

1986 BILL 48

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 48

WORKERS' COMPENSATION AMENDMENT ACT, 1986

THE MINISTER OF COMMUNITY AND
OCCUPATIONAL HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 48

1986

WORKERS' COMPENSATION AMENDMENT ACT, 1986

(Assented to _____, 1986)

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 51(6)(a) and (b) are amended by striking out "\$675" and substituting "\$730".*

- 3 *Section 52(1) is repealed and the following is substituted:*

52(1) A worker receiving compensation for permanent total disability or permanent partial disability under any predecessor of this Act shall be granted an additional payment of compensation sufficient to increase the monthly payment to that person to,

(a) on and after January 1, 1982, the greater of

(i) \$675 per month in the case of permanent total disability, or, in the case of permanent partial disability, a proportionate part of \$675 per month based on the Board's estimate of the impairment of earning capacity from the nature and degree of disability, and

(ii) the amount of pension that worker would otherwise receive under section 53 of the former *Workers' Compensation Act* as at December 31, 1981, plus 10% of that amount;

(b) on and after July 1, 1986, the greater of

(i) \$730 per month in the case of permanent total disability, or, in the case of permanent partial disability, a proportionate part of \$730 per month based on the Board's estimate of the impairment of earning capacity from the nature and degree of disability, and

Explanatory Notes

1 This Bill will amend chapter W-16 of the Statutes of Alberta, 1981.

2 Section 51(6) presently reads:

(6) Compensation for permanent total disability and permanent partial disability is payable to the worker during his lifetime and shall not be less than

(a) in the case of permanent total disability, \$675 per month, and

(b) in the case of permanent partial disability, a proportionate part of \$675 per month based on the Board's estimate of the impairment of earning capacity from the nature and degree of disability.

3 Section 52 presently reads:

52(1) A worker receiving compensation for permanent total disability or permanent partial disability under 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) \$675 per month in the case of permanent total disability, or, in the case of permanent partial disability, a proportionate part of \$675 per month based on the Board's estimate of the impairment of earning capacity from the nature and degree of disability; and

(b) the amount of pension that worker would otherwise receive under section 53 of the former Workers' Compensation Act as at December 31, 1981 plus 10% of that amount.

(2) The cost of any additional amounts of compensation paid under subsection (1) in respect of accidents occurring prior to January 1, 1974 shall be paid to the Accident Fund out of the General Revenue Fund.

(ii) the amount of pension that worker would otherwise receive under clause (a) plus 8% of that amount, not to exceed an amount equal to the maximum pension payable under section 51.

4 Section 54 is repealed.

5 Section 55(1)(c) is amended by striking out "as adjusted pursuant to section 54, if applicable".

6 Section 65 is amended by striking out "\$139" and substituting "\$150".

7 Section 66 is amended by striking out "\$66" and substituting "\$75".

8 Section 68 is amended by striking out "\$139" and substituting "\$150".

4 Section 54 presently reads:

54(1) If

(a) a worker is temporarily disabled for a period of more than 12 months, or

(b) a period of more than 12 months elapses between the day of the accident and the commencement of temporary disability resulting from the accident

the Board shall, in determining the compensation to which the worker is entitled, adjust the worker's net earnings at the time of the accident by the same percentage as they would be adjusted by if he had been permanently totally disabled at the time of the accident.

(2) Subsection (1) applies regardless of whether the accident that gave rise to the right to compensation occurred before or after the coming into force of this Act.

5 Section 55(1) presently reads:

55(1) The Board may, if

(a) a worker who was awarded compensation in respect of an accident ceases to receive that compensation by reason of recovery from the disability,

(b) there is a recurrence of disability in the form of temporary disability and that disability is due to the same accident,

(c) the worker has, at the time of recurrence of the disability, earnings in an amount that is greater than the amount of his net earnings at the time of the accident as adjusted pursuant to section 54, if applicable, and

(d) more than 12 months have elapsed since the date of the accident,

pay compensation on and from the date of the recurrence on the same basis as if the worker had suffered another accident and been disabled on the date of the recurrence of disability.

6 Section 65 presently reads:

65 Notwithstanding any payment to a dependent spouse under section 64, the Board may pay compensation to a dependent child of the deceased worker who is not residing with the dependent spouse at the time of the worker's death in an amount not exceeding \$139 per month.

7 Section 66 presently reads:

66 If a worker dies as a result of an accident and leaves no spouse, or if a surviving spouse subsequently dies or is confined to an institution, prison or correctional institution, the Board may make additional payments of not more than \$66 per month to a dependent child of the worker to assist in his maintenance and support.

8 Section 68 presently reads:

68 If, with respect to an accident that occurs before January 1, 1982, the dependent spouse of the worker, on or after January 1, 1982,

(a) dies,

(b) marries, or

9 Section 69 is amended

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

69(1) A dependent spouse or a foster-parent receiving compensation under the former *Workers' Compensation Act* in respect of an accident that occurred on or after January 1, 1974 but prior to January 1, 1982 shall be granted an additional payment of compensation sufficient to increase the monthly payment to the dependent spouse or the foster-parent, as the case may be, to,

(a) on and after January 1, 1982, the greater of

(i) \$675 per month, and

(ii) the amount of pension that person would otherwise receive under the former *Workers' Compensation Act* as at December 31, 1981, plus 10% of that amount;

(b) on and after July 1, 1986, the greater of

(i) \$730 per month, and

(ii) the amount of pension that person would otherwise receive under clause (a) plus 8% of that amount, not to exceed an amount equal to the maximum pension payable under section 51.

(b) in subsection (2) by striking out "\$675" and substituting "\$730";

(c) in subsection (3) by striking out "\$139" and substituting "\$150".

10 Section 75(2) is repealed and the following is substituted:

(2) No action lies against

(a) a worker, his legal personal representatives or his dependants for the recovery of any money in connection with medical aid provided to the worker under this Part, or

(c) enters into a common law relationship and cohabits with the common law spouse for a period of

(i) at least 5 years, or

(ii) at least 2 years, if there is a child of that common law relationship,

the Board shall pay to each dependent child of the worker who is not being maintained pursuant to section 69(3), compensation at the rate of \$139 per month

(d) until the child reaches the age of 18 years, or

(e) 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.

9 Section 69 presently reads in part:

69(1) A dependent spouse or a foster-parent receiving compensation under the former Workers' Compensation Act in respect of an accident that occurred on or after January 1, 1974 but prior to January 1, 1982 shall be granted an additional payment of compensation sufficient to increase the monthly payment to the dependent spouse or the foster-parent, as the case may be, to the greater of

(a) \$675 per month, or

(b) the amount of pension that person would otherwise receive under the former Workers' Compensation Act as at December 31, 1981, plus 10% of that amount.

(2) A dependent spouse 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 spouse or to the foster-parent, as the case may be, to \$675.

(3) A dependent child receiving compensation under any predecessor of this Act shall be granted an additional payment of compensation sufficient to increase the monthly payment to that dependent child to the sum of \$139.

10 Section 75(2) presently reads:

(2) No action lies against

(a) any person other than the Board for the recovery of any money in connection with medical aid provided under this Part, or

(b) the Board for any amount in excess of the amount determined by the Board as payable in respect of medical aid provided under this Part.

(b) the Board for any amount in excess of the amount determined by the Board as payable in respect of medical aid provided under this Part,

regardless of whether the medical aid is provided before or after the coming into force of this Act.

11 This Act is deemed to have come into force on July 1, 1986.

11 Coming into force.