

BILL

No. 37 of 1938.

An Act to Amend and Consolidate The Workmen's
Compensation Act (Accident Fund).

(Assented to _____, 1938.)

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 Compensation Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

- (a) "Accident" includes a wilful and intentional act, not being the act of the workman, and shall also include a chance event occasioned by a physical or natural cause;
- (b) "Accident Fund" means any fund provided for the payment of compensation, and other outlays and expenses authorized under this Act;
- (c) "Board" means "The Workmen's Compensation Board".
- (d) "Child" includes an illegitimate child, and any child of any child, and the child of a husband or wife by a former marriage;
- (e) "Compensation" includes medical aid;
- (f) "Construction" includes reconstruction, repair, alteration, renovating, painting, decorating, and demolition;
- (g) "Dependents" means such of the members of 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 at that time have been so dependent;
- (h) "Employer" means every person, firm, association, body or corporation having in his or its service one or more workmen and shall include the Crown in the right of the Province and in the right of the Dominion of Canada in so far as the latter, in its capacity as master, may submit to the operation of the Act;
- (i) "Employment" means employment in an industry or any part, branch, or department of an industry;

- (j) "Industrial disease" means any of the diseases mentioned in the enumeration of industrial diseases hereto, and any other disease which by the regulations is declared to be an industrial disease;
- (k) "Industry" means any establishment, undertaking, trade and business included in the schedules hereto, whether the same be carried on in conjunction with other occupations or separately;
- (l) "Invalid" means physically or mentally incapable of earning;
- (m) "Manufacturing" includes making, preparing, altering, repairing, renovating, dyeing, cleaning, ornamenting, printing, finishing, packing, assembling the parts of and adapting for use or sale any raw material, goods, article or commodity;
- (n) "Medical Aid" includes the several matters and things which the Board is empowered by this Act to provide for injured workmen and may as and when the Board sees fit include nursing, hospitalization, drugs, dressing, x-ray, special treatment, transportation, and such other matters and things as the Board may authorize or provide;
- (o) "Members of the family" as applied to dependents means and includes parent, grandparent, stepparent, child, grandchild, stepchild, 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 grandparent of an illegitimate child, shall include such child, and where the workman is an illegitimate child shall include each of his parents and grandparents;
- (p) "Mine" means a mine as defined by *The Mines Act*;
- (q) "Mine rescue and first aid work" includes the equipment necessary for such work, the repairs thereof, the training necessary for such work, and the supplies used therein;
- (r) "Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for use or 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;
- (s) "Permanent total disability" shall be conclusively presumed in all cases where the injuries suffered consist of or include:
 - (i) total and permanent loss of the sight of both eyes;
 - (ii) the loss of both feet at or above the ankle;
 - (iii) the loss of both hands at or above the wrist;
 - (iv) the loss of one hand at or above the wrist and one foot at or above the ankle;

- (v) any injury to the spine resulting in permanent and complete paralysis of legs or arms or one leg and one arm;
- (vi) any injury to the skull resulting in incurable imbecility or insanity;
- (t) "Person" includes female as well as male persons, and bodies corporate;
- (u) "Regulations" means regulations made by the Board under the authority of this Act, so long as, and to the extent that, they, under and by the aforesaid authority, remain in effect;
- (v) "Workman" means 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, and shall include any person engaged in training for mine rescue work or who, with the knowledge and consent of the management or the person in charge of an authorized mine rescue crew, is doing recovery work after an explosion, accident or catastrophe, and includes the employees of a contractor contracting for the performance of mining operations for another person engaged in the industry of mining, and also such contractor whilst actually working, and includes the driver of a vehicle doing work for another, whether the former supplies the vehicle or does not supply it, providing that the relationship of master and servant exists between such driver and the said other person.

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 commissioners to be appointed by the Lieutenant Governor in Council and shall be a body corporate.

4. One of the commissioners shall be appointed by the Lieutenant Governor in Council to be Chairman of the Board.

5. In the case of 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.

6.—(1) The Chairman shall hold office for ten years from the date of his appointment, and the other or others, if any, shall hold office for ten years from the date of appointment.

Provided, however, that any commissioner may be removed from office by the Lieutenant Governor in Council on address of the Legislative Assembly.

(2) The Chairman of the Board shall not engage in any other business or employment for remuneration.

7. The office of the Board shall be situated in the City of Edmonton and its sittings shall be held there except where it is expedient to hold sittings elsewhere and in that case sittings may be held in any part of Alberta.

8. A commissioner shall receive such salary as may be fixed by the Lieutenant Governor in Council.

9.—(1) The Board may appoint such officers as it may deem necessary for carrying out the provisions of this Act and may prescribe their duties and fix their remuneration.

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

(3) For the purpose of its administration the Board may acquire either by purchase or otherwise, such premises as it may deem necessary.

JURISDICTION OF THE BOARD.

10.—(1) The Board shall have exclusive jurisdiction to examine, inquire into, hear and determine, all matters and questions arising under this Act, and subject as aforesaid. 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, nor shall any action be maintained or brought against the Board or any Commissioner in respect of any act or decision done or made in the honest belief that the same was within the jurisdiction of the Board.

(2) Nothing in subsection (1) of this section 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.

(3) The decisions of the Board shall be upon the real merits and justice of the case, and it shall not be bound to follow strict legal precedent, and it is provided further that no decision or ruling of the Board shall be binding upon it as a precedent for any other decision or ruling, the intent of this proviso being that each case shall be decided on its own merits.

(4) The Board shall have the like powers as the Supreme Court for compelling the attendance of witnesses and of examining them under oath, and compelling the production and inspection of books, papers, documents and things.

(5) The Board may cause depositions of witnesses residing within or without the Province to be taken before any

person appointed by the Board in manner similar to that prescribed by the rules of the Supreme Court.

(6) The Board may act upon the report of any of its officers and any inquiry which it shall be deemed necessary to make may be made by a commissioner, or by an officer of the Board or by some other person appointed to make the inquiry, and the Board may act upon his report as to the result of the inquiry.

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

(8) Every copy or extract from an entry of any book or record of the Board, and of any document filed with the Board certified by the Secretary of the Board to be a true copy or extract, shall be received in any Court as *prima facie* evidence of the matter so certified without proof of the Secretary's appointment, authority, or signature.

(9) Without thereby limiting the generality of the provisions of subsection (1) of this section it is declared that the exclusive jurisdiction of the Board shall extend to determining,—

- (a) Whether an injury has arisen out of or in the course of an employment within the scope of this Act;
- (b) The existence and degree of disability by reason of an injury;
- (c) The permanence of disability by reason of any injury;
- (d) The degree of diminution of earning capacity by reason of any injury;
- (e) The amount of average earnings;
- (f) The amounts of any refunds or adjustments of assessments which, in its discretion, it may deem proper to make;
- (g) The existence, for the purpose of this Act, of the relationship of any member of the family of a workman as defined by this Act;
- (h) The existence of dependency;
- (i) Whether or not an industry or any part, branch, or department of any industry is within the scope of this Act, and the class to which any industry or any part, branch, or department of any industry within the scope of this Act should be assigned;
- (j) Whether or not any person, or aggregation of persons, is an employer within the meaning of the Act, and if so whether or not any employee is a workman within the meaning of the Act, and if so, whether or not any such workman is entitled to compensation under the Act.

11. The Board may in any case where it is deemed necessary, and shall on the application of any employer or work-

man interested in any order, ruling or decision of the Board, issue a certificate under the seal of the Board, embodying the substance of any such order, ruling or decision.

REGULATIONS.

12. The Board may make such regulations and prescribe such forms as may be deemed expedient for carrying out the provisions of the Act, and not inconsistent therewith and any such regulations shall come into force at the expiration of thirty days from the date of their publication in *The Alberta Gazette*.

