

BILL

No. 11 of 1918.

The Workmen's Compensation Act.

(Assented to , 1918.)

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

SHORT TITLE.

1. This Act may be cited as "*The Workmen's Com-Short title
pensation Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—
- (a) "Accident" shall include a wilful and intentional ^{Accident} act, not being the act of a workman, and shall also include a chance event occasioned by a physical or natural cause;
 - (b) "Accident funds" shall mean the funds provided for ^{Accident funds} the payment of compensation, outlays and expenses and the cost of installation and operation of mine rescue stations under this Act;
 - (c) "Board" shall mean the Commission as constituted ^{Board} under this Act;
 - (d) "Compensation" shall include medical aid except ^{Compensation} where such interpretation is inconsistent with the context;
 - (e) "Dependants" shall mean such of the members of ^{Dependants} 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;
 - (f) "Employer" shall include every person having in ^{Employer} his service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry to which this Act applies and includes municipal corporations, school boards, commissions and boards having the management of any work or service operated for a municipal corporation; and where the services of a workman are temporarily let or hired to another person by the person with whom the workman has entered into such a contract the latter shall be deemed to continue to be the employer of the workman while he is working for that other person;
 - (g) "Employment" shall include employment in an ^{Employment} industry or any branch, part or department of an industry;
 - (h) "Industry" in this Act shall include establishment ^{Industry} undertaking, trade and business as included in the schedules hereto;
 - (i) "Industrial disease" shall mean any of the diseases <sup>Industrial
disease</sup> mentioned in the form hereto and any other disease which by the regulations is declared to be an industrial disease;

- (j) "Invalid" shall mean physically or mentally incapable of earning; ^{Invalid}
- (k) "Medical referee" shall mean medical referee appointed by the Board; ^{Medical referee}
- (l) "Member of the family" shall mean and include wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister and a person who stood *in loco parentis* to the workman or to whom the workman stood *in loco parentis*, whether related to him by consanguinity or not so related and where the workman is the parent or grandparent of an illegitimate child shall include such child, and where the workman is an illegitimate child shall include his parents and grandparents; ^{Member of the family}
- (m) "Mine" shall mean mine as defined by *An Act respecting Mines*, being chapter 4 of the Statutes of Alberta, 1913; ^{Mine}
- (n) "Regulations" shall mean regulations made by the Board under the authority of this Act; ^{Regulations}
- (o) "Workman" shall include 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 but shall not include an outworker or a person engaged in clerical work if not exposed to the hazards incident to the nature of the work carried on in the employment, and shall also include any person engaged in training for mine rescue work or who with the knowledge and consent of the management is doing recovery work after an explosion, accident or catastrophe; ^{Workman}
- (p) "Construction" shall include reconstruction, repair, alteration and demolition; ^{Construction}
- (q) "Outworker" shall mean a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials. ^{Outworker}

THE BOARD.

3. There is hereby constituted a Commission for the administration of this Act, to be called The Workmen's Compensation Board, which shall consist of not more than three members to be appointed by the Lieutenant Governor in Council and shall be a body corporate. ^{Constitution of board}

4. One of the Commissioners shall be appointed by the Lieutenant Governor in Council to be Chairman of the Board and he shall hold that office while he remains a member of the Board. ^{Chairman}

5. In case of the death, illness or absence from Alberta of a Commissioner or of his inability to act from any cause the Lieutenant Governor in Council may appoint some person to act *pro tempore* in his stead and the person so appointed shall have all the powers and perform all the duties of a Commissioner. ^{Appointment of Commissioner pro tempore}

6. Each Commissioner shall hold office during good ^{Tenure}behaviour but may be removed at any time for cause. _{of office}

7. The presence of two Commissioners shall be necessary ^{Quorum}to constitute a quorum of the Board.

8. A vacancy in the Board shall not if there remain ^{Non-}two members of it impair the authority of such two members _{impairment}to act. _{of authority}

9. The office of the Board shall be situated in the City ^{Office of}of Edmonton and its sittings shall be held there except _{board and}where it is expedient to hold sittings elsewhere and in _{sittings}that case sittings may be held in any part of Alberta.

