

A BILL TO AMEND THE WORKMEN'S COMPENSA-
TION ACT (ACCIDENT FUND).

NOTE.

The first amendment made by section 2 of the Bill empowers the Board to assess in any year a super-assessment against an employer against whose account for the preceding year an amount has been charged which exceeds the amount of the assessment of such employer for the current year increased by five per cent.

The Board, in fixing the rate of super-assessment, is to have regard to the amount of the excess and the amounts previously charged to the employer's account, and cannot impose a super-assessment in excess of thirty-three and one-third per cent of the ordinary assessment.

The second amendment made by section 2 provides for the inclusion on the payroll of any person employed by a company whether the company pays or is liable to pay such employee or not, and empowers the Board, for the purposes of assessment, to fix a sum as the wage or salary of such employee, such sum not to exceed two thousand dollars.

The third section of the Bill brings within the Act a policeman who is injured by an accident whilst journeying for the purpose of discharging police duty.

The fourth section of the Bill empowers the Board to enter into agreements with Boards of other Provinces to ensure the due payment of compensation in the case of workmen employed partly in Alberta and partly in another Province.

Section 5 of the Bill excludes Sundays and legal holidays from the computation of the period of seventy-two hours within which notice is required to be given in connection with hernia cases.

Section 6 of the Bill clarifies and amends the present provisions relating to the retraining of disabled workmen and the provision of special treatment for the removal of vocational handicaps resulting from injuries.

By the same section provision is made for the repair, maintenance and renewal of apparatus furnished an injured workman by the Board and for the defrayal, out of the medical aid fund, of the cost of repair, maintenance and renewal incurred after one year from the time such apparatus was originally provided.

Section 7 makes clear that advances made to a workman pursuant to subsection (2) of section 48 of the Act are on

account of and chargeable against the workman's compensation, and further empowers the Board, in cases where a workman or dependent entitled to periodic payments desires to commute the same and to reside elsewhere than in Canada, to award such lesser sum than the capitalized value of such payments as the Board deems sufficient to provide such workman or dependent with the same degree of comfort in the proposed place of residence as would have been obtainable by means of the full compensation payable if he or they had remained in the Province.

Sections 8 and 9 provide that the basis of compensation payable in respect of injuries sustained on and after the first day of April, 1932, shall be a weekly payment equal to sixty-six and two-thirds per cent of the average weekly earnings of workmen employed at similar work in the same occupation as shown by the records of the Board for the eight consecutive years immediately preceding the first day of January preceding the date of the injury.

Section 10 makes the provisions of section 56 inapplicable to the ascertainment of compensation on the new basis.

Section 11 requires employers to keep a record of all cases in which first aid treatment has been given to a workman for injuries.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 48 of 1932.

An Act to amend The Workmen's Compensation Act
(Accident Fund).

(Assented to _____, 1932.)

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

1. This Act may be cited as "*The Workmen's Compensation Act (Accident Fund) Amendment Act, 1932.*"

2. *The Workmen's Compensation Act (Accident Fund)*, being chapter 177 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 20 thereof by adding thereto the following new subsections:

"(10) If in any calendar year the amount chargeable to the account of any employer is in excess of a sum equal to the amount of the ordinary assessment against such employer for the current calendar year increased by five per centum, the Board may assess and levy upon such employer in that year a super-assessment of such amount as the Board may deem proper, having regard to the amount of such excess and the extent of the amounts previously chargeable at any time against such employer's account:

"Provided always that the amount of such super-assessment shall not exceed thirty-three and one-third per centum of the ordinary assessment.

"(11) Every company wheresoever and howsoever incorporated shall include upon its payroll the name of every person who is employed as a workman by such company, notwithstanding the fact that the company is under no legal obligation to pay such person any wages or salary, and in every such case the Board shall, for the purposes of assessment, fix such sum as it shall consider to represent a reasonable wage or salary for any such person having regard to the nature of the employment, but not in any case in excess of the sum of two thousand dollars, and shall add that sum to the amounts of the payroll for the purpose of assessment."

3. The said Act is further amended as to section 34 thereof by inserting therein, immediately after subsection (1b) thereof, the following new subsection:

"(1c) If a police officer sustains personal injury by accident at any time whilst he is journeying directly to or from

any place for the purpose of discharging any police duty or whilst he is journeying directly from his place of abode to any place for the purpose of reporting for duty, or whilst he is journeying directly from the place at which he reported off duty to his place of abode, he shall be deemed to have sustained such injury by accident arising out of and in the course of his employment."