13.—(1) The Board is empowered,—

- (a) to add to or rearrange, the industries which are or may be included in the schedules hereto;
- (b) to divide any industry into one or more classes, and any class into one or more sub-classes.

(2) Upon the application of a majority of the workmen engaged in any establishment, undertaking, trade or business, or in any branch, subdivision or component part thereof, or of the persons employing workmen so engaged, the Board may declare the same to be an industry to which this Act applies.

Provided, however, that the Board shall not give effect to any application made under any of the provisions of this section, affecting persons excluded from the provisions of this Act by paragraphs (a), (b), (c) and (d) of section 73 nor to any such application affecting persons excluded by paragraph (e) except with the consent of the employer.

(3) The inclusion of any industry, establishment, trade or business, or of any employer, employee or workman, within the scope of the Act, under or pursuant to an application made under any of the provisions of this section, shall continue and remain in effect, until the Board upon application or of its own volition, rescinds the same.

(4) The Board may establish such subclassifications, differentials and proportions in the rates as between the different kinds of employment in the same class as may be deemed just, and where any particular industry is shown to be so circumstanced or conducted that the hazard is greater than the average of the class or subclass to which such industry is assigned, the Board may impose upon such industry a special rate, differential or assessment, to correspond with the excessive hazard of such industry.

14. If any question arises as to whether or not any establishment, undertaking, trade or business, or any part thereof, is an industry to which this Act applies, the question shall be decided by the Board, and its decision thereon shall be final.

ACCIDENT PREVENTION.

15.—(1) The Board shall have power,—

- (a) to investigate from time to time employments and places of employment within the Province, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all employments or places of employment;
- (b) to determine the requirements for the proper sanitation of the employer's premises;
- (c) to determine what suitable devices or other reasonable means or requirements for the prevention of disease shall be adopted or followed in any or all employments or places of employment;
- (d) to make regulations whether of general or special application, and which may apply to both employers and workmen, for the prevention of accidents, and the prevention of diseases and provision for proper sanitation in employments or places of employment.

(2) The Board or any member of it or any officer or person authorized by it for that purpose may at any time 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 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, and whether the sanitary and health conditions are proper, 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.

(3) Where, in any employment or place of employment, safety devices are in the opinion of the Board, necessary for the prevention of accidents or of disease, the Board may order the installation or adoption of such appliances or devices and may fix a reasonable time within which they shall be installed or adopted, and the Board shall give notice thereof to the employer and the employer shall post or cause to be posted, in a conspicuous place upon such place of employment a copy of such notice, the same to remain so posted until the order has been complied with and the employer so notifies the Board and the Board has authorized its removal.

(4) In any case where safety devices or appliances are, by order of the Board, required to be installed or adopted or are prescribed by the regulations and the employer fails, neglects or refuses to instal and adopt such safety devices or appliances in any employment or place of employment in accordance with the terms of the regulations and to the satisfaction of the Board, or where, under the circumstances, the

Board is of the opinion that conditions of immediate danger exist in any employment or place of employment which would be likely to result in injury to any person, the Board may, in its discretion, order the employer forthwith to close down the whole or any part of such employment or place of employment and the industry carried on therein and the Board shall notify the employer of such order and a copy of such order, to be provided by the Board shall, if the Board so requires, be posted by the employer in a conspicuous place upon the employer's premises.

Provided that nothing herein contained shall take away or abridge any of the powers and duties of the Provincial Board of Health or local boards of health, as constituted under *The Public Health Act*:

Provided, further, that the Board, or any member of it, or any officer appointed by it, may forthwith report to the Provincial Board of Health any breach of *The Public Health Act* or regulations of the Provincial Board of Health, passed thereunder.

(5) Where an accident causing injury to a workman in respect of which compensation is payable has occurred, and where, in the opinion of the Board, the accident was due entirely to the failure of the employer to comply with the directions of the Board, or with the regulations made under this Act, the Board may levy and collect from the employer as a contribution to the accident fund, a sum of money not exceeding one-half of the amount of the compensation payable in respect of the injury and the payment of such sum may be enforced in the same manner as the payment of an assessment may be enforced.

(6) The Board, if satisfied that such default was excusable, may in any case relieve such employer in whole or in part from liability under this section.

(7) Where in the opinion of the Board sufficient precautions are not taken for the prevention of accidents to workmen in the employment of any employer, or where the sanitary and health conditions are not proper, 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.

(8) The powers conferred by the next preceding subsection may be exercised from time to time and as often as in the opinion of the Board occasion may require.

16.—(1) No employer shall, for the purpose of any industry within the scope of this Act, commence the operation of or operate or carry on any mine, plant, or establishment which has not been in operation for the period of seven months last preceding, and in which power-driven machinery is used, until leave therefor is obtained from the Board as provided by this section.

(2) Application for leave under this section shall be made to the Board in writing, signed by the employer, and stating that the mine, plant, or establishment is ready for operation. Upon receipt of the application, the Board or some member of the Board, or some other person appointed by the Board, shall make an inspection of the mine, plant or establishment, and if on such inspection the mine, plant, or establishment is found to be reasonably free from danger to persons employed therein, the Board shall grant leave for the operation of the mine, plant, or establishment. Pending inspection, the Board may, by a temporary permit, grant leave to the employer for the operation of the mine, plant, or establishment.

17. The Board shall engage in and carry on, the education and instruction in accident prevention and first aid work, of workmen and others and may impart such education and instruction by demonstrations, exhibits, lectures, classes or otherwise and shall hold examinations and issue certificates to persons whom it may deem sufficiently skilled in such matters as to warrant the issue to them of such certificates.

ADDITIONAL DUTIES.

18. 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.

COMPENSATION.

19.—(1) 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 unless the injury is attributable solely to the serious and wilful misconduct of the workman and death or serious disablement does not result from it.

(2) Where a workman is found dead in the underground workings of a coal-mine at a place where the workman had a right in the course of his employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and in the course of his employment, unless there be evidence sufficient to rebut such presumption.

(3) If the injury does not disable the workman longer than the period of three days, from earning full wages at the work at which he was employed, no compensation, other than medical aid, shall be payable under this Act. If the injury disables the workman longer than the period of three days, no compensation, other than medical aid, shall be payable for the first three days of disability: Provided that where the disability is of more than thirty days' duration compensation shall be payable from the date of disability.

(4) No compensation shall be payable in respect of any claim for the same unless such claim is made to the Board within twelve months from the happening of the accident, or where death results from such accident, within twelve months from the date of such death.

20.—(1) Compensation shall not be payable out of the accident fund to an employer or the members of the family of an employer unless application to come within the scope of this Act has been received and approved by the Board.

(2) Such application shall contain the names of the employer and members of the family of the employer, together with the estimated amount of wages for the current year or balance thereof for such employer and members of the family of the employer, and in cases where no regular or stated wage is paid or received, the sum or sums in lieu of wages, not exceeding \$2,000.00 or less than \$1,200.00, for or in respect of which the employer or members of the family of the employer desire protection.

(3) Upon compliance with the provisions of this section and of section 54 (1) of this Act, such employer and members of his family shall be deemed workmen and they and their dependents shall be entitled to compensation as provided by this Act.

(4) Assessments shall be levied upon the said estimates and compensation shall be payable on the basis of the same.

21.—(1) No compensation shall be payable in respect of hernia unless,—

- (a) it is clinical hernia of a disabling character, and of recent primary demonstrability; and
- (b) the onset thereof can be shown to have been immediately preceded by a strain or other accident; and
- (c) it can be shown that at the time of the occurrence of the strain or other accident, the workman immediately reported his condition to his employer or ceased work at the time and reported within seventy-two hours (exclusive of Sundays and legal holidays) of so ceasing work.

