

1969 Bill 91

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Second Session, 16th Legislature, 18 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 91**

**An Act to amend The Workmen's Compensation Act**

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HON. MR. REIERSON

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 91

1969

An Act to amend The Workmen's Compensation Act

(Assented to \_\_\_\_\_, 1969)

**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 (d) by striking out the word "the" and by substituting the word "The",

(b) by adding the following clause after clause (v) :

(v1) "pension" means a periodic payment to a workman in respect of whom a permanent disability has been assessed, or to a dependant of a deceased workman, the capital cost of which has been charged to the Accident Fund and includes periodic payments to workmen (or their dependants) of employers in Schedule 2;

**3.** Section 4 is amended by striking out subsection (2a).

**4.** Section 5 is amended by adding the following after subsection (2) :

(3) Two commissioners constitute a quorum of the Board and the Board may act on all matters and things required or to be done by it on the majority decision of the commissioners.

**5.** Section 8 is amended by adding the following after subsection (2) :

(3) The Board may delegate all or any of its powers of adjudication and review to such officers of its staff as it designates.

## **Explanatory Notes**

- 1.** This Bill amends chapter 370 of the Revised Statutes.
- 2.** Definition added.
- 3.** Section 4 (2a) which relates to members of the Board prior to 1952 is no longer applicable and is repealed.
- 4.** Quorum of Board.
- 5.** Board authorized to delegate powers.

**6. Section 15 is amended**

- (a) by striking out subsections (2) and (3) and by substituting the following:

(2) The Board, any member or officer thereof or any person authorized by it for that purpose, may at any time enter into the establishment or premises of any employer who is liable to contribute to the Accident Fund, including any place of employment where that employer is then engaged in an industry to which the Act applies, for the purpose of ascertaining whether

- (a) the ways, works, machinery or appliances therein are safe, adequate and sufficient,
- (b) all proper precautions are taken for the prevention of accidents to the workmen employed in or about the establishment, premises or place of employment,
- (c) the safety appliances or safeguards prescribed by law are used and employed therein, and
- (d) the working conditions, including sanitation, heating where practicable, and ventilation are safe,

or for any other purpose that the Board considers necessary.

(3) Where, in any employment or place of employment, safety devices or appliances are, in the opinion of the Board or accident prevention officer of the Board, necessary for the prevention of accidents or disease, the Board or the accident prevention officer may order the installation or adoption of those devices or appliances, and may fix a reasonable time within which they shall be installed or adopted, and the Board or the accident prevention officer shall give notice to the employer accordingly, 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, or an accident prevention officer thereof, authorizes its removal.

- (b) as to subsection (5) by adding after the words "order of the Board" the words "or an accident prevention officer thereof",
- (c) by striking out subsections (7) and (8) and by substituting the following:

(7) Where an accident causing injury or death to a workman in respect of which compensation is payable has occurred and where, in the opinion of

**6. Section 15 (2), (3), (7), (8) and (10) presently read:**

(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

- (a) the ways, works, machinery or appliances therein are safe, adequate and sufficient,
  - (b) all proper precautions are taken for the prevention of accidents to the workmen employed in or about the establishment or premises,
  - (c) the safety appliances or safeguards prescribed by law are used and employed therein, and
  - (d) the working conditions, including sanitation, heating, where practicable, and ventilation, are safe,
- or for any other purpose that the Board deems 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 to the employer accordingly, 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 authorizes its removal.

(7) 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.

(8) 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 deems just, and may assess and levy the same upon the employer.

(10) 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.

the Board, the accident was due entirely or mainly to the failure of the employer to comply with an order given under subsection (3) or with the regulations, 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 costs of the claim in respect of the injury or death as set out in section 59, and the payment of that sum may be enforced in the same manner as the payment of an assessment may be enforced.

(8) Where in the opinion of the Board

- (a) sufficient precautions are not taken for the prevention of accidents to workmen in the employment of any employer, or
- (b) the working conditions are not safe or the first aid requirements required by the Act or regulations have not been complied with,

the Board may assess and levy against the employer such an amount in addition to the other assessments authorized by this Act as the Board considers just.

(d) by striking out subsection (10).

**7. Section 19 is amended**

- (a) as to subsection (6) by adding at the end thereof the words “or from the date of the disability, whichever is the later”,
- (b) by striking out subsection (8a) and by substituting the following:

(8a) Where a workman dies after making a claim to the Board, no compensation shall be paid to a dependant unless the dependant makes a claim to the Board within three years after the death of the workman.

