

1979 BILL 13

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

**THE WORKERS' COMPENSATION
AMENDMENT ACT, 1979**

HONOURABLE BILL W. DIACHUK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

1979

THE WORKERS' COMPENSATION AMENDMENT ACT, 1979

(Assented to , 1979)

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

1 The Workers' Compensation Act is amended by this Act.

2 Section 6 is amended by striking out "prescribe rates of remuneration payable" and substituting "authorize, fix and provide for the payment of remuneration and expenses".

3 Section 32(1) and (2) is amended

(a) by striking out "1977" and substituting "1979",

(b) by striking out "\$90" and substituting "\$105", and

(c) by striking out "\$135" and substituting "\$157.50".

4 Section 37(4) is amended by adding "or" at the end of clause (e) and by adding the following after clause (e):

(f) where the accident occurred on or after July 1, 1979, in the amount of \$510 per month, together with an additional

Explanatory Notes

1 This Bill will amend chapter 87 of the Statutes of Alberta, 1973.

2 Section 6 presently reads:

6 The Lieutenant Governor in Council shall appoint an advisory committee to the Minister consisting of representative of employers, workers, the Board and members of the Legislative Assembly and may prescribe rates of remuneration payable to members of the committee.

3 Section 32(1) and (2) presently reads:

32(1) Where the only dependants are persons other than those mentioned in section 30, section 37, subsection (1) or in section 39, the compensation payable as the result of an accident occurring on or after July 1, 1977 shall be a sum to be determined by the Board as reasonable and proportionate to the pecuniary loss to those dependants occasioned by the death but shall not exceed \$90 per month to a parent or parents or \$135 per month in total payments to all such dependants.

(2) On and after July 1, 1977, a dependant, other than a person mentioned in section 30, section 37, subsection (1) or in section 39, receiving compensation under this Act or any predecessor of this Act in respect of the death of a worker where the date or time of the award under or because of which the compensation is payable, or of the accident that occasioned the award is prior to that date, may be granted an additional payment of compensation sufficient to bring the monthly payment to an amount not exceeding \$90 per month in the case of a parent or parents or \$135 per month in total payments to all such dependants.

4 The new clause (f) provides for a new level of payment of compensation to foster parents where the worker dies as a result of an accident that took place on or after July 1, 1979.

sum of \$105 per month in respect of each child so maintained.

5 Section 38(1) is amended

(a) by striking out “1978” and substituting “1979”, and

(b) by striking out “\$5556” and substituting “\$6120”.

6 Section 39(1) is amended by adding “or” at the end of clause (b.2) and by adding the following after clause (b.2):

(b.3) \$105 per month, where the death or remarriage occurs on or after July 1, 1979,

7 Section 40 is amended

(a) in subsection (1) by striking out “1978” and substituting “1979”,

(b) by repealing subsection (1)(a) and substituting the following:

(a) \$510 per month, or

(c) in subsection (1)(b) by striking out “6%” and substituting “10%”,

5 Section 38(1) presently reads:

38(1) Upon a dependent widow or widower remarrying on or after July 1, 1978, the Board shall

(a) cease paying to that widow or widower periodic amounts as compensation, and

(b) pay to that widow or widower a lump sum termination payment in the amount of \$5556.

6 Section 39(1) presently reads:

39(1) Where a dependent widow or widower dies or remarries, the Board shall pay compensation at the rate of

(a) \$70 per month, or

(b) \$80 per month, where the death or remarriage occurs on or after April 1, 1975, or

(b.1) \$90 per month, where the death or remarriage occurs on or after July 1, 1976, or

(b.2) \$95 per month, where the death or remarriage occurs on or after July 1, 1978,

to each dependent child who is not being maintained as a foster child pursuant to section 37,

(c) until the child attains the age of 18 years or dies before attaining that age, or

(d) in the case of a dependent invalid child, irrespective of the age of the child, as long as in the opinion of the Board it might reasonably be expected that the worker had he lived would have continued to contribute to the support of the child.