(2) If the workman does not submit himself to be operated on for radical cure within two weeks of the occurrence compensation shall cease to be payable upon the expiry of such two weeks.

(3) Then the period of disability shall be deemed to cease upon the expiry of forty-two days from the day of any such operation:

Provided, however, that the said period of forty-two days may be extended by the Board.

(4) In any case in which it is made to appear to the Board that the failure of the workman to report to his employer within the period mentioned in paragraph (c) of sub-

section (1) hereof or make the submission provided for in subsection (2) hereof, 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 either such event increase the period for such report or such submission, as the case may be, to such an extent as the Board deems fair and reasonable in the circumstances.

22.—(1) Where an accident which would entitle the workman or his dependents to compensation under this Act, if it had happened in the Province, happens while he is employed elsewhere than in the Province, the workman or his dependents shall be entitled to compensation under this Act, if the workman 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) 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, for the purpose of ensuring 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.

(3) Where an accident which would entitle the workman or his dependents to compensation under this Act, if it had happened in the Province, happens while he is employed in a state or province where there is no system of state insurance, similar to that effected by this Act, then such injured workman shall be entitled to compensation under this Act, if the place or chief place of business of the employer is situate in the Province, and the residence or usual place of employment of the workman is 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.

(4) If any workman entitled to compensation under the provisions of this section has any right of action in respect of his injuries, he shall assign all compensation or damages to be recovered thereunder to the Board.

(5) In the event of the Board directing any such injured workman to take any such action, the workman shall commence and prosecute the action with diligence, and in the event of his not so doing, the Board may refuse to pay any compensation or may withhold any part of the compensation otherwise payable:

Provided that in the event of any such injured workman taking any such action, save upon the direction of the Board,

he shall forfeit all claim to compensation or to further compensation, as the case may be.

(6) Except as provided by subsections (1), (2) and (3) of this section, no compensation shall be payable under this Act, where the accident to the workman happens elsewhere than in the Province.

23.—(1) Except as authorized by the provisions of this Act, it shall not be lawful for any employer, either directly or indirectly, to deduct from the wages of his workmen any part of any sum which he is or may become liable to pay to the Board or to require or to permit any of his workmen to contribute in any manner towards indemnifying him against any liability which he has incurred or may incur under this Act.

(2) 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 dependents may become entitled under this Act and every agreement to that end shall be absolutely void.

(3) 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.

24.—(1) 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 dependents 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.

(3) Where an accident happens to a workman in the course of his employment in such circumstances as entitle him or his dependents to an action against some person other than his employer, the workman or his dependents, if entitled to compensation under this Act, may claim such compensation or may bring such action.

(4) If the workman or his dependents bring such action and less is recovered and collected than the amount of the compensation to which the workman or dependents would be entitled under this Act, the workman or dependents shall be entitled to compensation under this Act to the extent of the amount of such difference.

(5) If any such workman or dependent makes an application to the Board claiming compensation under this Act, the Board shall be subrogated to the rights of the workman or dependent as against such other person for the whole or any outstanding part of the claim of the workman or dependent against such other person.

(6) In any case within the provisions of subsection (3), neither the workman nor his dependents nor the employer of such workman shall have any right of action in respect of such accident against an employer in any industry within the scope of this Act; and in any such case where it appears to the satisfaction of the Board that a workman of an employer in any class is injured owing to the negligence of an employer or of the workman of an employer in another class within the scope of this Act, the Board may direct that the compensation awarded in such cases shall be charged against the last mentioned class.

(7) Where the Board has become subrogated to the rights of a workman or the dependent or dependents of a deceased workman, under the provisions of subsection (5) hereof, no payment or settlement shall be made to or with such workman or dependent or dependents, for or in respect of such rights or for or in respect of any claim, cause of action or judgment therefor or arising thereout, without the consent of the Board, and any payment or settlement made in contravention hereof, shall be entirely null and void and of no effect against the Board and as against such workman, dependent or dependents.

25.—(1) Notice of an accident shall be given to the employer or his representative before the injured person leaves the work 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.

(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.

(3) Every employer to whom this Act applies having knowledge of the happening of an accident to a workman in his employ, shall forward to the Board within twenty-four hours after the same comes to his knowledge, notification of the happening of such accident, and shall also, in the event of the injured workman returning to his work or being able to return to his work, forward to the Board within twenty-four hours after the fact of such return or ability to return comes to his knowledge, notification thereof.

(4) The physician or surgeon who attends an injured workman shall forward to the Board a report within five days after the date of his first attendance upon such workman, and shall also forward to the Board upon the first day of each month and at such other times as may be required by the Board, progress reports, during such time as the injured workman is unable to work as a result of the injuries, and shall forward to the Board a final report within three days after the said workman is in his opinion able to resume work.

26.—(1) A workman who claims compensation or to whom compensation is payable under this Act shall submit himself for medical examination in such manner and at such time and place as the Board may require.

(2) A workman shall not be required to submit himself for examination save as required by the Board.

(3) If a workman does not submit himself for examination as and when required by the Board so to do, 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.

27.—(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.

(5) 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.

28. When a workman to whom compensation is payable leaves the Province of Alberta, he shall not thereafter be entitled to receive compensation, unless permission to leave the Province is first granted by the Board:

Provided, however, that if, in the opinion of the Board, the disability resulting from the injury is likely to be of a permanent nature, and the Board so directs, the workman shall be entitled to the amount of periodical payments accruing due while a resident without the Province, if he proves in such manner as may be prescribed, his identity and the continuance of the disability in respect of which the same is payable.

29. Upon the Board being satisfied that a workman's recovery from any injury coming within this Act has been prevented or retarded by his own misconduct, it may reduce, suspend or terminate any payment to such workman under this Act.

30.—(1) Where in any case, in the opinion of the Board, it will be in the interest of the Accident Fund to provide a special surgical operation or other special medical treatment for a workman, and the furnishing of the same by the Board is in its opinion the only means of avoiding heavy payment for permanent disability, the expense of such operation or treatment shall be paid out of the Accident Fund.

(2) Where in the case of any claim for compensation the Board is of the opinion that the injury would be alleviated to some appreciable extent by the supplying of any apparatus usually provided in such cases, it shall supply such apparatus to the workman, and the cost thereof shall be defrayed out of the Accident Fund, but any such action shall not affect in any way the payments made to the workman.

(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 expenses 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 moneys 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.

(4) Whenever the Board is satisfied that the earning capacity of any workman assisted under the provisions of the preceding subsection, has been increased to an appreciable degree by reason of such assistance, it shall have power to make a corresponding reduction in the amount of compensation payable to him.

(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 acci-

dent or ordinary wear and tear and through no misconduct on the part of the workman so long as the disability in respect of which such apparatus was supplied continues, and the cost thereof shall be defrayed out of the Accident Fund.

(6) Notwithstanding anything herein contained, the Board may, in addition to the other compensation provided by this Act, have authority to assume the expenses 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.

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

(2) Where compensation is payable the Board may commute the payments payable to a workman or a dependent to a lump sum and where such lump sum has been paid by the Board and accepted by the workman or dependent, as the case may be, as a final settlement of the claim, such workman or dependent shall not be entitled to or be paid any further or other compensation for or in respect of the accident or injury arising thereout or consequent thereupon, in respect of which he was being compensated.

(3) The Board may in any case where, in its opinion, the interest or pressing need of the workman or any dependent residing in Alberta warrants it, advance or pay to or for the workman or such dependent such lump sum as the circumstances warrant and as the Board may determine, and any sum so advanced or paid shall be on account of and chargeable against the compensation payable to the workman.

