Scavenging

Street cleaning

Transportation

Irrigation

The operation of public utilities and all work incidental to any of the said industries and by way of enumeration but not so as to affect the generality of the foregoing, the following industries:

Operation of briquetting plants.

Manufacture of lumber; laths; shingles; ties.

Operation of sash and door factories; lumber yards where lumber is processed.





Marble works.

Manufacture of furniture; wooden boxes; trailers; wooden advertising displays; plywood; plaster board; gypsum wall board; fibre board; straw board; brick and tile brick; tile pipes; pottery and related products; drilling mud aggregate from minerals; concrete ornaments; stone products; roofing products; floor tile; glass stucco chips; fibre glass products.

Carpenter work in shops.

Creosoting of timber.

Stone cutting.

Glazing of concrete blocks.

Mixing and packaging of dry cement.

Operation of retail lumber yards.

Manufacture of concrete pipes; concrete culverts; concrete blocks; pre-cast concrete slabs; pre-cast concrete beams; pre-cast concrete steps; concrete products; cement; lime; rock wool insulation.

Operation of gas or oil wells.

Steam cleaning of oil wells.

Seismic operations.

Drilling for gas or oil wells.

Operation of refineries; absorption plants.

Operation and servicing of battery tanks.

Manufacture of paints; putty and sealing compounds; nitrogen; cellulose; plastics; chemicals; ethylene glycol-dinitrate; cationic emulsified asphalt; glass insulation; synthetic products.

Treatment of ores and minerals.

Natural gas distribution.

Operation of gas and oil pipe lines.

Automobile, truck and trailer dealers.

Agricultural implement dealers.

Operation of automobile and truck repair and service shops including, garages, automobile repair shops, service stations, automobile radiator repair shops, automobile wrecking shops and yards, automobile laundries, automotive machine shops, battery and ignition service shops.



Operation of blacksmith shops; machine shops; repair shops; caterpillar tractor repair shops; heavy equipment repair shops; galvanizing shops; scrap and junk shops; ornamental iron works; foundries; rolling mills; endless tracked vehicle repair shops.

Manufacture of steel; machinery and equipment; lead shot.

Manufacture and/or repair of gas and oil drums.

Fabrication of structural steel; iron; metals.

Gas and electric welding.

Operation of bus lines; bicycle shops; locksmith shops; gunsmith shops; saw sharpening shops; upholstering shops; central steam heating plants; parking lots; parkades; buildings in which passenger and/or freight elevators are installed.

Manufacture of mattresses; caskets and coffins; wooden boats; canoes; metal doors, windows and awnings.

Refrigeration servicing.

Inspection and testing of pipe and pressure vessels.

Servicing, and sales and servicing of machinery.

Assembly of metal racks.

Carpet laying.

Overhaul, maintenance and repair of aircraft and aircraft engines.

Maintenance and operation of aircraft for hire, exclusive of actual flying operations.

Aeroplane transportation, exclusive of actual flying operations.

Refueling of aircraft.

Operation of grain elevators.

Operation of flour mills; seed cleaning plants; feed chopping mills; bottling works.

Drying and packaging of yeast.

Manufacture of cereal products; yeast; vegetable oils; animal food concentrates; animal foods; liquor; beverages; aerated water; wine; vinegar; cider; sugar; starch; soap; toilet preparations.

Operation of abattoirs; meat packing plants; fish packing plants; poultry canning plants.

Operation of cold storage locker systems; bulk oil stations.

Sale and distribution of propane gas.

Wholesaling with warehousing.



**Warehousing.**

**Storage.**

**Cold storage.**

**Operation of bakeries; creameries; power laundries; cleaning works; dyeing works; commercial hatcheries.**

**Manufacture, repair and/or servicing of textiles; fabrics; wearing apparel; furs; awnings; blinds; jute and cotton bags; leather goods; rubber goods; rubber stamps; paper boxes; paperboard containers; glass products; optical products; jewelry; watches; silverware; gold products; stencils; typewriters; cash registers; adding machines; office equipment and appliances; household appliances; metal coat hangers; light fixtures; measuring, recording and control instruments; artificial limbs; oil filters; tobacco products; radios; television receiving sets; food products.**

**Electroplating.**

**Glazing and cleaning of bakers' pans.**

**Painting, polishing and varnishing of furniture.**

**Operation of retail stores where specified; restaurants where specified; hotels where specified; greenhouses where specified; moving pictures; theatres.**