7 Section 40 presently reads in part:

40(1) A dependent widow or widower or a foster-parent receiving compensation under this Act in respect of an accident that occurred on or after January 1, 1974 but prior to July 1, 1978 shall be granted an additional payment of compensation sufficient to increase the monthly payment to the dependent widow or widower or to the foster-parent, as the case may be, to the greater of

(a) an amount equal to the monthly payment of compensation that the deceased worker would have been paid under this Act if his injury, rather than resulting in death, had resulted in permanent total disability, or

(b) the amount of pension that person would otherwise receive plus 6% of that amount.

(d) in subsection (2) by striking out “\$463” and substituting “\$510”, and

(e) in subsection (4) by striking out “and” at the end of clause (b.1), by adding “and” at the end of clause (b.2) and by adding the following after clause (b.2):

(b.3) \$105 per month commencing July 1, 1979,

8 Section 47(1) is amended by adding “or” at the end of clause (e) and by adding the following after clause (e):

(f) \$18 250 per year, where the accident occurred on or after July 1, 1979.

9 Section 50(a) is amended by adding “or” at the end of subclause (v) and by adding the following after subclause (v):

(vi) \$510 per month, where the accident occurred on or after July 1, 1979,

(2) A dependent widow or widower or foster-parent receiving compensation under any predecessor of this Act in respect of an accident that occurred prior to January 1, 1974 shall be granted an additional payment of compensation sufficient to increase the monthly payment to the dependent widow or widower or to the foster-parent, as the case may be, to \$463 per month.

(4) A dependent child receiving compensation under this Act or any predecessor to this Act shall be granted an additional payment of compensation sufficient to increase the monthly payment to the dependent child to the sum of

(a) \$70 per month commencing January 1, 1974,

(b) \$80 per month commencing April 1, 1975,

(b.1) \$90 per month commencing July 1, 1976, and

(b.2) \$95 per month commencing July 1, 1978,

and such amounts shall be payable

(c) to a dependent child under the age of 18 years other than a dependent invalid child, until the child attains the age of 18 years or dies before attaining that age, or

(d) to a dependent invalid child, irrespective of the age of the child, for as long as in the opinion of the Board it might reasonably be expected that the worker had he lived would have continued to contribute to the support of the child.

8 Section 47(1) presently reads:

47(1) Subject to the regulations, the average weekly earnings of a worker 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 worker 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

(a) \$10 000 a year, where the accident occurred on or after January 1, 1974, or

(b) \$13 000 a year, where the accident occurred on or after April 1, 1975, or

(c) \$14 500 per year where the accident occurred on or after July 1, 1976, or

(d) \$15 600 per year where the accident occurred on or after July 1, 1977, or

(e) \$16 550 per year, where the accident occurred on or after July 1, 1978.

9 Section 50 presently reads in part:

50 The amount of compensation to which an injured person is entitled under this Act

(a) for permanent total disability shall not be less than

10 Section 53 is amended by adding the following after subsection (1.4):

(1.5) On and after July 1, 1979, an injured person receiving compensation for permanent total disability or permanent partial disability under this Act or any predecessor of this Act shall be granted an additional payment of compensation sufficient to increase the monthly payment to that person to the greater of

(a) \$510 per month in case of permanent total disability or a proportionate monthly amount calculated according to the percentage of disability assessed in case of permanent partial disability, or

(b) the amount of pension that person would otherwise receive pursuant to subsection (1.4) plus 10% of that amount.

11 Section 94(2) is amended by striking out "1978" and substituting "1979".

12 This Act comes into force on July 1, 1979.

(i) \$275 per month, where the accident occurred on or after January 1, 1974, or

(ii) \$365 per month, where the accident occurred on or after April 1, 1975, or

(iii) \$405 per month where the accident occurred on or after July 1, 1976, or

(iv) \$436 per month where the accident occurred on or after July 1, 1977, or

(v) \$463 per month, where the accident occurred on or after July 1, 1978,

10 The new subsection (1.5) provides for additional compensation payments to existing pensions after July 1, 1979.

11 Section 94(2) presently reads:

(2) Claims in respect of accidents occurring prior to July 1, 1978 shall be administered under and in accordance with the law in effect at the time the accident occurred.