**8. Section 20 is amended by striking out the words “five thousand, six hundred dollars” where they occur in subsections (2) and (7) and by substituting the figures “\$6,600”.**

**9. Section 24 is amended.**

- (a) as to subsection (8), clause (b) by striking out the word “indicate” and by substituting the word “indicates”,
- (b) by striking out subsection (9) and by substituting the following:

(9) Where an accident happens to a workman in the course of his employment entitling him or his dependants to compensation under this Act, neither

**7. Section 19 (6) and (8a) presently read:**

(6) If the injury does not disable the workman longer than the day of the accident, no compensation other than medical aid shall be paid, but if the injury disables the workman longer than the day of the accident compensation shall be paid from and including the day following the day of the accident.

(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.

**8. Section 20 (2) and (7) presently read:**

(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 where no regular wage is paid or received, or if paid and received is less than two thousand five hundred dollars per annum, a stated sum in lieu of wages not exceeding five thousand, six hundred dollars and not less than two thousand five hundred dollars for or in respect of each member of his family named in the application.

(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, six hundred 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 period during which coverage is to be provided.

**9. Section 24 (9) presently reads:**

(9) Where an accident happens to a workman in the course of his employment entitling him or his dependants to compensation under this Act, neither the workman, his dependants nor his legal personal representative nor the employer of the workman has any right of action, in respect of or arising out 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 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 the workman of an employer in another class, the Board may direct that the compensation awarded in such case shall be charged against the last mentioned class, except that where it appears to the satisfaction of the Board that the injury to or death of the workman is due to the negligence of two or more persons, one of whom may be the workman, the Board may direct that the compensation awarded in such case shall be charged against the classes to which the employers who, or whose workmen, were negligent belong, in proportion to the degree of negligence of each person involved, and where the Board is of the opinion that it cannot establish different degrees of negligence, the compensation awarded shall be charged equally to the classes involved.

the workman, his dependants or his legal personal representative or the employer of the workman has any right of action in respect of or arising out of the personal injury suffered by or the death of the workman as a result of the accident

- (a) against the employer of the workman or any other workman of that employer, or
- (b) against any other employer in an industry within the scope of this Act,

when the conduct of the employer or workman which caused the injury arose out of and in the course of employment in an industry within the scope of this Act.

(9a) Where it appears to the satisfaction of the Board that a workman has been injured or killed owing to the negligence of another employer or his workman, the Board may direct that the costs of the claim shall be included in the experience account of that employer and, where the employers are in different classes, charged to the class in which that employer is included in the same manner as if those costs had been expended in respect of a workman of that employer, except that where it appears to the satisfaction of the Board that the injury to or death of the workman is due to the negligence of two or more persons, one of whom may be the workman, the Board may direct

- (a) that the costs of the claim shall be so included and charged in the experience accounts and classes of the employers who, or whose workmen, were negligent in proportion to the degree of negligence of each person involved, or
- (b) where the Board is of the opinion that it cannot establish different degrees of negligence, that the costs of the claim be included and charged in the same manner in the experience accounts and classes of the employers involved in equal proportions.

**10.** Section 25 is amended

- (a) as to subsection (8) by striking out clauses (b) to (d) and by substituting the following:
  - (b) such reports from time to time as he considers necessary or as may be required by the Board, and
  - (c) a report within three days after the workman, is in his opinion, able to resume work.
- (b) by adding the following subsection after subsection (9) :



**10. Section 25 (8) (b) to (d) and (10) presently read:**

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

.....

(b) progress reports, on the first and fifteenth day of each month, during the time he continues in attendance on the workman,

(c) a 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.

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

(9a) Upon the written request of the employer of an injured workman, the Board shall provide the employer with a report of the progress being made by the workman.

- (c) as to subsection (10) by striking out the words "a medical account for medical services" and by substituting the words "an account for medical aid".

**11.** (1) Section 26 is amended by striking out subsection (2).

(2) The following section is added after section 26:

**26a.** (1) At the written request of the employer of a workman who claims compensation, the Board shall require the workman to submit to a medical examination by a duly qualified medical practitioner selected by the employer and at the expense of the employer.