**The Young Men's Christian Association.**

**The Young Women's Christian Association.**

**Radio and television transmission.**

**Printing, lithographing and engraving.**

**Bookbinding.**

**Construction: general; telegraph and power line; highway; cement; masonry; brick; structural steel; railroad; bridge; sewer; pipe line.**

**Carpentry.**

**Wrecking.**

**Demolition.**

**Excavating.**

**Bulldozing.**

**Brushing and power driven equipment.**

**Paving.**

**Surfacing.**

**Tunnelling.**



Shaft sinking.  
Installation of machinery.  
Building moving.  
Dredging.  
Rat hole drilling.  
Operation of sand, shale or gravel pits; concrete mixing plants; water works.  
Painting.  
Decorating.  
Plastering.  
Stuccoing.  
Insulating.  
Lathing.  
Shingling.  
Tile setting.  
Terrazzo work.  
Roofing.  
Window cleaning.  
Cleaning and renovating of structures by means of sand blasting, steaming or similar methods.  
Application of cement by means of blasting guns.  
Handling, cutting and installation of glass.  
Outdoor advertising.  
Fumigating.  
Teaming.  
Trucking.  
Cartage.  
Mail contracting except when carried on in respect of a rural delivery or a staging mail route.  
Parcel delivery by motor cycle, scooter or bicycle.  
Plumbing.  
Steam and hot water heating, including sheet metal.  
Laying of weeping tile.  
Installation of sprinkler systems.  
Hot air heating.





Tinsmithing.  
Metal roofing.  
Electric wiring.  
Installation of radio and television receiving antennae.  
Floor laying.  
Linoleum laying (including lino tiles).  
Installation of metal fences.  
Light and power operation.  
Telephone and telegraph operation (other than rural telephone systems).  
Employees of workmen in or about coal mines.  
Mining of uranium.  
Prospecting for uranium where specified.  
Diamond drilling.  
Placer gold mining.  
Boat and vessel transportation.  
Manufacture of wood pulp; rubber tires; vehicles; bits; ice.  
Operation of wood yards; coal yards; tanneries; canneries; irrigation systems; exhibition associations; nursing homes.  
Manufacture, cutting and distribution of natural ice.  
Retreading of rubber tires.  
Retipping of bits.  
Manufacture and installation of vacuum cleaning systems.  
Installation, operation and servicing of closed circuit television channels.  
Extracting and processing and refining of salt.  
Loading grain into grain elevators or annexes and the unloading of grain therefrom.  
Operation of active treatment hospitals; auxiliary hospitals.  
Employment by towns and villages.  
Employment by municipal districts and counties.  
Employment by cities.  
Employment by the Canadian Pacific Railway and by Canadian Pacific Airlines.  
Employment by the Canadian National Railways and by Air Canada.

**29. Schedule 3 reads in part:**

Description of Disease	Description of Process
Pneumoconiosis	Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal; mining.

**30. Application of benefits.**

**31. Commencement of Act.**

Employment by the Northern Alberta Railways.  
Employment by the University of Alberta.  
Employment by city school boards or districts (separate or otherwise) ; school divisions.  
Employment by the University Hospital.  
Employment by the Eastern Rockies Forest Conservation Board.  
Employment by The Workmen's Compensation Board.

## SCHEDULE 2

Employment by:  
The Government of Canada in respect of employment as, when and where authorized by it;  
The Government of the Province of Alberta;  
The Alberta Government Telephones.

**29.** Schedule 3 is amended

- (a) by adding the word “, tunnelling” after the word “mining” in the column headed Description of Process opposite the word “Pneumoconiosis” in the column headed Description of Disease,
- (b) by striking out the word “Pneumoconiosis” in the column headed Description of Disease and by substituting the words “Pneumoconiosis caused by sclerogenitic mineral dust (silicosis, anthracosilicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death”.

**30.** The benefits provided by this Act to workmen and their dependants, other than the additional compensation provided for in sections 9, 10, 11 and 12, apply only to claims in respect of accidents occurring on or after the date of commencement of this Act and claims in respect of accidents occurring before that date shall be administered under and in accordance with the law in effect at the time the accident occurred.

**31.** This Act comes into force on the day upon which it is assented to.

No. 107

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SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

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**BILL**

An Act to amend The Workmen's  
Compensation Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. REIERSON

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