10. The members of the Board shall receive such salaries ^{Salaries}as may be fixed by the Lieutenant Governor in Council. _{of board}

11. The Board shall have like powers as the Supreme ^{Powers}Court for compelling the attendance of witnesses and of _{of board}examining them under oath, and compelling the production of books, papers, documents and things.

(2) The Board may cause depositions of witnesses residing within or without the province to be taken before any person appointed by the Board in similar manner to that prescribed by the Rules of the Supreme Court for the taking of like depositions in that Court before a Commissioner.

12. The Board may appoint such officers as the Board ^{Appointment}may deem necessary for carrying out the provisions of this _{of officers}Act and may prescribe their duties and fix their remuneration.

(2) Every person so appointed shall hold office during the pleasure of the Board.

13. The Board shall have exclusive jurisdiction to ^{Jurisdiction}examine into, hear and determine all matters and questions _{of board}arising under this Act, and the action or decision of the Board thereon shall be final and conclusive and shall not be open to question or review in any court, and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceedings in any court or be removable by *certiorari* or otherwise into any court.

(2) Nothing in subsection 1 shall prevent the Board from reconsidering any matter which has been dealt with by it or from rescinding, altering or amending any decision or order previously made, all of which the Board shall have authority to do.

14. The Board may act upon the report of any of its ^{Board}officers and any inquiry which it shall be deemed necessary _{may act on}to make may be made by a Commissioner, or by an officer _{report of}of the Board or some other person appointed to make the inquiry and the Board may act upon his report as to the result of the inquiry.

(2) The person appointed to make the inquiry shall for the purposes of the inquiry have all the powers conferred upon the Board.

15. The Board may make such regulations and prescribe ^{Board}such forms as may be deemed expedient for carrying out _{may make}regulations.

the provisions of this Act and any such regulations shall come into force at the expiration of thirty days from the date of their publication in The Alberta Gazette.

16. The Board may add to, withdraw or re-arrange any industries which are or may be included in the schedules hereto.

17. If any question arises as to whether an industry or any part thereof is an industry to which this Act applies, the question shall be decided by the Board whose decision shall be final.

18. The accounts of the Board shall be audited by the Provincial Auditor. Accounts to be audited

19. The Board shall, on or before the fifteenth day of February in each year make a report to the Lieutenant Governor in Council of its transactions during the next preceding calendar year. Annual report

(2) Every such report shall be forthwith laid before the Legislature if the Legislature is then in session and if it is not then in session, within fifteen days after the opening of the next session.

ASSESSMENT.

20. Within a reasonable time after the first day of July, 1918, the Board shall make an assessment on the employers for the purposes of this Act and to cover the cost of the administration thereof of such amount as the Board may consider necessary. Provisional assessment

(2) The Board shall from time to time thereafter as it may deem expedient and at least quarterly make an assessment on each employer for the period which has elapsed since the next preceding assessment was made but in no event shall the amount assessed be less than \$5. Subsequent assessment

(3) The sums to be so assessed may be either a percentage of the payroll of the employer or a specific sum as the Board may determine. How assessment may be made

(4) Where the payroll includes the wages or salary of a workman who has been paid more than at the rate of \$2,000 per annum the excess shall be deducted from the amount of the payroll and the assessments shall be based on the amount of it as so reduced. Deduction from payroll of proportion of wages

(5) The assessment may be made in such manner and form as the Board may deem adequate and expedient. Manner and form of assessment

21. Every employer shall pay to the Board the sum payable by him within fifteen days after the notice of the assessment of the amount so payable has been given to him. Assessments, when payable

(2) The notice may be sent by registered post to the employer and shall be deemed to have been given to him on the day on which the notice was posted. How notice may be served

22. If for any reason an employer liable to assessment is not assessed he shall nevertheless be liable to pay to the Board the amount for which he should have been assessed and payment of that amount may be enforced in the same manner as the payment of an assessment may be enforced. Employer not assessed liable to pay amount for which he should have been assessed

23. Notwithstanding that the deficiency arising from a default in the payment of the whole or part of any assessment has been made up by a special assessment the defaulting employer shall continue liable to pay to the Board the amount of every assessment made upon him or so much of it as remains unpaid.