(2) Where a workman does not submit himself for the examination or in any way obstructs the examination, the Board may, on the application of the employer, suspend his right to compensation until the examination has taken place.

(3) A duly qualified medical practitioner who makes an examination of a workman pursuant to this section shall provide a copy of his report on the workman to the Board.

(4) If the employer fails to pay the expense of the medical examination and the reasonable expenses of the employee in connection with submitting to the examination, the Board may pay the expenses and the employer is liable to pay the Board the amount so paid and the repayment of the amount may be enforced in the same manner as the payment of an assessment may be enforced.

**12.** Section 27 is amended

- (a) by adding the following subsection after subsection (1):

(1a) Where a workman has applied for compensation, if his employer claims

- (a) a lesser disability than that found by the Board, or  
(b) a reduction of the period of compensation allowed by the Board, or  
(c) error on the part of the Board in some feature of circumstance of the workman's claim as affected by his physical condition, or  
(d) that the medical opinion on which the disputed finding was made is erroneous,

**11. Section 26 (2) reads:**

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

**12. Section 27 (1), (3) (d) and (e) presently read:**

27. (1) Where a workman has applied to the Board for compensation under the provisions of this Act, if he claims

- (a) a greater disability than that found by the Board,
- (b) a continuance of compensation beyond the period allowed by the Board,
- (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,

and makes to the Board a request in writing for an examination under the provisions of this section, the Board shall nominate not less than four duly qualified medical practitioners recognized as specialists in the particular class of injury or ailment in respect of which the workman has claimed compensation.

(3) The two medical practitioners selected shall examine the workman and certify to the Board as to

- .....
- (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 their opinion or in the opinion of the Board be pertinent to the claim.

and makes to the Board a request in writing for an examination of the workman under this section, the Board shall nominate not less than four duly qualified medical practitioners as provided in subsection (1).

- (b) as to subsection (3), clause (e) by adding after the words "other matters" the words "of a medical nature",
- (c) as to subsection (6) by striking out the words "from a workman".

**13.** Section 31 is amended

- (a) as to subsection (1) by striking out the words "Any payment" and by substituting the words "Any periodic or other payment",
- (b) as to subsection (3) by striking out the words "residing in Alberta".

**14.** Section 32, clause (a) is amended by adding after the words "charge upon" the words "the Government or upon".

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

- (a) by striking out clause (a) and by substituting the following:
  - (a) the necessary expenses of the burial or cremation of the workman, not exceeding \$350,
- (b) as to clause (b) by striking out the words "two hundred dollars" and by substituting the figures "\$300",
- (c) as to clause (b1) by striking out the words "fifty dollars" and by substituting the figures "\$100",
- (d) as to clause (d) by striking out the words "eighty-five dollars" and by substituting the figures "\$110",
- (e) as to clause (e), by striking out the words "forty-five dollars" and by substituting the figures "\$50",
- (f) as to clause (f) by striking out the words "forty-five dollars" and by substituting the figures "\$55",
- (g) as to clause (g) by striking out the words "thirty-five dollars" and by substituting the figures "\$50",
- (h) by striking out clauses (h) and (i) and by substituting the following:
  - (h) to, for or on behalf of a dependent widow in necessitous circumstances because of illness, irrespective of the date of the accident that caused the death, such additional amount as

**13. Section 31 (1) and (3) presently read:**

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.

(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 is chargeable against the compensation payable to the workman.

**14. Section 32 (a) presently reads:**

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

- (a) that a spouse, child or children dependent upon the workman and residing in the Province are 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

.....  
the compensation payable to the workman may be paid by the Board in whole or in part to or for the benefit of such spouse or children.

