

BILL

No. 77 of 1921.

An Act to amend The Workmen's Compensation Act, 1918.

(Assented to , 1921.)

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

1. Section 4 of *The Workmen's Compensation Act*, 1918, being chapter 5 of the Statutes of Alberta, 1918, is amended by adding thereto the following: "and another of the commissioners may be appointed by the Lieutenant Governor in Council as vice-chairman of the board."

2. Section 16 of the said Act is amended by striking out subsection 2 thereof, and substituting therefor the following:

"(2) In the case of any industry not within the scope of this Act, upon the application of the workmen engaged therein, or a majority thereof, or of the employer, the board may bring the industry or workmen within the scope of this Act, and upon so doing the industry or workmen shall be deemed to be within the scope of this Act:

"Provided, however, that this subsection shall not apply to employers in so far as any employees are concerned excluded from the provisions of this Act by section 69."

3. Section 48 of the said Act is amended—

(a) As to subsection 1 thereof by striking out the same, and substituting therefor the following:

"(1) Where death results from injury, the amount of compensation shall be—

"(a) The necessary expenses of burial of the workman, not exceeding one hundred dollars;

"(b) Where the widow or invalid husband is the sole dependent a monthly payment of thirty-five dollars;

"(c) Where the dependents are a widow or invalid husband and one or more children a monthly payment of thirty-five dollars with an additional monthly payment of seven dollars and fifty cents for each child under the age of sixteen years, not exceeding in the whole sixty-five dollars;

- “(d) Where the only dependents are children a monthly payment of twelve dollars and fifty cents to each child under the age of sixteen years, not exceeding in the whole fifty dollars;
 - “(e) Where the only dependents are persons other than those mentioned in the foregoing clauses a sum reasonable and proportionate to the pecuniary loss to such dependents occasioned by the death to be determined by the board but not exceeding thirty dollars per month to a parent or parents, and not exceeding in the whole sixty-five dollars per month.
- “(2) Where the workman leaves no widow, or the widow subsequently dies and it seems desirable to continue the existing household and an aunt, sister or other suitable person acts as foster-mother in keeping up such household and maintaining and taking care of the children entitled to compensation, in a manner which the board deems satisfactory, such foster-mother while so doing shall be entitled to receive the same monthly payments of compensation for herself and the children as if she were a widow of the deceased and in such case the children’s part of such payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive.”
- (b) As to subsections 2, 3, 4, 5 and 6 thereof, by changing the numbers thereof to 3, 4, 5, 6 and 7.

4. Section 51 of the said Act is amended as to subsection 1 thereof by striking out the same, and substituting therefor the following:

“51. 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 fifty-five per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of his employer.”

5. Section 52 of the said Act is hereby struck out, and the following substituted therefor:

“52. Where permanent partial disability results from the injury, the compensation shall be a weekly payment of fifty-five per cent. of the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident, and the compensation shall be payable during the lifetime of the workman.

“(2) Where the impairment of the earning capacity of the workman does not exceed ten per cent. of his earning capacity, instead of such weekly payment the board shall, unless in its opinion it would not be to the advantage of the workman to do so, direct that such lump sum as may be deemed to be the equivalent of it shall be paid to the workman.

“(3) Where deemed just, the impairment of the earning capacity may be estimated from the nature of the injury, having always in view the workman's fitness to continue the employment in which he was injured, or to adapt himself to some other suitable occupation.”

6. Section 53 of the said Act is hereby struck out, and the following substituted therefor:

“**53.** Where temporary total disability results from the injury, the compensation shall be the same as prescribed by section 51, but shall be payable only so long as the disability lasts.”

7. Section 54 of the said Act is amended as to subsection 2 thereof by striking out all the words from the beginning down to and including “the workman was being remunerated” in paragraph (a) thereof, and substituting therefor the following:

“(2) For the purposes of the sections of this Act relating to ‘earnings’ and ‘average weekly earnings’ of a workman the following rules shall be observed:

“(a) Average weekly earnings shall be computed in such a 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 two thousand dollars per annum.”

8. Section 54a is added to the said Act as follows:

“**54a.** The amount of compensation to which an injured person shall be entitled for temporary total or permanent total disability under the provisions of this Act shall not be less than ten dollars per week or where his average earnings are less than ten dollars per week the amount of such earnings.”

9. Section 58 of the said Act is amended by adding thereto the following as subsection 6 thereof:

“(6) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the board;

the fees or charges thereof shall be fixed and determined by the board, and no action shall lie in respect of any medical aid provided."

10. Schedule 2 of the said Act is amended by adding thereto after the word "ice" where it occurs therein the words "employment by the Crown in the right of the province in any capacity whatsoever."

No. 77.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to amend The Workmen's
Compensation Act, 1918.

Received and read the

First time

Second time

Third time

HON. MR. BOYLE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921