24. If in the opinion of the Board it is necessary to provide and maintain a reserve fund to meet the payments to be made in respect of compensation as they become payable and so as not unduly or unfairly to burden the employers in future years with payments which are to be made in these years in respect of accidents which have previously happened, the Board may from time to time set apart an amount from the assessments for that purpose and the amount so set apart shall form a reserve fund and may be invested by the Board in securities in which a trustee may by law invest moneys.

25. An order of the Board for the payment of money made under the authority of this Act or a copy of any such order certified by the Secretary of the Board to be a true copy may be filed with the Clerk of the Supreme Court or of any District Court and when so filed shall become an order of the court and shall be enforced as a judgment of the court.

26. When any industry coming under the provisions of this Act is established or commenced the employer shall forthwith notify the Board of the fact and furnish to the Board an estimate of the probable amount of his payroll for the remainder of the year, verified by a statutory declaration, and shall pay to the Board a sum equal to that for which he would have been liable if his industry had been established or commenced before the last assessment was made or so much thereof as the Board may deem reasonable.

(2) The Board shall have the like powers and be entitled to the like remedies for enforcing payment of the sum payable by the employer under subsection 1 as it possesses or is entitled to in respect of assessments.

27. Subject to the regulations of the Board every employer included in this Act shall before the twentieth day of June, 1918, prepare and transmit to the Board a statement of the total amount of wages earned by all his workmen during each of the twelve calendar months then last past and shall monthly thereafter before the twentieth day of each month prepare and transmit to the Board a statement of the total amount of wages earned by all his workmen during the calendar month then last past and such statements shall be accompanied by such additional information as the Board may require and shall be verified by a statutory declaration of the employer, or his representative, or where the employer is a corporation by an officer of the corporation having a personal knowledge of the matter to which the declaration relates.

(2) If an employer does not make and transmit to the Board the prescribed statement or cause same to be done within the prescribed time the Board may base any assessment thereafter made upon such sum as in its opinion is the probable amount of the payroll of the employer and the employer shall be bound thereby, but if it is afterwards ascertained that such amount is less than the actual

amount of the payroll the employer shall be liable to pay to the Board the difference between the amount for which he was assessed and the amount for which he should have been assessed on the basis of his payroll.

28. The Board or any member of it or any officer or person authorized by it for that purpose shall have the right to examine the books and accounts of the employer and to make such other inquiry as the Board may deem necessary for the purpose of ascertaining the amounts of the payroll of any employer and for the purpose of any such examination and inquiry the Board and person so appointed shall have all the powers which may be conferred on a commissioner appointed under *An Act respecting Inquiries Concerning Public Matters*.

Examination
of accounts
and books of
employer

(2) No person shall obstruct or hinder the making of an examination or inquiry mentioned in subsection 1 or refuse to permit it to be made.

(3) If a statement is found to be incorrect the assessment shall be made on the true amount of the payroll as ascertained by such examination and inquiry or if an assessment has been made against an employer on the basis of his payroll being as shown by the statement, the employer shall pay to the Board the difference between the amount for which he was assessed and the amount for which he should have been assessed.

Assessment
may be made
to correspond
with payrolls

29. The Board or any member of it or any officer or person authorized by it for that purpose shall have the right at any time to 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 the ways, works, machinery or appliances therein are safe, adequate and sufficient and whether all proper precautions are taken for the prevention of accidents as to the workmen employed in or about the establishment or premises and whether the safety appliances or safeguards prescribed by law are used and employed therein, or for any other purpose which the Board may deem necessary for the purpose of determining the proportion in which such employer should contribute to the accident fund.

Board to
have right
to inspect
premises of
employer

30. Every employer shall keep in such form and with such detail as may be required for the purposes of this Act a careful and accurate account of all wages paid to his employees and such account shall be kept within the province and shall be produced to the Board or its officers when so required.

Employer to
keep account
of wages paid

ACCIDENT FUND.

31. A separate accident fund shall be provided for each schedule by contributions to be made in the manner herein provided, by all employers included in that schedule and compensation payable in respect of accidents under each schedule and the costs of administration shall be paid out of the accident fund provided for by that schedule.