(4) In case of death or permanent total disability, or in case of permanent partial disability where the impairment of the earning capacity of the workman exceeds ten per cent. of his earning capacity at the time of the accident, no commutation of periodical payments shall be made except upon the application of and at an amount agreed to by the dependent or workman entitled to such payments.

(5) Where application is made by the dependents, in case of death, or by the workman, in case of permanent 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.

(6) Where any person entitled to compensation under this Act is committed to a jail or prison, compensation shall

not be payable to such person for the period of his confinement therein, but the Board may pay the whole or any part of such compensation to any dependent of any person so committed.

(7) If any person entitled to compensation under this Act is committed to any institution, the compensation otherwise payable to or in respect of such person may in the discretion of the Board be paid to the governing body of the said institution.

32. Where a workman is entitled to compensation and it is made to appear to the Board,—

- (a) that such workman is no longer residing in Alberta but that his wife or child or children under eighteen years of age are still residing therein without adequate means of support and are, or are apt to become, a charge upon the municipality where they reside or upon private charity; or
- (b) that the workman, although still residing in Alberta, is not supporting his wife and children as aforesaid and an order has been made against such workman by a court of competent jurisdiction, for the support or maintenance of such wife or family, or for alimony—

the Board may divert such compensation in whole or in part from such workman for the benefit of the wife or children of the said workman.

SCALE OF COMPENSATION.

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

- (a) the necessary expenses of the burial of the workman, not exceeding one hundred and twenty-five dollars;
- (b) where a widow or invalid widower is the sole dependent, a monthly payment of thirty-five dollars;
- (c) where the dependents are a widow or an invalid widower and a child or children under the age of eighteen years, a monthly payment of thirty-five dollars as aforesaid with an additional monthly payment of twelve dollars in respect of such child or the eldest of such children, ten dollars in respect of the second, nine dollars in respect of the third and eight dollars in respect of each of the others of such children;
- (d) where the only dependents are children, a monthly payment of fifteen dollars to each child under the age of eighteen years;
- (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;
- (f) in the case provided for by paragraph (e) of subsection (1) of this section, 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 dependents;
 - (g) where the dependents are aliens residing outside of the Dominion of Canada, and entitled to compensation under clause (a), (b), (c), (d) or (e) of this subsection, the Board may, in lieu of awarding such dependents compensation on the scale provided by clause (a), (b), (c), (d) or (e), award such lesser sum by way of compensation as, according to the conditions and cost of living in the place of residence of such dependents, will in the opinion of the Board, maintain them in a like degree of comfort as dependents of the same class residing in the Dominion and receiving the full compensation authorized by this Act would enjoy;
 - (h) where a workman leaves no dependents, such sum or sums as the Board may deem reasonable for the medical and surgical attendance, hospitalization, nursing, care and maintenance, furnished him, shall be paid by the Board, to the persons furnishing the same.
- (2).—
- (a) 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 the 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) "Existing household" in this section shall mean any household where all the children are maintained and taken care of by one foster-mother.
 - (c) As long as any payment is being made in respect of a child under the provisions of the next preceding two subsections, no other payment shall be made in respect of such child.
 - (d) All payments to foster-mothers under the provisions of this section shall cease when all the children have either reached the age of eighteen years or have died.

- (e) Compensation shall be payable to an invalid child without regard to the age of such child, and payments to such child shall continue as 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.
 - (f) 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 person or be applied in such manner as it may deem most for the advantage of the child.
- (3) Where there are both total and partial dependents the compensation may be allotted partly to the total and partly to the partial dependents.
- (4) Where a payment to any one of a number of dependents ceases, the Board shall readjust the payments to the remaining dependents so that the remaining dependents shall thereafter be entitled to receive the same compensation as though they had been the only dependents at the time of the death of the workman.
- (5) Subject to the provisions of section 33 hereof, 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 of four hundred and eighty dollars, and such lump sum shall be payable within one month after the date of her marriage.
- (6) Subsection (5) of this section shall not apply to payments to a widow in respect of a child, but the payments provided in paragraph (c) of subsection (1) of section 33 hereof in respect of a child other than an invalid child shall cease when the child attains the age of eighteen years or dies.

34. 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 sixty-six and two-thirds per centum of the average weekly earnings of the 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.

35.—(1) Where permanent partial disability results from the injury, the Board shall estimate the impairment of earning capacity from the nature and degree of the disability by reason of the injury and award compensation in such case accordingly. The earnings used for purposes of computing the claim shall be 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 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) Notwithstanding the provisions of this section the Board may, 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.

36. Where temporary total disability results from the injury, the amount of the compensation shall be a weekly payment so long as the disability lasts, equal to sixty-six and two-thirds per centum of his average weekly earnings, as computed by section 39 (1) of the Act.

37. Where temporary partial disability results from the injury the compensation shall be the same as that prescribed by section 35 (1), but shall be payable only so long as the disability lasts.

38. In case of workmen suffering injury by accident arising out of and in the course of the employment whilst doing recovery work after an explosion, accident or catastrophe, the compensation payable in such case shall be computed on the basis of one hundred per cent. in lieu of the sixty-six and two-thirds per cent. as herein otherwise provided.

COMPUTATION OF COMPENSATION.

39.—(1) The average weekly earnings of a workman for the purposes of this Act shall be based upon the actual earnings of the workman during the previous twelve months where the same are ascertainable:

Provided, however, that if 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, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average earnings which are being earned by a person in the same grade of employment for the previous twelve months:

Provided further that nothing in this section shall apply to any case in which the basis of compensation is fixed by sections 34 and 35.

(2) 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.

(3) 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 the employment, the sum so paid shall not be reckoned as part of the earnings.

40.—(1) 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.

(2) The Board may, wherever it is deemed advisable, provide that the payments of compensation may be fortnightly or monthly instead of weekly or where the workman or dependent is not a resident of Alberta or ceases to reside therein may otherwise fix the periods of payment or commute the compensation as the Board may deem proper.

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

(4) Where the workman was at the date of the accident under twenty-one years of age, and it is established to the satisfaction of the Board that under normal conditions his wages would probably increase, that fact shall be considered in arriving at his average earnings.

41.—(1) 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, and any sum deducted under this section from the compensation otherwise payable may be paid to the employer out of the Accident Fund: Provided that where such payment, allowance or benefit, has been charged against the workman for repayment to his employer whether such workman is on relief or otherwise, such payments of compensation as may be made by the Board to the employer shall be by him credited to the account so charged.

(2) For the purpose of ascertaining the amount of compensation due, such amount may be computed on a daily basis.

INDUSTRIAL DISEASES.

42.—(1) 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 dependents 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, and the disablement shall be treated as the happening of an accident.

(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 enumeration of industrial diseases hereto and the disease contracted is the disease in the first column of the said schedule set opposite to the description of such 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.

(5) "Silicosis" means 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 19 (4) of this 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 dependents 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 had 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.

43. In addition to the compensation herein already provided for the Board shall have authority to furnish or provide for the injured workman such medical and surgical attention, including nursing, hospitalization, drugs, dressings, X-ray, special treatments and transportation as it may deem reasonably necessary at the time of the injury, and thereafter during the disability to cure and relieve from the effects of the injury, and the Board shall have full power to adopt rules and regulations with respect to furnishing medical aid to injured workmen entitled thereto and for the payment thereof.

44.—(1) No plan for providing medical aid to workmen coming within the provisions of this Act shall be valid, and no employer shall be entitled to retain from the moneys earned by any such workman in his employment any sum as a contribution towards the cost of medical aid under any

such plan, unless and until after investigation of the facts such plan is found on the whole to be efficient, and is approved by the Board; provided that the Board may at any time for cause withdraw its approval to any such plan, and no plan shall be valid after such approval has been withdrawn.