**15. Section 33 (1) presently reads:**

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 two hundred and fifty dollars,
- (b) to a dependent widow or dependent invalid widower, the sum of two hundred dollars as a contribution to the additional expense occasioned consequent upon the death of the deceased workman,
- (b1) the cost of the burial plot, not exceeding fifty dollars,
- (c) where the death occurred away from the workman's usual place of residence and it seems to the Board that transportation of the body is desirable, the necessary expense, not exceeding one hundred dollars, of
  - (i) transporting the body from the place of death
    - (A) to the usual place of residence of the workman, or
    - (B) if the usual place of residence is outside the Province, to the boundary of the Province,
  - and
  - (ii) transporting the body to and from an embalmer for the purpose of embalming,and where a funeral coach is used for transporting the body, the expense of such transportation shall be computed at thirty-five cents a mile travelled by such coach or at ten dollars, whichever amount is the greater,
- (d) to a dependent widow or dependent invalid widower a monthly payment of eighty-five dollars,
- (e) to a dependent child under the age of sixteen years, other than a dependent invalid child, a monthly payment of forty-five 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 twenty-one 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-five 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 thirty-five dollars monthly, to a dependent child under the age of twenty-one years or to a dependent invalid child as in the discretion of the Board appear necessary to adequately maintain and support such child,
- (h) to a dependent widow in necessitous circumstances because of illness, irrespective of the date of the accident that caused the death, such additional amount as the Board thinks fit, up to but not exceeding fifteen dollars a month for such period as to the Board seems appropriate by reason of the illness, and
- (i) to a dependent child or a dependent invalid child, irrespective of the date of the accident that caused the death, such additional amount because of illness as the Board thinks fit, up to but not exceeding ten dollars per month for such period as to the Board seems appropriate by reason of the illness.

the Board considers appropriate by reason of the illness, and

- (i) to, for or on behalf of a dependent child or a dependent invalid child, irrespective of the date of the accident that caused the death, such additional amount in respect of illness as the Board considers appropriate by reason of the illness.

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

**34.** (1) On and after May 1, 1969, 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 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 \$110 a month.

(2) On and after May 1, 1969, 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

- (a) \$50 for a child to whom section 33, subsection (1), clause (e) relates, and
- (b) \$55 for a child to whom section 33, subsection (1), clause (e1) or (f) or section 36 relates.

**17.** Section 36 is amended by adding the following subsection after subsection (1):

(1a) The amount of compensation payable under this section to a dependent child over the age of 16 years shall be a monthly payment of \$55.

**18.** Section 39 is amended by striking out the words "one thousand and twenty dollars" and by substituting the figure "\$1,320".

**19.** Section 41 is amended by adding the following after subsection (2):

(2a) The capital value of increases in monthly payments to dependent widows, dependent invalid widowers and dependent children as authorized by section 34, shall not be

**16. Upgrading of existing compensation payments.**

**17. Section 36 (1) 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 the school,
- (b) ceases to attend school, or
- (c) attains the age of twenty-one years.

**18. 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 one thousand and twenty dollars within one month after the date of her remarriage.

**19. Section 41 (2) presently reads:**

(2) The cost in any year of all capitalized awards arising out of the death of a workman shall, irrespective of the year of occurrence of the accident, be apportioned equally between all accidents that are, in that year, established to the satisfaction of the Board to be accidents resulting in death and arising out of and in the course of employment and the amounts so apportioned to each accident shall be charged and dealt with as an award arising out of that accident in the same manner as an award arising out of a fatal accident would have been charged and dealt with were it not for the provisions of this subsection.

included in determining the cost of capitalized awards for the purposes of subsection (2).

**20.** Section 44, subsection (1) is amended by striking out the words "Where a dependant" and by substituting the words "Where, on the date of death of the workman, a dependant".

**21.** Section 45 is struck out and the following is substituted:

**45.** Where a permanent total disability results from the injury, the compensation shall be a weekly payment equal to 75 per cent of the workman's average weekly earnings computed in accordance with section 50 which, subject to section 31, is payable during his lifetime.

**22.** Section 46 is amended by striking out subsection (1) and by substituting the following:

**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 disability by reason of the injury and award compensation accordingly based upon 75 per cent of the workman's average weekly earnings computed in accordance with section 50 which, subject to section 31, is payable during his lifetime.

**23.** Section 46a is amended by striking out the word "partial" wherever it occurs.

**24.** Section 47 is amended by striking out the words "the amount of".

**25.** Section 50 is amended by striking out subsections (1), (2) and (3) and by substituting the following:

**50.** (1) Subject to section 20, subsections (5) and (9), the average weekly earnings of a workman for the purposes of this Act shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated in industries to which the Act applies at the time of the accident, but not so as in any case to exceed \$6,600 a year.

(2) Where in any case it seems more equitable to do so, the Board may award compensation having regard to the earnings of the workman in industries to which the Act applies during the 12-month period preceding the date of the accident.