How accident
fund to be
provided

32. Where at any time there is not money available in any accident fund for payment of the compensation which has become due, the Lieutenant Governor in Council may direct that the same be advanced out of the Consolidated

Advance of
compensation
out of
Consolidated
Revenue Fund

Revenue Fund and in that case the amount advanced shall be repaid to the Provincial Treasurer after the next assessment, together with interest at the rate of six per centum per annum.

33. Separate accounts shall be kept of the amounts collected and expended in respect of each employer, but for the purpose of paying compensation each accident fund shall nevertheless be deemed one and indivisible. Separate accounts to be kept for each class and industry

(2) Where a greater number of accidents has happened to workmen in the employ of any employer than in the opinion of the Board ought to have happened, the Board may add to the amount of any contribution to the accident fund for which such employer is liable such a percentage thereof as the Board may deem just and may assess and levy the same upon such employer. Increase of assessment in certain cases

(3) The powers conferred by the preceding subsections herein may be exercised from time to time and as often as in the opinion of the Board occasion may require. Powers may be exercised as occasion requires

COMPENSATION.

34. Where in any employment to which this Act applies personal injury by accident arising out of and in the course of the employment is caused to a workman compensation shall be paid in the manner and to the extent herein mentioned— Compensation to workmen

- (a) If a workman is disabled for a period of fourteen days or more he shall be paid compensation from the day of the accident, but if he is disabled for a period of less than fourteen days he shall be paid for and from the fourth day after the accident; Exceptions
- (b) Except where the injury is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

(2) An employer or a member of his family may be deemed to be a workman within the meaning of this Act, provided that at the time of the accident he was carried on the payroll of the employer and his wages were included in the then last statement furnished to the Board under sections 26 and 27, and he or his dependants shall be entitled to compensation accordingly. Employer or member of family of employer employed as workman

35. This Act shall not apply to—

- (a) A person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business; Act not to apply to casual employment
- (b) Non-residents of the Dominion of Canada who are dependants after one year after the arrival of the workman in Canada; provided this subsection shall not apply to the father and mother of the workman. Dependants resident without Canada

(2) Clause (b) of this section shall not take effect until one year after the date of the passing of this Act.

36. Employers to whom this Act applies shall be liable to contribute to the accident funds, as herein provided. Employers liable to contribute to the accident fund

37. Where an accident happens while the workman is employed elsewhere than in the province which would entitle him or his dependants to compensation under this Act if it had happened in the province, the workman or his dependants shall be entitled to compensation under this Act—

- (a) If the place or chief place of business of the employer is situate in the province and the residence and the usual place of employment of the workman are in the province and his employment out of the province has immediately followed his employment by the same employer within the province and has lasted less than six months; or
- (b) If an accident happens to a workman who is a resident of the province and the nature of the employment is such that in the course of the work or service which the workman performs it is required to be performed both within and without the province.

(2) Except as provided by subsection (1) no compensation shall be payable under this Act where the accident to the workman happens elsewhere than in the province.

(3) Where by the law of the country or place in which the accident happens the workman or his dependants are entitled to compensation in respect of it they shall be bound to elect whether they will claim compensation under the law of such country or place or under this Act and to give notice of such election and if such election is not made and notice given it shall be presumed that they have elected not to claim compensation under this Act.

(4) Where the compensation is payable out of the accident fund notice of the election shall be given to the Board within three months after the happening of the accident or in case it results in death within three months after the death or such longer period as either before or after the expiration of such three months the Board may allow.

38. No action shall lie for the recovery of compensation but all claims for compensation shall be heard and determined by the Board.

(2) The provisions of this Act shall be in lieu of all rights and rights of action, statutory or otherwise, to which a workman or his dependants are or may be entitled against the employer of such workman for or by reason of any accident happening to him while in the employment of such employer and no action in respect thereof shall lie.

39. If a workman receiving periodical payments ceases to reside in the province he shall not thereafter be entitled to receive any such payments unless a medical referee certifies that the disability resulting from the injury is likely to be of a permanent nature and if a medical referee so certifies and the Board so directs the workman shall be entitled quarterly to the amount of the periodical payments accruing due if he proves in such manner as may be prescribed by the regulations his identity and the continuance of the disability in respect of which the same is payable; provided, that a workman who claims compensation or to whom

compensation is payable under this section shall if so required by the Board submit himself for examination by a medical referee.