(2) Where any such plan is approved by the Board, an employer shall be entitled to retain from the moneys earned by any workman in his employment such sum as a contribution towards the cost of medical aid as may be provided therein.

(3) When no such plan has been approved, the Board may from time to time as it deems necessary, require any employer to retain from the moneys earned by any workman in his employment such sum to cover medical aid as may be determined by the Board, and to pay the sum so retained to the Board, and the moneys so received by the Board shall form part of the Accident Fund, and shall constitute a special fund to be used in defraying the cost of medical aid to the workmen so contributing.

(4) In the event of the employer failing to retain out of the moneys earned by the workman or workmen, the amount he is empowered to retain under the provisions of this section, he shall be personally liable to pay to the Board the amount which he should have retained, and the Board shall have the like powers and be entitled to the like remedies for enforcing payment of such sum as it possesses or is entitled to in respect of an assessment.

(5) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished, shall be determined by the Board.

(6) When the Board provides or is liable to pay for medical and surgical attention as hereinafter provided, the amount payable to any person in respect of such, or any, medical and surgical attention, shall be as the Board shall direct and no action shall lie against the Board for or in respect of any amount greater than that fixed by it, nor in any event against the injured workman, his employer, or any other person in respect of such medical and surgical attention.

(7) The Board may make a per diem allowance to an injured workman, for his subsistence, when under its direction, he is undergoing treatment at a place other than wherein he resides, provided, however, that such allowance shall not exceed two and one-half dollars and such allowance shall be charged to the Accident Fund.

(8) The Board shall have full power and authority to contract with doctors, nurses and hospitals, or any other institutions for any medical aid required.

(9) Without in any way limiting the power of the Board under this section to supervise and provide medical aid, in every case where the Board is of the opinion that the exer-

cise of such power is expedient, the Board may permit the injured workman to select as his medical attendant such duly qualified and competent physician as he may desire.

(10) Every employer shall at his own expense furnish to any workman injured in his employment, who is in need of it, immediate conveyance and transportation to a hospital, or to a physician, or to the workman's home, and any employer failing so to do shall be liable, by order of the Board, to pay for such conveyance and transportation as may be procured by the workman or by anyone for him, or as may be provided by the Board.

(11) In the event that during any year there exists in the medical aid fund an excess of medical aid payments over medical aid receipts for the year such excess shall be charged to the Accident Fund and distributed to the classes or subclasses in proportion to the total medical aid payments made from such classes or subclasses in that year.

45.—(1) Employers, whenever required by the Board so to do, shall at their own expense, install, maintain and provide, such first aid appliances and service as the Board may direct.

(2) Every employer shall keep, in a book provided and kept for that purpose only, a record of all cases in which first aid treatment has been given to a workman for or in respect of any injuries suffered by any such workman, and such record shall set out the name of the workman, the nature of the injuries, the date they were suffered, the date they were treated and the nature of the treatment, and every such book shall be open at any and all times to inspection by the Board or any member or representative thereof.

ACCIDENT FUND.

46. An accident fund shall be provided by contributions to be made in the manner herein provided by all employers and compensation payable in respect of accidents and the costs of administration shall be paid out of the Accident Fund thus provided.

47. Where at any time there is not money available in the Accident Fund for payment of the compensation which has been due, the Lieutenant Governor in Council may direct that the same be advanced out of the General Revenue Fund and in that case the amount advanced shall be repaid to the Provincial Treasurer after the next assessment.

48.—(1) Separate accounts shall be kept of the amounts collected and expended in respect of each employer, but for the purpose of paying compensation the Accident Fund shall nevertheless be deemed one and indivisible.

(2) Any surplus standing to the credit of any class or subclass at the end of any year may be transferred at the

discretion of the Board in whole or in part to the equalization reserve.

49. 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 such 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.

50.—(1) The accounts of the Board shall be audited by the Provincial Auditor.

(2) 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.

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

ASSESSMENT.

51.—(1) The Board shall from time to time assess and levy upon the employers in each of the classes and sub-classes, such percentage of the pay-roll, or such other rate, or such specific sum as, allowing for any surplus or deficit in the class as the Board may require,—

- (a) To pay the expenses of the Board in the administration of this Act and of *The Electrical Protection Act*, and including mine rescue and first aid work and of such other Acts, duties and services, as it may be required to administer or perform;
- (b) To provide and pay all amounts payable from the Accident Fund;
- (c) To provide capitalized reserves sufficient to pay all compensation payable in future years in respect of such accidents as have occurred or may occur during the period for which such assessment has been made;
- (d) To provide a disaster reserve to meet the loss arising or likely to arise from disaster or other circumstances which, in the opinion of the Board would unfairly burden the employers in any class;
- (e) To provide for or by way of a contribution to an equalization reserve for the equalizing of assessments to such extent and in such manner as the Board may from time to time require;

(f) To provide a silicosis reserve for the payment of all moneys that may be or hereafter become payable by the Board for or in respect of silicosis by charge upon, as an accident cost, such of the classes or subclasses and in such amounts as the Board may from time to time determine;

(g) To provide such other reserves as the Board may deem advisable to ensure as nearly as possible within each class uniform assessments from year to year.

(2) In the case of classes mentioned in Schedule 2 of this Act, the Board shall not, in computing the amount of its levy, take into consideration the provisions of a capitalized reserve or a reserve fund to meet loss arising from a disaster.

(3) Assessments may be made in such manner and form and by such procedure as the Board may deem adequate and expedient and may be general as applicable to any class or subclass or special as applicable to any industry or part or department of an industry.

(4) The assessments may, if the Board sees fit, be levied provisionally upon the estimates given by the employer or one fixed by the Board.

(5) Where the assessment is based upon the pay-roll of the employer and the pay-roll shows in any one calendar year, earnings in respect to any workman in excess of two thousand dollars for such year, every such excess shall be deducted from the amount of the pay-roll before it is used as a basis for assessment.

(6) It shall not be necessary that the assessment upon the employers in a class or subclass shall be uniform, but they may be fixed or graded in relation to the hazard of each or any of the industries included in the class or subclass.

(7) A system of merit and demerit rating may, if deemed advisable or proper, be adopted.

(8) Where in the opinion of the Board, the ways, works, machinery and appliances in any industry conform to modern standards in such manner as to reduce the hazard of accidents to a minimum and the Board is convinced that all proper precautions are being taken by the employer for the prevention of accidents, and where the accident record of the employer has in fact been consistently good, the Board may reduce the amount of any contribution to the accident fund for which such employer is liable.

(9) 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 for 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.

52.—(1) The Board shall determine and fix the percentage, rate or sum for which each employer is assessed under the provisions of the next preceding section, or the provisional amount thereof, and such employer shall pay to the Board the amount or provisional amount of his assessment within fifteen days after notice of the assessment and of such amount as has been given to him, or where payment is to be made by instalments he shall pay the first instalment within such time and the remaining instalments at the time or times specified in such notice.

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

(3) Every employer shall pay into the Accident Fund such assessments as may be levied by the Board, and if any assessment or any part thereof is not fully paid in accordance with the terms of the levy, the Board shall have a right of action against the employer in respect of any amount unpaid together with the costs of such action.

53.—(1) No assessment less than fifty dollars shall be levied in respect of the employments mentioned in classes 1 and 6 of Schedule 1 hereto, and in other cases, no assessment shall be less than five dollars.

(2) Where the workman or any group of workmen of any employer, employ a workman as a checkweigher, checker or otherwise howsoever, then such employer shall pay to the Board an amount sufficient to pay the assessment in respect of the workman so employed and may deduct such amount from the wages of the said workman or group of workmen.