**20. Section 44 (1) presently reads:**

44. (1) Where a dependant is not a resident of Canada, he is not entitled to compensation unless by the law of the place or country in which he resides the dependants of a workman to whom an accident happens in such place or country, if resident in Canada, would be entitled to compensation, and where such dependants would be entitled to compensation under such law, the compensation to which the non-resident dependant is entitled under this Act shall not be greater than the compensation payable in the like case under that law.

**21. Section 45 presently reads:**

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, for the three consecutive years immediately preceding the first day of January preceding the date of the injury as determined by the Board,
- (b) the average weekly earnings of the workman in industries to which this Act applies during the three 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 as computed in accordance with section 50,

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

**22. Section 46 (1) presently reads:**

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, for the three consecutive years immediately preceding the first day of January preceding the date of the injury as determined by the Board,
- (b) the average weekly earnings of the workman in industries to which this Act applies during the three 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 as computed in accordance with section 50,

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.

**23. Section 46a presently reads:**

46a. Where a workman who has been awarded compensation for a permanent partial disability and has returned to employment becomes entitled to payment of temporary total compensation by reason of any matter arising out of the accident in respect of which the permanent partial disability award was made and

- (a) more than one year has elapsed from the date the permanent partial disability award was made, and
- (b) the payments he would receive as temporary total compensation and permanent partial disability compensation are together less than five dollars per day.

the workman shall be paid temporary total compensation in such amount as together with his permanent partial disability compensation will bring his total daily compensation to five dollars.

**24. Section 47 presently reads:**

47. 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 seventy-five per cent of the workman's average weekly earnings, computed in accordance with the provisions of section 50.

**25. Section 50 (1) to (3) presently read:**

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 remuneration, regard may be had to the average earnings as determined by the Board that were earned by a person in the same grade of employment for the previous twelve months:

Provided further that nothing in this subsection applies to any case in which the basis of compensation is fixed by clause (a) or (b) of section 45 or clause (a) or (b) of subsection (1) of section 46.

(3) Where, owing to the shortness of the time during which the workman was in the employment of his employer or the casual nature of his employment or the terms of his employment, it is impracticable to compute the rate of remuneration, regard may be had to the average earnings as determined by the Board that were earned by a person in the same grade of employment for the previous 12 months.

**26.** Section 50a is struck out and the following is substituted:

**50a.** The Board may, on the application of a workman, assume the cost of replacement or repair of any article of his clothing destroyed or damaged as a result of an accident in respect of which he is entitled to compensation.

**27.** The following section is added after section 50a:

**50b.** The Board may, on the application of a workman, pay an allowance

- (a) not exceeding \$100 a year for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis supplied by the Board, and
- (b) not exceeding \$50 a year for the replacement or repair of clothing worn or damaged by reason of the wearing of an upper limb prosthesis supplied by the Board.

**28.** Section 51 is amended

- (a) as to subsection (1)
  - (i) by striking out the words "or permanent total",
  - (ii) by striking out the words "thirty-five dollars" wherever they occur and by substituting the figures "\$40",
- (b) by adding the following subsection after subsection (6):
  - (7) Where a workman is incapable of endorsing his compensation cheque, any compensation to which he is entitled may
    - (a) be paid to his wife, or
    - (b) be applied in such manner as the Board considers in his best interest under the circumstances.

**29.** Section 52, subsection (1) is amended by striking out the words "amount of a payment," and by substituting the words "amount of compensation,".

(2) Where in any case in the opinion of the Board the provisions of subsection (1) 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 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, six hundred dollars per annum.

**26. Section 50a presently reads:**

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.

**27. Clothing allowance.**

**28. Section 51 (1) presently reads:**

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

**29. Section 52 (1) presently reads:**

52. (1) In fixing the amount of a payment, regard shall be had to any payment, allowance or benefit that the workman will 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.

**30.** The following sections are added after section 52:

**52a.** The amount of compensation to which an injured person is entitled under this Act

- (a) for permanent total disability shall not be less than \$175 a month, and
- (b) for permanent partial disability, assessed at more than 15 per cent of total disability, shall not be less than a proportionate monthly amount calculated according to the percentage of disability assessed.

**52b.** (1) On and after May 1, 1969, a person receiving compensation for permanent total or permanent partial disability assessed at more than 15 per cent 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 him up to \$175 for total disability and a proportionate amount thereof for partial disability calculated according to the percentage of disability assessed.

