

Bill No. 52 of 1937.

A BILL TO AMEND THE WORKMEN'S  
COMPENSATION ACT (ACCIDENT FUND).

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NOTE.

Section 2 confers on the Board power to acquire premises for its operations.

Section 3 empowers the Board to differentiate in its levies as between one employer and other employers in the same class, having regard to the difference in the accident cost or accident hazard.

Section 4 empowers the Board to administer such Acts and perform such duties as may be assigned to it by order in council.

Section 5 provides that the estimate of wages upon an application to come under the Compensation Fund shall be for the current year and balance thereof instead for the ensuing year.

Section 6 provides for the appointment of a panel of forty doctors and for the appointment out of that panel of Medical Boards to advise on cases referred to them by the Workmen's Compensation Board.

Section 7 amends section 44 by substituting a Medical Board for a referee and restates with modifications the duties of the Board as set out in the repealed subsection.

Section 8 authorizes the Board to provide for the replacement or repair of dentures supplied by the Board.

Section 9 raises the age of children of a deceased workman in respect of whom compensation may be paid from sixteen to eighteen years.

Section 10 amends the provisions as to compensation in case of disfigurement.

Section 11 makes special provision for silicosis cases.

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. 52 of 1937.

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

(Assented to \_\_\_\_\_, 1937.)

**H**IS 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, 1937.*"

**2.** The Workmen's Compensation Act (Accident Fund), being chapter 177 of the Revised Statutes of Alberta, 1922, is hereby amended by inserting therein immediately after section 7 thereof, the following new section:

"**8.** For the purpose of its administration the Board may acquire either by purchase or otherwise, such premises as it may deem necessary."

**3.** The said Act is further amended as to section 20, by inserting therein immediately after subsection (3) thereof the following new subsection:

"(3a). The rate of assessment and levy in respect of any class of employers may in the discretion of the Board be either a uniform rate or a rate which is higher or lower in the case of one employer than the rate in the case of another employer, according to the difference in the accident cost or accident hazard as between one employer and other employers in the same class."

**4.** The said Act is further amended as to section 29, by inserting therein immediately after subsection (1) thereof the following new subsection:

"(1a.) Notwithstanding anything herein contained, the Board, in addition to the duties imposed upon it by this Act, may administer any other Act or perform any other duty that may be referred or assigned to it at any time by the Lieutenant Governor in Council, and for that purpose all powers, authorities and functions expressed or provided in such other Act shall be vested in and exercisable by the Board."

**5.** The said Act is further amended as to section 34 by striking out the words "ensuing year" where the same occur

in subsection (3) thereof, and by substituting therefor the words "for the current year or balance thereof".

**6.** The said Act is further amended by striking out section 43 and by substituting therefor the following:

**43.**—(1) The Lieutenant Governor in Council may, from time to time, appoint as members of a panel, forty duly qualified medical practitioners to be selected equally from the Northern and Southern portions of the Province, whose membership shall continue during pleasure, and out of the members of such panel the Board may from time to time select Medical Boards consisting of not less than three members and may refer to any such Medical Board such cases as the first mentioned Board deems proper.

"(2) The remuneration of and necessary expenses incurred by a Medical Board in the performance of its duties shall be paid by the Board out of the Accident Fund.

"(3) Where a member of the panel has been employed as a medical practitioner in connection with any such case, by or on behalf of an employer or a workman, he shall not act on any Medical Board in such case.

"(4) Upon any reference being made, the Board shall notify the workman and employer of the time and place for the holding of such examination."

**7.** The said Act is further amended as to section 44 thereof,—

(a) by striking out subsection (1) thereof and by substituting therefor the following:

"(1) Upon its examination of a workman by direction of the Board the Medical Board shall certify to the Board as to the condition of the workman, his fitness for employment, and if unfit the cause of such unfitness, and the extent of the workman's permanent or temporary disability by reason of the injury in respect of which the workman has claimed compensation, and such certificate shall be conclusive as to the matters certified."

(b) by striking out the words "by a medical referee" where the same occur in subsection (2) thereof.

**8.** The said Act is further amended as to section 45 by adding thereto the following new subsection:

"(6) Notwithstanding anything herein contained, the Board may, in addition to the other compensation provided by this Act, have authority to assume the expense of replacement and repair of broken dentures, when such breakage is occasioned by accidental injury arising out of and in the course of the employment of the workman."

**9.** The said Act is further amended as to section 49 by striking out the words "approaching the age of sixteen years" where the same occur in subsection (1a) thereof,

and by substituting therefor the words "under the age of eighteen years of a deceased workman whose death was the result of injury by accident arising out of and in the course of his employment".

**10.** The said Act is further amended as to section 53 by striking out subsection (3) thereof and by substituting therefor the following:

"(3) Notwithstanding the provisions of this section the Board may,—

"(a) in case a workman has been seriously and permanently disfigured about the face or head, or otherwise permanently injured, recognize an impairment of earning capacity, and may allow lump sums or periodical payments or both, as compensation;

"(b) when deemed just, estimate the impairment of earning capacity from the nature and degree of the remaining disability by reason of the injury and award the compensation in such case accordingly."

**11.** The said Act is further amended as to section 62 by adding at the end thereof the following new subsections:

"(5) 'Silicosis' shall mean a fibrotic condition of the lungs caused by dust containing silica and evidenced by specific X-ray appearances accompanied by a substantially lessened capacity for work.

"(6) In any case of silicosis contracted either before or after this enactment, in which it is made to appear to the Board that the failure of the workman to submit his claim to the Board within the time provided by section 42 (3) of the Act involves hardship on the workman, and if in the opinion of the Board the claim is a just one and ought to be allowed, the Board may in its discretion in such case increase the period for the making of such claim to such an extent as the Board deems fair and reasonable; provided,—

"(a) that nothing herein shall entitle a workman or his dependants to compensation, medical aid or payment of burial expenses for disability or death from silicosis, unless the workman has been a resident in this Province for a period of at least five years last preceding his disablement, and has been actually exposed to dust containing silica in employment in this Province for periods amounting in all to at least five years preceding his disablement; three months of which shall have been in the three-year period last preceding his disablement;

"(b) that the workman did not have silicosis or tuberculosis before exposure to dust containing silica in employment in this Province;

"(c) that if the workman has been exposed to the inhalation of dust containing silica elsewhere than in this Province before working for the said periods, the amount of compensation payable shall be reduced by the proportion that the period he has

worked elsewhere than in this Province so exposed bears to the total period he has worked so exposed;

“(d) that any workman who has heretofore ceased or may hereafter cease to be usually and regularly employed in this Province in employment in which he was exposed to dust containing silica, shall file his claim for disability therefrom within two years from the date of leaving such employment; provided that this paragraph shall not apply to claims made to the Board prior to its enactment.”

**12.** This Act shall come into force on the day upon which it is assented to.

No. 52.

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THIRD SESSION  
**EIGHTH LEGISLATURE**  
1 GEORGE VI  
1937

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**BILL**

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

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HUGILL.

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EDMONTON:  
A. Shnitka, King's Printer  
1937