54.—(1) Subject to the regulations of the Board, every employer shall, before the twentieth day of January in each year and at such other time or times as may be required by the Board, prepare and transmit to the Board, a statement of the total amount of all wages earned by all his workmen during the calendar year then last past or any part thereof specified by the Board and of the amount which he estimates he will expend for wages during the then current year or any part thereof specified by the Board and such additional or other information as the Board may require all verified by the statutory declaration of the employer or the manager of the business, 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) Every person rendering service to a company, where-soever and howsoever incorporated or constituted, under a contract of service written or oral, express or implied, whether such person is or is not a member, officer or executive, of such company and whether or not such company is or is not, under legal obligation to pay such person any

wages, salary or other remuneration, shall be deemed to be and is hereby constituted, a workman of such company and shall be included upon the pay-roll thereof, and in every such case where such person is not being paid any wages or salary, the Board shall, for the purposes of assessment, fix such sum as in its opinion shall represent a reasonable wage or salary for the service rendered by such person, having regard to the nature of the employment, but not in any case exceeding in any one year the aforesaid maximum sum of two thousand dollars and the Board shall for the purpose of its assessment add the sum so fixed by it to the amount of the pay-roll of such company.

(3) Within three days after the granting of any building permit, in or by, any city, town, incorporated village, municipal district or other municipal body, notice in writing thereof shall be given to the Board by the person whose duty is to keep a record of such permits.

(4) Any such person shall be liable upon summary conviction to a fine of twenty dollars for each contravention of the provisions of the preceding subsection.

(5) Any work done or performed under such permit is hereby constituted an employment to which this Act applies, and the employment by such permit holder, of any workman therein or in connection therewith, shall constitute him an employer within the meaning of the Act and as such, subject to all the provisions thereof.

(6) Every municipal assessor of a city, town, incorporated village, municipal district or other municipality and the Department of Municipalities in the case of improvement districts, shall yearly, on or before the last day for completing his assessment roll, make a return to the Board upon forms provided by the Board for the purpose, showing the names, addresses, nature of business and usual number of employees, of all employers of labour, carrying on in such city, town, incorporated village, municipal district or other municipality and improvement district as the case may be, any industry or business other than farming, together with such information as the Board may require.

55.—(1) 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 and earnings of his employees and of such other features and particulars of his operations as the Board may require.

(2) Any person who, in the opinion of the Board, may be an employer under the provisions of the Act, shall on request of the Board at an time furnish and deliver to the Board a statement signed by him giving full particulars of the nature of the different classes of work carried on and such particulars as may be required by the Board concerning his pay-roll or other feature or features of his business or industry as the Board may require.

(3) Where the business of the employer embraces more than one branch of business or class of industry, the Board may require separate statements to be made as to each

branch or class of industry, and such statements shall be made, verified, and transmitted as provided by section 54.

(4) The Board and any member of it and any officer of the Board or person authorized by it for that purpose, shall have the right to examine the books and accounts of every employer and to make such other inquiry as the Board may deem necessary for the purpose of ascertaining whether any statement furnished to the Board under any of the provisions of this Act, is an accurate statement of the matters which are required to be stated therein, or of ascertaining the amount of the pay-roll or of ascertaining whether any industry or person is within the scope of the Act. For the purpose of any such examination or inquiry, the Board or person authorized to make the examination or inquiry, may give to the employer or his agent notice in writing requiring him to bring or produce before such Board or person, at a place and time to be mentioned in the notice, which time shall be at least ten days after the giving of the notice, all documents, writings, books, deeds and papers in the possession, custody or power of the employer touching or in any way relating to or concerning the subject matter of the examination or inquiry referred to in the notice, and every employer and every agent of the employer named in and served with any such notice shall produce at the time and place required all such documents, writings, books, deeds and papers according to the tenor of the notice and for the purpose of any such examination and inquiry the Board and any person so appointed shall have all the powers which may be conferred on a commissioner appointed under *The Public Inquiries Act*.

(5) An employer and every other person who obstructs or hinders the making of any examination or inquiry mentioned in the preceding subsection, or who refuses to permit it to be made, or who neglects or refuses to produce such documents, writings, books, deeds, and papers at the time and place stated in the notice mentioned in the said preceding subsection, shall be guilty of an offence under this Act.

(6) No officer of the Board and no person authorized to make an examination or inquiry under this Act shall divulge or allow to be divulged, except in the performance of his duties or under authority of the Board, any information obtained by him or which has come to his knowledge in making or in connection with an examination or inquiry under this Act.

(7) Every person who violates the provisions of the preceding subsection shall be guilty of an offence against this Act.

(8) If a statement is found to be incorrect, the assessment shall be made on the true amount of the pay-roll or other basis of assessment as the Board may require, as ascertained by such examination and inquiry, or if an assessment has been made against an employer on the basis of his pay-roll or other basis of assessment, 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.

(9) The Board shall not nor shall any of its officers, furnish information in respect of any employer, employee or other person with whom in the course of its administration it transacts business, except information of a general character or of its general administration or to the individual or individuals affected as to matters personally and specifically affecting them or as may be especially directed by the Government of the Province of Alberta or its Executive Council.

56. If an employer does not make and transmit to the Board the prescribed statement within the prescribed time, the Board may, in addition to any other remedy provided by this Act, base any assessment or supplementary assessment thereafter made upon him on such sum as in its opinion is the probable amount of the pay-roll or other basis of assessment 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 pay-roll, or other basis of assessment, 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 pay-roll or other basis of assessment.

57. 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.

58. 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.

59.—(1) When any industry coming under the provisions of this Act is established, commenced or recommenced, the employer shall within ten days notify the Board of the fact and furnish to the Board an estimate of the probable amount of his pay-roll for the remainder of the year or such other information as the Board may require, 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 pay-

able by the employer under subsection (1) of this section as it possesses or is entitled to in respect of assessments.

60. Where an employer engages in an industry to which the Act applies and has not been assessed in respect of it, the Board, if it is of the opinion that the industry is to be carried on only temporarily, may require the employer to pay or give security for the payment to the Board of a sum sufficient to pay the assessment for which the employer would have been liable if the industry had been in existence when the next preceding assessment was made.

61.—(1) Where any work within the scope of this Act is undertaken for any person, in this section referred to as the principal, by a contractor, it shall be the duty of the principal to see that any sum which the contractor or any sub-contractor is liable to contribute to the Accident Fund in respect of the work so undertaken is paid, and if any such principal fails to do so he shall be personally liable to pay it to the Board, and the Board shall have the like powers and be entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of the assessment.

(2) Where contribution to the Accident Fund is claimed from the principal, in this Act reference to the principal shall be substituted for reference to the employer.

(3) Where the principal is liable to contribute to the Accident Fund under this section, he shall be entitled to be indemnified by any person who should have paid the same, and all questions as to the right to and the amount of any such indemnity shall be determined by the Board.

(4) Nothing in this section shall prevent the Board from levying or collecting contribution to the Accident Fund on or from the contractor or any sub-contractor instead of on or from the principal.

(5) Where any work within the scope of the Act is performed under contract for any municipal corporation, or for any board or commission having the management of any work or service operated for a municipal corporation, any assessment in respect of the work may be paid by the corporation, board, or commission, as the case may be, and the amount of the assessment may be deducted from any moneys due the contractor in respect of such work.

62. Assessments may, wherever it is deemed expedient, be collected in half-yearly, quarterly, or monthly instalments, or otherwise; and where it appears that the funds in any class are sufficient for the time being, any instalment may be abated or its collection deferred.