40. It shall not be competent for a workman to agree with his employer to waive or to forego any of the benefits to which he or his dependants may become entitled under this Act and every agreement to that end shall be absolutely void. Right to compensation may not be waived

41. No sum payable as compensation or by way of commutation of any periodical payment in respect of it shall be capable of being assigned, charged or attached nor shall any claim be set off against it by operation of law or otherwise unless with the approval of the Board. Compensation not assignable or liable to attachment

42. Subject to subsection 4 compensation shall not be payable unless notice of the accident is given to the employer or his representative before the injured person leaves the works on the date of the accident, if he is able to do so, and in every case before he has voluntarily left the employment in which he was injured. Notice of accident to be given

(2) The notice shall give the name and address of the workman and shall be sufficient if it states in ordinary language the cause of the injury and where the accident happened. Nature of notice

(3) All claims for compensation shall be made to the Board within three months from the happening of the accident or in case of death within three months from the time of death. Period, within which claims to be made

(4) Failure to give the prescribed notice or to make such claim or any defect or inaccuracy in the notice shall not bar the right to compensation if in the opinion of the Board the claim for compensation is a just one and ought to be allowed. Failure to give notice

43. A workman who claims compensation or to whom compensation is payable under this Act shall if so required by the Board submit himself for examination by a medical referee. Workman to submit to examination

(2) A workman shall not be required to submit himself for examination otherwise than in accordance with the provisions of subsection 1 of this section.

44. The medical referee who has examined a workman by direction of the Board under subsection 1 of section 43 shall certify to the Board as to the condition of the workman and his fitness for employment, specifying where necessary the kind of employment, and if unfit the cause of such unfitness and his certificate unless the Board otherwise directs shall be conclusive to the matters certified. Certificate of medical referee

(2) If a workman does not submit himself for examination by a medical referee as provided by subsection 1 of section 43 or in any way obstructs an examination his right to compensation or if he is in receipt of a periodical payment his right thereto shall be suspended until such examination has taken place. Failure to submit to examination

45. Where in any case, in the opinion of the Board, it will be in the interest of the accident funds to provide a special surgical operation or other special medical treatment for a workman, and the furnishing of the same by Special medical treatment

the Board is in its opinion the only means of avoiding heavy payment for permanent disability the expense of such operation or treatment may be paid out of the accident fund.

46. Any payment to a workman may be reviewed on the Board's own motion or at the request of the workman and on such review the Board may put an end to or diminish or may increase such payment to a sum not beyond the maximum hereinafter prescribed.

47. Where compensation is payable the Board may commute the payments payable to a workman or a dependant to a lump sum.

(2) The Board may in any case where in its opinion the interest or pressing need of the workman or dependant warrants it, advance or pay to or for the workman or dependant such lump sum as the circumstances warrant and as the Board may determine.

SCALE OF COMPENSATION.

DEATH.

48. Where death results from an injury the amount of compensation not exceeding \$2,500 in the whole shall be—

- (a) The necessary expenses of the burial of the workman not exceeding \$75;
- (b) Where the widow or invalid husband is the sole dependant, a monthly payment of \$20;
- (c) Where the dependants are a widow or an invalid widower and one or more children a monthly payment of \$20 with an additional monthly payment of \$5 for each child under the age of sixteen years to be increased upon the death of the widow or invalid widower to \$10, not exceeding in the whole \$40 per month;
- (d) Where the only dependants are children a monthly payment of \$10 to each child under the age of sixteen years, not exceeding in the whole \$40 per month; provided that where there are more than four children the payments may be proportioned;
- (e) Where the only dependants are persons other than those mentioned in the foregoing clauses, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding to the parents or parent \$20 per month, and not exceeding in the whole \$30 per month.

(2) In the case provided for by clause (e) of subsection 1 the payments shall continue only so long as in the opinion of the Board it might reasonably have been expected had the workman lived he would have continued to contribute to the support of the dependants.

- (a) Compensation shall be payable to an invalid child without regard to the age of such child, and payments to such child shall continue so long as in the opinion of the Board it might reasonably have been expected had the workman lived he would have continued to contribute to the support of such child.