(2) The cost of the additional amounts of compensation paid under this section shall be paid to the Accident Fund out of the General Revenue Fund of the Province.

**31.** The following section is added after section 53:

**53a.** (1) The Board may require an employer in an industry in which exposure to silica dust occurs to cause all or any workmen

- (a) within one month from the date of entering the employment, and
- (b) thereafter at such intervals as the Board may direct,

to be examined by a duly qualified medical practitioner selected by and at the expense of the employer.

(2) The Board shall prescribe the nature of the medical examination, which shall include an x-ray examination.

(3) The duly qualified medical practitioner who examines a workman shall furnish to the Board the information and record with respect to the examination.

(4) The Board may require an employer to employ only those workmen who are found on the medical examination to be physically suited for employment in that industry.

**32.** Section 54 is amended

- (a) as to subsection (4) by striking out clauses (a) and (b) and by substituting the words "a per diem allowance of \$8 during the period of treatment,"

**30. Upgrading of permanent disability pensions.**

**31. Medical examination of workmen in silicosis affected industries.**

**32. Section 54 (4), (8) and (10) presently read:**

(4) Where, under the direction of the Board a workman is undergoing treatment at a place other than that in which he resides, the Board may make to him on account of his subsistence,

(a) a per diem allowance of eight dollars for the first seven days of treatment, and

(b) a per diem allowance for the subsequent period of treatment of

(i) six dollars, if the workman is maintaining his home with one or more dependants residing therein at a place other than the place of treatment, or

(ii) four dollars and fifty cents, if the workman is not maintaining his home with one or more dependants residing therein at a place other than the place of treatment,

but when the Board is providing the workman with any of his meals and with lodging, or with either, in a hospital, clinic, or other place, the per diem allowance may be reduced proportionately and as the Board deems proper in the circumstances.

(8) 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 requires him to be sent, and any employer failing to do so is liable by order of the Board to pay for such conveyance and transportation as is procured by the workman or by anyone for him, or as is provided by the Board.

(10) Accounts not received by the Board within the three month period

(a) if received within three months from the expiration of that period, may be paid by the Board in an amount equal to seventy-five per cent of the amount that would have been paid if it were not for the provisions of this subsection, or

(b) if received after three months but within six months from the expiration of that period may be paid in an amount equal to fifty per cent of the amount that would have been paid were it not for the provisions of this subsection,

and no such account or any part thereof shall be recognized by the Board or is recoverable unless rendered to and received by the Board within twelve months from the date of the conclusion of the treatment or the date it first became known to the physician or other person furnishing the medical services or other feature of medical aid that they were services for which the Board was liable to pay.

- (b) by striking out subsection (8) and by substituting the following:

(8) 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

- (a) to a hospital, or
- (b) to a physician, or
- (c) to the workman's home, or
- (d) to such other place as, in the opinion of the Board, the condition of the workman requires him to be sent,

and if the employer fails to pay for the conveyance and transportation, the Board may pay for it and the employer is liable to pay to the Board the amount so paid and the repayment of the amount may be enforced in the same manner as the payment of an assessment may be enforced.

- (c) as to subsection 10, clause (b) by striking out the word "six" and by substituting the word "nine".

**33.** Section 59 is struck out and the following is substituted:

**59.** (1) Separate experience accounts shall be maintained of assessments levied and costs of claims chargeable in respect of each employer, but for the purpose of paying compensation the Accident Fund shall nevertheless be deemed one and indivisible.

(2) Costs of claims chargeable to an employer shall include the capital cost of pensions awarded as well as amounts expended in connection with compensation and medical aid.

**34.** Section 64 is amended

- (a) as to subsection (3) by striking out the words "five thousand, six hundred dollars" and by substituting the figures "\$6,600",
- (b) by striking out subsection (15) and by substituting the following:

(15) If in any year or other fiscal period, as determined by the Board, the costs of claims chargeable to the experience account of any employer are in excess of a sum equal to the amount of the ordinary assessment against that employer for the same year increased by 5 per cent, the Board may assess and levy upon the employer for that year a super-assessment of such amount as the Board con-

**33. Section 59 presently reads:**

59. 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.

**34. Section 64 (15) presently reads:**

(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 deems 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.

siders proper, having regard to the amount of the excess and the extent of the amounts previously chargeable at any time against that employer's experience account.