63. Employers to whom this Act applies shall be liable to contribute to the Accident Fund, as herein provided.

64.—(1) Any employer who refuses or neglects to make or transmit any pay-roll, return or other statement required to be furnished by him under any of the provisions of this Act or any regulation or order made thereunder or who refuses or neglects to pay any assessment, or the provisional amount of any assessment, or any instalment or part thereof, shall, in addition to any penalty or other liability to which he may be subject, pay to the Board, a sum of money not exceeding one-half of the amount of the compensation payable and not exceeding in any case three hundred dollars in respect of any accident to a workman in his employ which happens during the period of such default, and the payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced.

(2) The Board, if satisfied that such default was excusable, may in any case relieve such employer in whole or in part from liability under this section.

(3) Where any employer makes default in the payment of an assessment, and an execution issued upon a judgment entered with respect to the assessment is returned with a certificate from a sheriff or his deputy that he was unable to wholly satisfy the same, and where the judgment debtor continues to carry on an industry within the scope of this Act in which workmen are employed, any judge of the Supreme Court, upon an application made on behalf of the Board by motion in Chambers, without the issue of any writ or the commencement of any action, may restrain the judgment debtor from carrying on any industry within the scope of this Act until the amount due on the execution, and all assessments made by the Board, and the costs of the application are paid.

65.—(1) Where default is made in the payment of any assessment, or any special assessment or any part thereof, or any other moneys due the Board, the Board may issue its certificate stating that the assessment was made, the amount remaining unpaid on account of it, and the person by whom it was payable, and directing the payment of such amount by such person, and such certificate or a copy of it, certified by the secretary under the seal of the Board to be a true copy, may be filed with the Clerk of the Supreme Court, or the Clerk of the District Court of any district, and when so filed shall become an order of the Court, and be enforced as a judgment of the Court.

(2) The Board shall have the like power and be entitled to the like remedies of enforcing payment of any sum (other than an assessment) which any employer is required to pay to the Board under any of the provisions of this Act, as it possesses or is entitled to in respect of assessments.

(3) Notwithstanding anything contained in any other Act, the amount due to the Board by an employer upon any assessment made under this Act or in respect of any amount which the employer is required to pay to the Board under any of its provisions or upon any judgment therefor, shall

be a charge upon the property of the employer within the Province of Alberta and shall have priority over all debts, liens, charges, mortgages or other encumbrances whatsoever whenever created or to be created:

Provided that such priority shall not apply against wages due to employees by their employer or employers in cases where the exercise thereof would deprive the claimant therefor of such wages.

(4) In the event of the sale of any business or any industry to which this Act applies, or of the stock or equipment in bulk used in connection with any such business or industry it shall be the duty of the purchaser before paying any part of the purchase price thereof or giving the vendor any security therefor, to demand and secure from the vendor, and it shall be the duty of the vendor to furnish to the purchaser, a certificate by the Board that it has no claim in respect of such business or industry or stock in bulk.

(5) In case such vendor has not furnished such certificate the purchaser or such business or industry or stock or equipment shall be liable to the Board in and indebted to it for a sum equal to the moneys due it by the vendor.

(6) Any real estate of an employer, that may not be otherwise bound by or subject to a lien created by this Act, shall be bound to the same extent as a registered judgment or mortgage, by any assessment made under this Act against such employer, from the date of the lodging of a certified copy of such assessment in the Land Titles Office for the district in which such real estate is situated and any judgment entered with respect to such assessment shall bind such property from the date of the lodging of such assessment so certified. The Registrar of such Land Titles Office shall record such copy of assessment.

66.—(1) Except in the matter of retail sales by regularly established retail dealers in the ordinary course of their business, it shall be the duty of each purchaser of lumber, before paying to the vendor the purchase price or any part thereof or giving him any security therefor, to demand and receive from the vendor, and it shall be the duty of the vendor, to furnish to the purchaser a certificate by the Board that it has no claim in respect of such lumber, for assessment or otherwise.

(2) In case the vendor has not furnished such certificate, the purchaser of such lumber shall be liable to the Board in and indebted to it for a sum equal to the moneys due by the producer or vendor of such lumber to the Board up to but not exceeding seventy-five cents for each one thousand feet board measure, of lumber so purchased.

67.—(1) In case any person fails to pay any assessment or part thereof which he is liable to pay within the time provided for such payment the secretary may by himself or his agent collect the same with costs by distress of the goods

and chattels of the person against whom such assessment was made and the costs chargeable shall be the same as those allowed in the schedule to *The Distress Act*.

(2) The secretary shall by advertisement posted up in at least five public places in the district wherein such seizure has been made, give at least ten days' public notice of the time and place of sale, the goods and chattels to be offered for sale, and the name of the debtor for payment of whose assessment the property is to be sold; and at the time named in the notice the secretary or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the moneys so due with all lawful costs, including one dollar for posting notices.

(3) If the property distrained has been sold for more than the amount of assessments due and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If any claim to the surplus is contested, such surplus money shall be paid by the secretary to the Clerk of the District Court of the Judicial District within which the goods and chattels distrained are situated, and he shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

68.—(1) If an assessment or a special assessment or any part of it remains unpaid for thirty days after it has become payable, the Board in lieu of or in addition to any and all other proceedings as herein provided may issue its certificate stating the name and residence of the defaulting employer, the amount unpaid on the assessment, and the establishment in respect of which it is payable, and, upon the delivery of the certificate to the clerk of the municipality in which the establishment is situate, he shall cause the amount so remaining unpaid as stated in the certificate to be entered upon the collector's roll as if it were taxes due by the defaulting employer in respect of such establishment, and it shall be collected in like manner as taxes are levied and collected and the amount when collected shall be paid over by the collector to the Board.

(2) The collector shall be entitled to add five per centum thereof to the amount to be collected and to retain such percentage for his service in making the collection.

69. Subject to any statute of the Dominion of Canada, there shall be included among the debts which, under *The Trustee Act*, *The Companies Act, 1929*, or any other Act of the Province of Alberta, are, in the distribution of the property in the case of an assignment or death or of the assets of a company being wound up under the said Acts or any of them or otherwise to be paid in priority to all

other debts, the amount of any assessment or other debt due the Board the liability for which accrued before the date of the assignment or death or the commencement of the winding up respectively.

70.—(1) Where an employer 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, and shall at the same time transmit a statement of the total amount of wages earned by all his workmen for the portion of the then current year during which he has continued in business.

(2) Every employer 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.

(3) Employers shall post and keep posted in a conspicuous place upon the premises where the work performed by their workmen is being carried on and where they may be readily seen by such workmen, such notices as the Board may from time to time require to be posted.

(4) 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.

(5) No employer shall keep or have in his employment any workmen unless such employer has complied with the provisions of this Act, and where an employer is in default of payment of any assessment or part thereof or any other moneys due by him to the Board and such default has continued for one year the Board may notify the employer to discontinue and thereafter refrain from employing any workman or workmen and the employer shall not thereafter employ any workman or workmen unless or until he shall have first paid to the Board all moneys due it by him.

(6) All books, returns, notices, reports, forms or other documents or papers, and copies thereof required to be kept, posted or forwarded in accordance with the provisions of this Act or regulations made thereunder, shall be in a form approved by the Board.

PENALTIES.

71.—(1) Any person who violates any of the provisions of this Act or any regulations or orders made hereunder, shall be liable on summary conviction to a penalty of not less than five dollars and costs and in default of payment to imprisonment for a period not exceeding three months.

(2) Any person being convicted for violating any of the provisions of this Act or any regulations made hereunder, and failing after such conviction to comply with the pro-

visions of the Act or the regulations made hereunder for the breach of which he was convicted, shall be guilty of an additional offence, and on summary conviction shall be liable to a penalty of not less than five dollars a day for each day such failure or default continues, and in default of payment, to imprisonment for a period not exceeding three months.

(3) 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 The Criminal Code shall apply to all prosecutions under this Act.