(3) Where there are both total and partial dependants the compensation may be allotted partly to the total and partly to the partial dependants. Compensation to total and partial dependants

(4) Where the Board is of the opinion that for any reason it is necessary or desirable that a payment in respect of a child should not be made directly to its parent, the Board may direct that the payment be made to such persons or be applied in such manner as it may deem most for the advantage of the child. Direction of payment for benefit of children

(5) Where a payment to any one of a number of dependants ceases the Board may in its discretion readjust the payments to the remaining dependants so that the remaining dependants shall thereafter be entitled to receive the same compensation as though they had been the only dependants at the time of the death of the workman. Readjustment of payments

49. Subject to the provisions of section 48 if a dependent widow marries the monthly payments to her shall cease, but she shall be entitled in lieu of them to a lump sum equal to the monthly payments for two years and such lump sum shall be payable within one month after the date of her marriage. Marriage of widow

(2) Subsection 1 shall not apply to payments to a widow in respect of a child but the payments provided in section 48 subsection 1 clause (c) in respect of a child shall cease when the child attains the age of sixteen years or dies. Exception

50. Where a workman leaves no dependants such sum as the Board may deem reasonable for the expenses of his medical attendance, nursing, care and maintenance shall be paid to the persons to whom such expenses are due. Expenses of medical attendance

PERMANENT TOTAL DISABILITY.

51. Where permanent total disability results from the injury the amount of compensation shall be a weekly payment of \$10 not exceeding in the whole \$2,500. Compensation for permanent total disability

(2) In the following cases it shall be conclusively presumed that the injury is permanent and results in total incapacity, to wit:

- (a) Total and permanent loss of sight of both eyes;
- (b) The loss of both feet at or above the ankle;
- (c) The loss of both hands at or above the wrist;
- (d) The loss of one hand at or above the wrist and one foot at or above the ankle;
- (e) Any injury to the spine resulting in permanent and complete paralysis of legs or arms or one leg and one arm;
- (f) Any injury to the skull resulting in incurable imbecility or insanity;

Provided that this enumeration shall not be conclusive but in other cases the Board shall find the facts.

PERMANENT PARTIAL DISABILITY.

52. Where permanent partial disability results from the injury the total compensation shall be: Compensation for permanent partial disability

- (a) For the loss by separation of one arm at or above the elbow joint or the permanent or complete loss of the use of one arm, \$1,000;

- (b) For the loss by separation of one leg at or above the knee joint or the permanent or complete loss of the use of one leg, \$860;
- (c) For the loss by separation of one foot at or above the ankle or the permanent or complete loss of the use of one foot, \$625;
- (d) For the permanent or complete loss of hearing, \$600;
- (e) For the permanent and irrecoverable loss of sight of one eye, \$550;
- (f) For the loss by separation of a thumb, \$150;
- (g) For the loss by separation of a finger or a great toe, \$100;
- (h) For the loss by separation of any toe except the great toe, \$50;
- (i) The loss of one phalanx of a thumb or two phalanges of a finger shall be considered equal to the loss of half a thumb or of a finger and compensation shall be one-half that of the loss of a thumb or of a finger;
- (j) The loss of more than one phalanx of a thumb and more than two phalanges of a finger shall be considered as the loss of an entire thumb or finger.

(2) In all other cases of injury resulting in permanent partial disability the compensation shall be fixed by the Board and shall be as near as possible in proportion to the amounts fixed herein for specified cases.

TEMPORARY TOTAL DISABILITY.

53. Where temporary total disability results from the injury the compensation shall be the same as that prescribed by section 51 subsection 1 but shall be payable only so long as the disability lasts. Compensation for temporary total disability

(2) Provided that in the case of any person who is under the age of twenty-one years and has no person wholly dependent upon him the amount shall be \$7.50 per week. Person under age of twenty-one years

TEMPORARY PARTIAL DISABILITY.