**35. Section 66 is amended**

- (a) as to subsection (2) by striking out the words "five thousand, six hundred dollars," and by substituting the figures "\$6,600,"
- (b) by striking out subsection (4) and by substituting the following:
  - (4) A person who contravenes subsection (3) is guilty of an offence and liable on summary conviction to a fine of not more than \$25 and on default of payment to imprisonment for a term not exceeding three days.
- (c) by striking out subsection (6).

**36. Section 67, subsection (14) is amended by adding after the words "or officer" wherever they occur the words "or employee".**

**37. Section 77 is amended by striking out subsections (4) and (5) and by substituting the following:**

(4) Notwithstanding anything 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 that the employer is required to pay to the Board under any of its provisions or upon any judgment for that assessment or amount,

- (a) is a charge upon the property or proceeds of property of the employer, including moneys payable to, for or on account of the employer, within Alberta, and
- (b) has priority over all assignments by way of security, debts, liens, charges, mortgages, or other encumbrances whatsoever, whenever created or to be created, except wages due to workmen by their employer in cases where the exercise of the priority would deprive the workmen of their wages.

**38. Section 78 is amended by striking out subsection (2) and by substituting the following:**

(2) If the vendor has not furnished the certificate, the purchaser of the lumber is indebted to the Board for a sum equal to the moneys due by the producer or vendor of the lumber to the Board, up to but not exceeding (except as



**35. Section 66 (4) and (6) presently read:**

(4) Any such person is guilty of an offence and liable upon summary conviction to a fine of twenty dollars for each contravention of subsection (3).

(6) Every municipal assessor of a city, town, village, municipal district or county or of 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, county or improvement district, as the case may be, any industry or business other than farming, together with such information as the Board may require.

**36. Section 67 (14) presently reads:**

(14) 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 unless it is divulged under the authority of the Board to the persons directly concerned or to agencies or departments of the Government of Canada or of the Government of any province.

**37. Section 77 (4) and (5) presently read:**

(4) 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 that the employer is required to pay to the Board under any of the provisions of this Act or upon any judgment for such assessment or amount, is a charge upon the property of the employer, including moneys payable to, for, or on account of the employer, within the Province.

(5) Such charge has priority over all debts, liens, charges, mortgages or other encumbrances whatsoever, whenever created, except wages due to employees by their employer or employers in cases where the exercise of the priority would deprive the claimant thereof of such wages.

**38. Section 78 (2) presently reads:**

(2) If the vendor has not furnished such certificate, the purchaser of such lumber is 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 provided in subsection (3), the Board's assessment for the then current year in respect of the lumber so purchased.

provided in subsection (3)) such proportion of the Board's assessment against the producer or vendor as the Board may consider applicable in respect of the lumber.

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

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#### SCHEDULE 1

Coal mining  
Mining other than coal mining  
Lumbering  
Manufacturing  
Quarrying  
Construction  
Scavenging  
Street cleaning  
Transportation  
Irrigation  
Operation of public utilities  
Operation of briquetting plants  
Mine watchmen  
Erection of prefabricated steel buildings  
Guniting operations  
Concrete diamond drilling  
Rental of equipment with or without operator  
Maintenance service of plants and buildings  
Cleaning of chimneys and airducts  
Application of plastics and other coatings by spray  
Installation of telecommunication equipment  
Trenching where pipe and conduit is laid  
Installation and servicing of sound, inter-communication and alarm systems  
Manufacture of lumber, laths, shingles, ties  
Operation of sash and door factories, lumber yards where lumber is processed  
Marble works, stone cutting  
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,