4. The said Act is further amended as to section 37 thereof by inserting therein, immediately after subsection (1) thereof, the following new subsection:

"(1a) The Board may enter into an agreement with the Workmen's Compensation Board of any other Province of Canada providing for the payment of compensation in conformity to the provisions of this Act for injuries to workmen who are employed under such conditions that part of the work incidental to the employment is performed in Alberta and part of such work in another Province or at one time or season in Alberta and at another time or season in another Province, for the purpose of ensuring the payment to such workmen or their dependents payment of compensation either in conformity to this Act or in conformity to the Act in force in the other Province relating to workmen's compensation."

5. The said Act is further amended as to section 44a thereof by striking out the words "within seventy-two hours of so ceasing work" where the same occur in clause (c) of subsection (1) thereof, and by substituting therefor the words "within seventy-two hours (exclusive of Sundays and legal holidays) of so ceasing work."

6. The said Act is further amended as to section 45 thereof—

(a) by striking out subsection (3) thereof and by substituting therefor the following:

"(3) When any workman has been permanently disabled and desires to be trained for a new vocation or to submit himself to special treatment for the purpose of removing any handicap resulting from his injuries which prevents him from following his original vocation, the Board may, upon the request of the workman, take such measures and make such expenditures as it may in its discretion deem necessary or expedient, and the expense thereof shall be paid out of the accident fund as a part of the general expenses of the Board and shall be collected in the same manner as monies required to pay compensation or expenses of administration:

"Provided that the total expenditures under the provisions of this subsection shall not exceed twenty thousand dollars in any calendar year:

"Provided further that if the workman has been awarded compensation on account of a permanent

total disability or permanent partial disability, and receives and takes advantage of the benefit of this subsection, the compensation payable to him shall be subject to diminution if in the result the earning power of the workman is substantially increased"; and

- (b) by adding thereto the following new subsection:

"(5) The Board shall provide for the repair, maintenance and renewal of any apparatus provided by the Board pursuant to subsection (2) of this section which becomes in need of repair, maintenance and renewal by reason of accident or ordinary wear and tear and through no misconduct on the part of the workmen so long as the disability in respect of which such apparatus was supplied continues, and the cost thereof shall be defrayed out of the medical aid fund after one year from the date such apparatus was originally provided."

7. The said Act is further amended as to section 48 thereof—

- (a) by adding at the end of subsection (2) thereof the words "and any sum so advanced or paid shall be on account of and chargeable against the compensation payable to the workman"; and

- (b) by adding thereto the following new subsection:

"(4) Where application is made by the dependents, in case of death, or by the workman, in case of permanent partial disability, to commute any periodical payments payable pursuant to this Act for the purpose of residing in a country other than Canada, the Board may, in lieu of commuting at the full capitalized value thereof, award such lesser sum by way of compensation as according to the conditions and cost of living in the proposed place of residence of such dependents or workman will in the opinion of the Board maintain such persons in a like degree of comfort as they would enjoy had they remained in the Province and received the full compensation authorized by this Act."

8. The said Act is further amended as to section 52 thereof by inserting therein, immediately after subsection (1) thereof, the following new subsection:

"(1a) Where permanent total disability results from an injury sustained on or after the first day of April, 1932, the amount of compensation shall be a weekly payment during the life of the workman equal to sixty-six and two-thirds per centum of the average weekly earnings of workmen employed at similar work in the same occupation as shown by the records of the Board for the eight consecutive years immediately preceding the first day of January preceding the date of the injury."

9. The said Act is further amended as to section 53 thereof by inserting therein, immediately after subsection (1) thereof, the following new subsection:

“(1a) Where permanent partial disability results from an injury sustained on or after the first day of April, 1932, the compensation shall be a weekly payment of sixty-six and two-thirds per centum of the difference between the average weekly earnings of workmen employed at similar work in the same occupation as shown by the records of the Board for the eight consecutive years immediately preceding the first day of January preceding the date of the injury, 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.”

10. The said Act is further amended as to section 56 thereof by adding thereto the following new subsection:

“(7) Nothing in this section shall apply to any case in which the basis of compensation is fixed by subsection (1a) of section 52 of this Act or by subsection (1a) of section 53 of this Act.”

11. The said Act is further amended by inserting therein, immediately after section 61 thereof, the following new section:

“**61a.** Every employer shall keep in a book provided for that purpose only a record of all cases in which any first aid treatment has been given to a workman in respect of any injuries to such workman, setting out the name of the workman, the nature of the injuries, the date at which they were sustained, the date at which they were treated, and the nature of the treatment, and every such book shall be open at all times to inspection by the Board or any of its officers.”

12. The said Act is further amended as to section 69 thereof by striking out subsection (2) thereof.

13. The said Act is further amended as to Schedule 2 thereof by inserting therein, immediately after the word “hotels” where the same occurs therein, the words “restaurants, retail stores.”

No. 48.

SECOND SESSION
SEVENTH LEGISLATURE
22 GEORGE V
1932

BILL

An Act to amend The Workmen's
Compensation Act (Accident
Fund).

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REID

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1932