54. Where temporary partial disability results from an injury and the workman is at work at reduced earnings which are less than 90 per cent. of the earnings he was receiving at the time of the injury he shall receive compensation equal to 55 per cent. of the difference between the average weekly earnings received at the time of the injury and the average weekly earnings at which he is actually employed computed in accordance with the provisions of this Act. Compensation for temporary partial disability

(2) For the purposes of the provisions of this section relating to "earnings" and "average weekly earnings" of a workman the following shall be observed: Manner of computation of average weekly earnings

- (a) 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; provided that where 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, or the terms 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 weekly amount which during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

- (b) Where the workman had entered into concurrent contracts of service with two or more employers under whom he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;
- (c) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause;
- (d) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings.

55. In fixing the amount of a payment regard shall be had to any payment, allowance or benefit which the workman may receive from his employer during the period of his disability, including any pension, gratuity or other allowance provided wholly at the expense of the employer.

Allowance or benefit from employer to workman to be considered in fixing payments

56. Where a workman or a dependant is under the age of twenty-one years or under any other legal disability the compensation to which he is entitled may be paid to such person or be applied in such manner as the Board may deem most for his advantage.

Compensation in case of person under age of twenty-one years

57. All compensation due from the first day to the fifteenth day of a month, both days inclusive, shall be paid on the first Saturday of the month following and all compensation due from the sixteenth to the last day of a month, both days inclusive, shall be paid on the third Saturday of the month following.

Date of payment of compensation

(2) For the purpose of ascertaining the amount of compensation due such amount may be computed on a daily basis and regard may be had for a week of six days.

MEDICAL AID.

58. Any plan for providing medical aid to the workmen existing at the time of the coming into force of this Act or which is hereafter put into force and made available to the workmen and which in the opinion of the Board after investigation of the facts is found on the whole to be efficient in the interests both of the employer and of

Provisions for medical aid

the general body of the workmen may by order of the Board subject to such conditions as it may require be declared to be a plan approved by the Board:

Provided, however, that for the purpose of rendering immediate medical aid where no such plan as aforesaid is in force, in addition to any compensation payable under this Act the cost of medical attendance, nursing, care and maintenance rendered necessary by accident, as the Board may deem reasonable, not to exceed \$100, shall be paid by the Board out of the accident fund to the persons to whom the same may be due and payable.

INDUSTRIAL DISEASES.

59. Where—

(a) A workman suffers from an industrial disease as defined by this Act and is thereby disabled from earning full wages at the work at which he was employed; or

(b) The death of the workman is caused by such industrial disease,

and the disease is due to the nature of the employment in which the workman was employed at any time within the twelve months previous to the date of the disablement, whether under one or more employments, the workman or his dependants shall be entitled to compensation under this Act as if the disease were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications:

(c) The disablement shall be treated as the happening of an accident; and

(d) If the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable.

(2) If the workman at or immediately before the date of the disablement was employed in any process mentioned in the second column of the form hereto and the disease contracted is the disease in the first column of the form set opposite to the description of the process the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

(3) The Board may by the regulations require every physician treating a patient who is suffering from an industrial disease to report to the Board such information relating thereto as it may require.

(4) Nothing in this section shall affect the right of a workman to compensation in respect of a disease to which this section does not apply, if the disease is the result of an injury in respect of which he is entitled to compensation under this Act.

NOTICES AND RECEIPTS.

60. Every employer included in this Act shall keep posted in a conspicuous place on the premises where the work is carried on where it may be seen a certificate or duplicate of his last assessment receipt issued by the Board.

(2) Every workman shall before entering into any employment to which this Act applies satisfy himself that his employer has paid his assessment and that the same is paid thereafter when due, so that he may receive compensation in case of injury.

(3) Any person knowing of any violation of the provisions of this Act shall immediately report same to the Board or to some person appointed by the Board. Violations to be reported

61. No employer as defined by this Act shall keep or have in his employment any workman unless such employer has complied with the provisions of this Act. Employer to comply with provisions of Act

(2) When an employer as defined by this Act ceases to be an employer he shall within ten days notify the Board by registered mail of his ceasing to be an employer within the meaning of this Act. Employer to notify board when ceasing to be employer

62. Every employer to whom this Act applies having knowledge of the happening of an accident to a workman in his employment by which the workman is disabled from earning full wages shall notify the Board by registered mail within twenty-four hours of— Employers to give notice of accidents

- (a) Name and postal address of employer;
- (b) Name and postal address of person killed or injured;
- (c) Occupation;
- (d) Age;
- (e) Date of accident;
- (f) Time of accident;
- (g) Cause of accident;
- (h) Date of first employment;
- (i) Nature of injury;
- (j) Place of accident;
- (k) Name and address of the physician or surgeon, if any, by whom the workman was or is attended for the injury.

