

1972 Bill 71

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 71

The Workmen's Compensation Amendment Act, 1972

THE MINISTER OF LABOUR

First Reading

Second Reading

Third Reading

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BILL 71

1972

THE WORKMEN'S COMPENSATION AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. *The Workmen's Compensation Act is hereby amended.*

2. *The following section is added after section 10:*

10.1 Where notice of an accident is given to the Board or a claim is made by a workman or a dependant, the Board shall, where it makes a determination as to the entitlement of the workman or a dependant, advise the workman or in the case of his death, his dependant, as soon as practicable of the particulars of its determination.

3. *Section 20 is amended*

(a) *as to subsection (2) by striking out the figure "\$6600" and by substituting the figure "\$7600",*

(b) *as to subsection (7) by striking out the figure "\$6600" and by substituting the figure "\$7600".*

4. *Section 32 is amended by striking out subsections (6) and (7) and by substituting the following:*

(6) Where a person has been committed or admitted to an institution, and

(a) he is working inside or outside the institution in an industry to which this Act does not apply, or

(b) is participating in a work training or similar program either inside or outside the institution,

he shall, while so engaged, be deemed to be a workman employed by the Government for the purposes of this Act.

(7) Where a person becomes entitled to compensation under subsection (6), the compensation payable to him shall

(a) in the event of an injury in an industry to which this Act does not apply, be based on

Explanatory Notes

1. This Bill will amend chapter 397 of the Revised Statutes of Alberta 1970.

2. Notification of Board's determination.

3. Section 20, subsections (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 \$2,500 per annum, a stated sum in lieu of wages not exceeding \$6,600 and not less than \$2,500 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 \$6,600 and not less than \$2,500, 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.

4. Section 32, subsections (6) and (7) presently read:

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

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

(i) the usual rate of wages payable to a person with similar working experience outside an institution, or

(ii) the rate of wages paid to him for the work, whichever is the greater, or

(b) in the event of injury in a work training or similar program, be based on the usual apprenticeship rate in the trade in which he was training or participating which would be payable to an apprentice with similar working experience outside an institution, not exceeding in any case the maximum amount of compensation fixed by this Act.

(7.1) If a person committed or admitted to an institution is, or subsequently becomes, entitled to compensation under this Act, the compensation otherwise payable to or in respect of the person may, in the discretion of the Board, be paid to the dependent wife or other dependants of the person.

(7.2) In this section, "institution" means

- (a) a correctional institution under *The Corrections Act*;
- (b) a hospital designated as such by the Lieutenant Governor in Council under *The Mental Health Act*.

5. Section 52, subsection (1) is amended by striking out the figure "\$6600" and by substituting the figure "\$7600".

6. Section 55, subsection (1) is amended by striking out the figure "\$40" wherever it occurs and by substituting in each case the figure "\$50".

7. Section 57, clause (a) is amended by striking out the figure "\$175" and by substituting the figure "\$225".

8. Section 58, subsection (1) is amended

- (a) by striking out the words "May 1, 1969" and by substituting the words "May 1, 1972",
- (b) by striking out the figure "\$175" and by substituting the figure "\$225".

9. The amendments made by sections 5 and 6 of this Act may be used to recalculate existing allowances effective as of May 1, 1972.

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

5. Section 52, subsection (1) presently reads:

52 (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.

6. Section 55, subsection (1) presently reads:

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

7. Section 57, clause (a) presently reads:

57. 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

8. Section 58, subsection (1) presently reads:

58. (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.