**39.** Schedules revised.

- stone products, roofing products, floor tile, glass stucco chips, fibre glass products
- Carpenter work in shops
- Creosoting of timber
- 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 and servicing of gas or oil wells
- Servicing of drilling rigs
- Steam cleaning of gas or oil wells and oilfield equipment
- Casing pulling and pipe recovery from abandoned wells
- Seismic operations
- Drilling of 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 and servicing of gas or oil pipe lines
- Refining of used oil
- Automobile, truck, motorcycle 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, tire repair shops, motorcycle repair shops
- Rental or leasing of automotive vehicles without servicing
- Operation of blacksmith shops, machine shops, repair shops, caterpillar tractor repair shops, heavy equipment repair shops, galvanizing shops, scrap and junk yards, 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  
 Cleaning and/or coating of pipe  
 Gas and electric welding  
 Operation of bus lines  
 Operation of light repair shops, bicycle shops, locksmith shops, gunsmith shops, saw sharpening shops, central steam heating plants, buildings in which passengers and/or freight elevators are installed  
 Manufacture of mattresses, caskets and coffins, boats, canoes, metal doors, windows and awnings  
 Upholstering  
 Refrigeration servicing  
 Inspection and testing of pipe and pressure vessels  
 Servicing, and sale and servicing of machinery  
 Assembly and installation of metal racks (pipe), prefabricated metal lockers, partitions, folding doors, filing cabinets, golf carts, fertilizer spreaders and floating irrigation pumps  
 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  
 Sale and servicing of aircraft  
 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  
 Egg grading  
 Operation of cold storage locker systems, bulk oil stations  
 Cleaning stock and freight cars



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, measur-  
 ing, recording and control instruments, artificial limbs,  
 oil filters, tobacco products, radios, television receiving  
 sets, food products, vending machines  
 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  
 Publishing with printing  
 Parking lots, parkades  
 Operation of coin operated vending machines, rides,  
 washing, drying and cleaning units  
 Construction: general, telegraph and power line, high-  
 way, cement, masonry, brick, structural steel, railroad,  
 bridge, sewer, pipe line, grain elevator  
 Carpentry  
 Wrecking, demolition  
 Crane operations  
 Excavating, bulldozing





Brushing with power driven equipment  
Paving, surfacing  
Tunnelling, shaft sinking  
Installation or removal of machinery, boilers, tanks, iron  
stairs and ornamental metal work on or in buildings  
Building moving  
Dredging  
Rat hole drilling  
Boring and drilling of water wells  
Operation of sand, shale or gravel pits, concrete mixing  
plants, water works  
Painting, decorating  
Lathing, plastering, stuccoing  
Insulating  
Installation of acoustical materials  
Manufacture and installation of air conditioning  
systems  
Tile setting, terrazzo work  
Dry wall application and taping  
Roofing, shingling  
Window cleaning  
Cleaning and renovating of structures by means of sand  
blasting, steaming or similar methods  
Handling, cutting and installation of glass  
Caulking  
Outdoor advertising  
Fumigating  
Teaming  
Trucking  
Cartage  
Mail contracting, except when carried on exclusively in  
respect of a rural delivery or a staging mail route  
Parcel delivery by motorcycle, scooter or bicycle  
Sale and servicing of water softeners  
Plumbing, steam and hot water heating  
Sheet metal work, hot air heating and ventilation



Laying of weeping tile  
 Foundation waterproofing  
 Installation of sprinkler systems  
 Tinsmithing  
 Metal roofing  
 Electric wiring  
 Installation of radio and television receiving antennae  
 Floor laying, including sanding and finishing of hard-wood floors  
 Linoleum laying (including lino tiles)  
 Installation of metal fences  
 Electric power distribution  
 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, tires, vehicles, bits, ice  
 Operation of wood yards, coal yards, tanneries, canneries, irrigation systems, exhibition associations  
 Manufacture, cutting and distribution of natural ice  
 Retreading of tires  
 Retipping of bits  
 Manufacture and installation of vacuum cleaning systems  
 Installation, operation and servicing of closed circuit television channels  
 Extracting, 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  
 Operation of contract nursing homes under *The Nursing Homes Act*



Employment by towns and villages  
Employment by municipal districts and counties  
Employment by cities  
Employment by Canadian Pacific Railway and by Canadian Pacific Airlines  
Employment by Canadian National Railways and by Air Canada  
Employment by Northern Alberta Railways  
Employment by The University of Alberta  
Employment by The University of Calgary  
Employment by The University of Lethbridge  
Employment by city school boards or districts (separate or otherwise), school divisions  
Employment by the University of Alberta Hospital  
Employment by the Eastern Rockies Forest Conservation Board  
Employment by The Alberta Liquor Control Board  
Employment by The Workmen's Compensation Board.

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## SCHEDULE 2

Employment by:

The Government of Canada in respect of employment as, when and where authorized by it

The Government of Alberta

The Alberta Government Telephones.

**40.** The benefits provided by this Act to workmen and their dependants, other than the additional compensation provided for in sections 16, 18, 27, 28, 30 and 32, apply only to claims in respect of accidents occurring on or after May 1, 1969, 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.

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