(2) The physician or surgeon who attends an injured workman shall forward to the Board a report within seven days after the date of his first attendance upon such workman on a form prescribed by the Board.

PENALTIES.

63. Any person who violates any of the provisions of this Act or any regulations made thereunder shall be liable on summary conviction to a penalty not exceeding five hundred dollars and costs and in default of payment to imprisonment for a period not exceeding three months.

64. The penalties imposed by or under the authority of this Act shall be recoverable on summary conviction before a justice of the peace or a police magistrate and the provisions of part XV of chapter 146 of the Revised Statutes of Canada, 1906 (*The Criminal Code*), shall apply to all prosecutions under this Act. Recovery of penalties

(2) All penalties imposed by this Act shall when collected be paid over to the Board and form part of the accident fund.

65. The Supreme Court or any judge thereof, whether any other proceedings have been taken or not may upon the application of the Board prohibit by injunction the employment of any person in contravention of this Act and may award such costs in the matter of the injunction as the court or judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act. Employment of persons in contravention of Act may be prohibited by injunction of Supreme Court

66. No prosecution shall be instituted for a violation against this Act except by some person appointed by the Board. Prosecution only by person appointed by Board

67. On the coming into force of this Act, so far as it relates to any employment covered thereby the provisions of *The Workmen's Compensation Act* being chapter 12 of the Statutes of Alberta, 1908, and any amendments thereto are hereby repealed so far as the provisions thereof relate to such employment. Application of Act

68. This Act shall except as provided in sections 20 and 27 come into force and effect on the first day of August, A.D. 1918, in so far as it applies to employment covered by the first schedule hereto, and on the first day of January, A.D. 1919, in so far as it applies to employment covered by the second schedule hereto, and upon the proclamation of the Lieutenant Governor in Council in so far as it applies to employment covered by the third, fourth and fifth schedules hereto. Date when Act to take effect

SCHEDULE 1.

- Class 1.—Employment in or about coal mines.
 Class 2.—Employment in or about coke ovens.
 Class 3.—Employment in or about briquetting plants.
 Class 4.—Employment in or about mines other than coal.

SCHEDULE 2.

Any trade or business connected with the industries of lumbering; fishing; manufacturing; building; construction; engineering; transportation; operation of electric power lines and power plants; waterworks and other public utilities; navigation; operation of boats, ships, tugs and dredges; operation of grain elevators and warehouses; teaming; scavenging and street cleaning; painting; decorating and renovating; dyeing and cleaning; planing mills; flour milling; packing plants; printing; lithographing and engraving; telephone and telegraph systems; laundries run by mechanical power; excavation; well drilling; operation of gas and oil wells; quarrying; lumber yards; ice or any occupation incidental thereto or connected therewith.

SCHEDULE 3.

The Canadian Pacific Railway Company and its allied industries except those included in schedule 1.

Where industries are mentioned in both schedules 2 and 3 they shall be deemed to be included in schedule 3.

SCHEDULE 4.

The Canadian Northern Railway Company and its allied industries except those included in schedule 1.

Where industries are mentioned in both schedules 2 and 4 they shall be deemed to be included in schedule 4.

SCHEDULE 5.

The Grand Trunk Pacific Railway Company and its allied industries except those included in schedule 1.

Where industries are mentioned in both schedules 2 and 5 they shall be deemed to be included in schedule 5.

FORM.

DESCRIPTION OF DISEASE	DESCRIPTION OF PROCESS
Anthrax	Handling of wool, hair, bristles, hides and skins.
Lead poisoning or its sequelae.	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Miners' Phthisis	Mining.
Phosphorus poisoning or its sequelae.	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelae.	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis.	Mining.

No. 11.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL

The Workmen's Compensation Act.

Received and read the

First time

Second time

Third time

HON. MR. STEWART.

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