(4) All penalties imposed by this Act shall when collected be paid over to the Board and form part of the Accident Fund.

(5) No prosecution shall be instituted for a violation of any of the provisions of this Act, except by some person appointed by the Board.

(6) In any prosecution for a violation of any of the provisions of this Act or any regulations made thereunder, whereby any person is required to transmit to the Board any statement or report or to pay to the Board any assessment or other account, a certificate under the hand of the secretary and under the seal of the Board, certifying that such statement or report or payment has not been received by the Board, shall be *prima facie* evidence of the non-transmission of the statement or report or the non-payment of the assessment or other amount.

APPLICATION.

72.—(1) This Act shall apply to all classes of employment enumerated in the schedules hereto and *The Workmen's Compensation Act, 1908*, shall not be applicable in the case of any accident or injury happening to any workmen engaged in an employment to which this Act applies.

(2) The Board shall have the power to define "restaurant" and "retail store" and to decide whether any establishment is or is not a restaurant or a retail store as so defined.

73. Subject to the provisions of section 13 hereof, this Act shall not apply to,—

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business, saving and excepting those which may be brought within the scope of the Act by section 13 hereof;
- (b) Outworkers;
- (c) persons employed in an industry of an itinerant nature, assessments with regard to which it is impracticable or difficult to collect;

- (d) all employees of the Canadian Pacific Railway Company, included in the following organizations: The Order of Railway Conductors in Alberta, the Brotherhood of Railway Trainmen, as more particularly described and detailed in *The Alberta Gazette* of November 15th, 1928;
- (e) persons employed in the industry of farming or ranching except by application under the provisions of section 13 hereof.

74. *The Workmen's Compensation Act (Accident Fund)*, being chapter 177 of the Revised Statutes of Alberta, 1922, is hereby repealed.

75. This Act shall come into force on the..... day of....., 1938.

SCHEDULE 1.

Coal-mining; operation of coke ovens; briquetting plants; mining other than coal-mining; 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; operation of municipal police forces; municipal fire departments; navigation; operation of boats, ships, tugs, and dredges; operation of grain elevators; operation of 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, operation and maintenance of freight and passenger elevators, including the work of janitors in buildings where such elevators are operated, quarrying, lumber yards, wood yards, ice, hotels, restaurants and retail stores, and commercial greenhouses, and any occupation incidental to or connected with the industries enumerated in this schedule, also including moving pictures and theatres, and by way of specific enumeration, but not so as in any way to interfere with or affect the generality of the preceding words thereof, the following classes of industries:

CLASSIFICATION.

Class 1—Employment incidental to or connected with coal-mining, other than coal-mining by the removal of the overlying strata;

Class 2—Employment incidental to or connected with the operation of coke ovens;

Class 3—Employment incidental to or connected with the operation of briquetting plants;

Class 4—Employment incidental to or connected with mining other than coal-mining;

Class 5—Employment of employees of workmen in or about mines;

Class 6—Employment incidental to or connected with coal-mining by the removal of the overlying strata;

Class 13—Lumbering, logging, river driving, rafting, booming; saw-mills, shingle mills, lath and planing mills, sash and door factories, lumber yards (including delivery); manufacturing of wooden boxes, furniture, fixtures, small boats, canoes, mattresses, bed springs, artificial limbs; upholstery and picture framing; carpenter, joiner or cabinet work in shop;

Class 15—Sand, shale, clay or gravel pits; manufacture of brick, tile, sewer pipe, glass products, porcelain, pottery, cement, concrete, plaster blocks, artificial stone; stone-cutting and dressing; quarrying, stone-crushing, lime kilns, marble works; manufacture, transmission, or distribution of natural or artificial gas or oil; manufacture of paint, chemicals, compounds, artificial ice; boring, drilling, sinking of artesian wells; preparation of metal or minerals; reduction of ores and smelting; oil refineries; creosoting of timbers; handling of natural ice;

Class 20—Garages, blacksmith shops, machine shops; tinsmithing, and sheet metal works; gas or electric welding; locksmiths, gunsmiths; ornamental iron works, foundries, rolling mills, fabrication of structural steel, iron or metal; manufacture of agricultural implements, vehicles, typewriters, cash registers, adding machines, rubber stamps, pads, stencils, gold or silver ware, jewellery;

Class 27—Grain elevators, flour milling; manufacturing of cereals, cattle foods, liquor, beverages, wine, vinegar, cider (including bottling); packing plants, abattoirs; manufacturing of meat products, soap, toilet preparations, drugs, medicines;

Class 37—Warehousing, storage, teaming, cartage, wood and coal yard (including teaming); manufacture of wearing apparel; power laundries, dyeing, cleaning, bleaching; printing, lithographing, engraving; moving pictures and theatres; manufacture of leather goods, rubber goods, tobacco products, textiles, fabrics; scrap and junk dealers, liveries, stable, taxi, or motor; aeroplane transportation; aeroplane mechanics; janitors, mail contractors, food products, creameries and bakeries;

Class 39—Building construction, concrete or cement work, brick-laying, masonry, structural carpentry, lathing, plastering, floor-laying, painting, decorating, renovating, roofing; sheet metal work on buildings; electric wiring; installation of lighting fixtures; plumbing, heating, sanitary engineering, gas and steam fitting, sewer or water work construction; tunnelling, well-digging, trenching;

excavation work for foundations; road-making, street-paving, culvert construction, house-wrecking, house-moving, construction, installation or operation of electric light plants, power plants, telegraph lines, telephone lines; bridge construction; installation of elevators, fire escapes, engines, boilers, heavy machinery; erection of wind-mills; railway construction; irrigation operations, dredging, fishing; operation of boats; window-cleaning; exhibition associations;

Class 45—Operation of express companies, in connection with railways;

Class 89—Municipal corporations;

Class 91—Canadian Pacific Railway Co.;

Class 92—Grand Trunk Pacific Railway Co.;

Class 93—Canadian National Railways;

Class 94—Edmonton, Dunvegan & British Columbia Railway; Central Canada Railway;

Class 97—School Boards; University of Alberta;

Class 98—The Alberta and Great Waterways Company; Lacombe and Northwestern Railway Company;

Class 99—The Workmen's Compensation Board.

SCHEDULE 2.

Class 95—Employment by Dominion Government;

Class 96—Employment by Provincial Government of Alberta; or by any permanent Board or Commission appointed thereunder, other than the Workmen's Compensation Board.

ENUMERATION OF INDUSTRIAL DISEASES.

Description of Disease	Description of Process
Anthrax.	Handling of wool, hair bristles, hides and skins.
Glanders.	Care of equine animals suffering from glanders; handling of carcasses of such animals.
Lead poisoning or its <i>sequelae</i> .	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its <i>sequelae</i> .	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its <i>sequelae</i> .	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its <i>sequelae</i> .	Any process involving the use of arsenic or its preparations or compounds.
Infection or inflammation of the skin or contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases or vapours.	Any industrial process involving the handling or use of oils, cutting compounds or lubricants or involving contact with dust, liquids, fumes, gases or vapours.
Pneumoconiosis, which shall be deemed to be— Silicosis. Siderosis. Lithosis.	Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal; mining.
Poisoning by benzol or by nitro and amidoderivatives of benzol, anilin and others.	Any industrial process involving the use of benzol or a nitro or anilin derivative of benzol or its preparations or compounds.
Subcutaneous cellulitis of the hand (Beat Hand).	Mining or other industries which require continued use of hand tools.

SIXTH SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1938

BILL

An Act to Amend and Consolidate
The Workmen's Compensation Act
(Accident Fund).

Received and read the

First time.....

Second time.....

Third time.....

MR. ANDERSON.

EDMONTON:
A. Shnitka, King's Printer
1938