

WORKMEN'S COMPENSATION IN CANADA
A COMPARISON OF PROVINCIAL LAWS

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WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in July, 1944

Introduction

In all the Canadian provinces except Prince Edward Island, there is a statute providing that in any industry to which the Act or the main part of it applies, compensation shall be paid for personal injury to a workman by accident arising out of and in the course of employment or by an occupational disease specified in the Act or regulations except where the workman is disabled for less than a stated number of days or where the injury is attributable to his serious and wilful misconduct and does not result in death or serious disablement.

To ensure that this obligation shall be met, the Act provides for an Accident Fund administered by a provincial board to which employers are required to contribute. At any time a special assessment may be levied on employers to take care of compensation payments and in some provinces the money may be advanced from the provincial Treasury and repaid later from assessments. In all cases the province is responsible for the solvency of the Fund.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. A workman in an industry to which these provisions apply has no right of action against his employer for injury received in the course of employment.

This State system of workmen's compensation is one of collective liability on the part of employers. Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in their class although for the purpose of compensation the Accident Fund is one.

In all the provinces, this compulsory State system of collective liability replaced that of individual liability as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Alberta and Saskatchewan. The collective liability system was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Alberta and New Brunswick in 1918, Manitoba in 1920, Saskatchewan in 1929 and Quebec in 1931. Amendments have been made in all these statutes from time to time.

New Brunswick, a new Act was passed in 1932 and Alberta and Nova Scotia revised their Acts in 1943 and 1938 respectively. The situation in Prince Edward Island is described below. The statutes in Saskatchewan, Quebec and New Brunswick have followed closely the Ontario Act in many respects and in the other provinces, too, there has been an increasing tendency towards uniformity in recent years.

Only the main points of the provincial legislation are covered in this analysis. The scale according to which compensation is paid under these laws and the occupational diseases which are covered are set out in tables at the end. A summary of the provisions of the conventions and recommendations of the International Labour Conference on workmen's compensation enables a comparison to be made between the standards adopted by the Conference and the Canadian Statutes.

Individual Liability

An Alberta Act of 1908 and a Saskatchewan statute of 1911, under which the employer was personally liable and might insure his risk in a private insurance company, were superseded with respect to most industrial workers in these provinces by the statutes providing for a collective liability system but the earlier law remained in effect with respect to certain classes of workers. The Alberta statute of 1918 did not apply to any railway workers but in 1919 it was extended to all but men engaged in train service. An amendment of 1928 repealed this clause but permitted a vote to be taken by members of the railway trade unions to determine the statute under which they should receive compensation for accidents. The opposition of railroad employees to the Workmen's Compensation Act, 1918, was based on the belief that they had greater protection under the 1908 statute owing to the large proportion of fatal accidents in railway service and the fact that compensation as high as 100% of earnings might in these cases be awarded by the court. As a result of the vote, trainmen and conductors remained under the earlier Statute until 1941 and 1942 respectively when they were brought under the collective liability system at their own request.

In Saskatchewan, the Workmen's Compensation (Accident Fund) Act does not apply in the first instance to men employed in train service but members of any of the trade unions in which these workers are organized may be brought within the later Act by the Lieutenant-Governor in Council if a majority of the members indicate by ballot their desire to that effect. No vote on the question has been taken in Saskatchewan.

In this analysis the expression "Workmen's Compensation Act" when used with respect to either Alberta or Saskatchewan will refer only to the later statute establishing a provincial Accident Fund and not to the earlier Act.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it. The employer is not liable where the workman or dependents are entitled to compensation under the War Measures Act or Regulations.

In Ontario and Quebec, public authorities and certain corporations such as railway, shipping, telephone and telegraph companies, are, themselves, liable to pay compensation but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the Dominion and Provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statutes in Alberta and Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, New Brunswick and Ontario, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these five statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not within the scope of Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury received in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that the worker continued in the employment with knowledge of any defect or negligence is not a bar to the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus the workers in industries outside the workmen's compensation scheme, under which all accidents occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of these principles which distinguish employer's liability from workmen's compensation and from the common law.

In the Yukon Territory, an Ordinance of 1917 applies to undertakings employing five or more workmen and to injuries causing death, or disability for 3 days or longer. An amendment of 1939 provides for compensation also for silicosis, infected blisters and

poisoning from lead, arsenic and mercury. Disputed claims are settled by the Territorial Court. Compensation is \$2500 in case of death, \$3000 for permanent total disablement and fixed sums for other injuries.

In the Northwest Territories the Workmen's Compensation Ordinance, as revised in 1940, abrogates the defence of common employment in actions against an employer for injury or death of an employee. The Commissioner of the Northwest Territories may order employers to arrange satisfactory protection for their workmen with the Workmen's Compensation Board of a Province or Territory or, if this is impossible, to obtain accident insurance in an approved company.

Prince Edward Island

In Prince Edward Island there is no Workmen's Compensation Act applying to all industrial workers. In 1926, the Provincial Legislature enacted a Railway Employees' Compensation Act but as railway workers in Prince Edward Island are employed on Dominion Government railways, the operation of the statute was declared to depend on the consent of the Parliament of Canada. In 1927, the Dominion Parliament amended the Government Employees' Compensation Act to make Dominion Government employees in Prince Edward Island eligible for compensation at the same rate and in the same manner as similar workers employed in New Brunswick. The Prince Edward Island statute has, therefore, remained inoperative.

Dominion Government Employees

The Government Employees' Compensation Act, passed in 1918 by the Parliament of Canada, provides that Dominion Government employees or their dependants shall be paid the same compensation as persons employed by private employers would receive under the Workmen's Compensation Act of the province in which the accident occurs. The amount of compensation is determined by the provincial Board and paid by the Dominion Government. Under this statute, as amended, all Dominion Government employees are eligible for compensation for accidents arising out of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned.

Employees of companies producing or dealing in war goods or constructing defence projects as agents of His Majesty and not already under the Act have been brought in by Order in Council. The Act has also been extended to cover employees of the companies mentioned above who must proceed to the United States, Government employees performing work in Newfoundland, the Yukon or the Northwest Territories, trainees under the War Emergency Training Program, persons performing alternative service under the National Selective Service Civilian Regulations, enemy aliens in work camps, employees

of the United Kingdom Technical Mission and of the Inspection Board of the United Kingdom and Canada, and members of voluntary organizations who undertake certain work in hospitals.

Blind Workmen in Ontario and Quebec

The Blind Workmen's Compensation Act, 1931 of Ontario and a 1943 amendment in the Workmen's Compensation Act of Quebec provide that where the cost of compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the Province for the full amount of such compensation in Ontario and for the amount in excess of \$50 in Quebec, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the Province for that purpose.

Workmen's Compensation Boards

In each province, the Workmen's Compensation Act provides for its administration by a commission of three members to be called the Workmen's Compensation Board or Commission, appointed by the Lieutenant-Governor in Council. In Manitoba and Saskatchewan only the chairman is required to devote his whole time to the work.

In Alberta and British Columbia the term of the members and in Saskatchewan the term of the chairman is ten years but except in Alberta they may be reappointed. In the other provinces the members hold office during good behaviour or, in Ontario and Quebec, during pleasure. In Manitoba, the chairman, and in Nova Scotia and Ontario all members of the Board must retire on reaching the age of seventy-five years unless otherwise directed by the Lieutenant-Governor in Council. In British Columbia, a member of the Board may be retired at 70 years of age. No reference is made in the New Brunswick statute to the tenure of office of members of the Board.

The Workmen's Compensation Act of each of the provinces except New Brunswick classifies the industries within its scope according to accident hazard but in each case the Board may add to these classes or subdivide or re-arrange them and may also add to or withdraw industries from such classes. The New Brunswick statute provided that the classification should be made in the first place by the Board. All Boards have authority to fix rates of assessment suitable to each class with preferential or merit rating in favour of industries having good accident records. They are empowered to collect assessments, determine the right to compensation and pay the amount due to injured workmen or dependants. The provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but the laws of Nova Scotia and New Brunswick

allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, the Board in each province may file an order for payment of the money with the clerk of the court specified in the Act, whereupon it becomes an order of the court and may be enforced like any other judgment.

Cost of Administration

In British Columbia, the Act stipulates that the salary of the chairman may not be less than \$6,000 or more than \$7,500 per annum and the salaries of the other members not less than \$5,000 or more than \$6,000. In the other provinces, the remuneration of members of the Board is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a director giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

In all the provinces the salaries of members of the Board and costs of administration are now borne by the Accident Fund. In British Columbia, Manitoba, Nova Scotia, Ontario and Quebec, an annual grant may be made from the Consolidated Revenue Fund of the province to the Accident Fund to assist in defraying expenses. In New Brunswick, the Act stipulates that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund of the Province unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. The Saskatchewan Act authorized a grant not exceeding \$25,000 from the Consolidated Revenue Fund to assist in organizing the work of the Board and meeting its initial expenses. In most provinces a grant was made only in the first year for organization and in those provinces which provided at first for the payment of the salaries of the Board members from the provincial Treasury the Acts were amended to require them to be paid from the Accident Fund. In no province is any financial assistance now given by the government to the cost of administration of the Act, but where the Board is charged with other duties as in some provinces the expenses in connection with them are paid by the province.

In proportion to the accidents to their own employees, however, the Governments of the Dominion and the province contribute, like other employers who are individually liable, to the cost of administration.

Scope of Laws

The provincial Workmen Compensation Acts vary in scope but, in general, they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road; operation of electric power lines, telegraph and telephone systems, water-works and other public utilities, navigation and operation of boats, tugs and dredges, of power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators and of lumber, wood and coal yards; scavenging and window-cleaning, dyeing and cleaning.

Retail and wholesale stores, hotels, restaurants and hospitals are within the scope of the New Brunswick Act and radio broadcasting stations have been added. In Alberta, hotels, shops and restaurants are under the statute, and in Ontario hotels and hospitals were added in 1944. Theatres and places where moving-pictures are exhibited, automobile repair shops and places for the sale of gasoline, oil, etc., are covered in all the provinces. Transport by air is expressly included in Alberta, New Brunswick, Ontario and Saskatchewan. In Manitoba it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. A few other variations appear in the scope of the Acts with respect to miscellaneous industries or occupations and where the Board has power to exclude small establishments, some of the places mentioned have been excluded except where more than a specified number is employed, e.g., repair shops in Ontario employing less than four workmen and aerial transport in New Brunswick where only one or two are employed.

Whenever a municipal corporation or school board carries on a business which would be within the Act if conducted by a private employer, all the Acts, except that of Ontario, provide for its inclusion. Ontario protects all persons employed by municipal corporations or school boards except those employed by rural school boards. Municipal police and fire departments are protected in Alberta, British Columbia, Manitoba, Ontario and Saskatchewan, and they may be brought within Part I of the New Brunswick or Nova Scotia statutes.

Persons employed by the provincial Government in industries covered by the Act are declared within the scope of the Acts in British Columbia, Manitoba and Quebec. In New Brunswick and Nova Scotia it is provided that such employees may be brought within the Act and this has been done. In Alberta, Ontario and Saskatchewan, all provincial Government employees are protected.

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In every province, certain classes of workers are declared ~~not~~ to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, New Brunswick, Nova Scotia and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be so admitted under certain conditions as to particular classes of workers as indicated below. Of its own motion, the Board may bring industries within the Act in Alberta, Manitoba, Nova Scotia, Ontario and Quebec. In New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but Alberta and British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, New Brunswick, Nova Scotia and Ontario, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council, although in Ontario, the Board may exclude any particular trade or occupation from an industry in Part I. Undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces but Alberta and British Columbia. In New Brunswick and Nova Scotia, such undertakings may be readmitted by the Board while in Manitoba and in Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board. Regulations made under this authority relate to different industries but the Manitoba Board has ~~not~~ exercised its power to exclude small industries while on the other hand in Nova Scotia all industries employing less than five workmen have been placed outside the Act.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, New Brunswick, Nova Scotia and Saskatchewan, the Act is expressly declared not to apply to farm labourers or

to domestic servants, while in Ontario and Quebec, the Act excludes the "industry of farming" and domestic service.

In Manitoba, New Brunswick and Nova Scotia, either of these classes of workers, and in Ontario, the farming industry, may be admitted to Part I on application of the employer. In New Brunswick, too, they may be brought within Part I by the Lieutenant-Governor in Council on recommendation by the Board. In none of these provinces have any workers in these classes been brought within the Act.

In Alberta, the Act applies only to the industries specified in it and domestic service is not mentioned in the Act. As regards farm labourers, the statute provides that farming or ranching may be brought under the Act by the Board on application of the employer or of a majority of the employees with the consent of the employer concerned. Some advantage has been taken of this privilege where about half a dozen persons carrying on farm operations, together with some other undertaking, have had their employees brought within the Act.

In British Columbia, the Act is expressly declared not to apply to domestic servants and farming is not among the industries specified in the statute but under the general power given to the Board to declare industries or undertakings within the scope of the Act on the application of either the employer or the workmen, farm labourers might be brought within the Act;

Hence in all the provinces, except Alberta to a very limited extent, farm labourers and domestic servants, or their dependants in case of fatal accidents, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

Clerical workers employed in Manitoba industries which are within Part I of the Act are excluded from Part I unless they are exposed to the hazards of the industry. In the other provinces, clerical workers in industries covered by the Act are eligible for compensation.

Casual workers, who are employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of Part I of the Acts in all provinces and in Alberta and Saskatchewan outside the Act. In Alberta, British Columbia, New Brunswick, Nova Scotia and Saskatchewan, these two classes may be brought within the scope of the collective liability system under the conditions outlined above.

Risks Covered

Where in any employment within the scope of the provincial workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statute of Quebec and, with some slight variation, in Alberta. In British Columbia, Manitoba, Nova Scotia and Saskatchewan the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent. The New Brunswick Act varies from that of Ontario in stipulating that no compensation shall be paid if the injury was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious or wilful misconduct or to a fortuitous event unconnected with the industry in which the workman was employed.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". In Nova Scotia compensation is payable for injury by lightning and for frostbite resulting from the workman's employment. A special clause in the Alberta Act provides that where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Nova Scotia Act applies only to a workman found dead in the underground workings of a coal mine.

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments". In all provinces but Alberta, however, it is stipulated that compensation shall not be paid if at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously

suffered from the disease. Except in New Brunswick and Nova Scotia such representation must have been made in writing if the workman is to be ineligible for compensation. The diseases for which compensation is payable are set out in a schedule to each Act, except in New Brunswick, but the Board in every province is given authority to add to it and in all cases other diseases have been added to the original list. In New Brunswick, the Board was empowered to determine by regulation all the diseases to be compensated. Appended to this statement is a table showing the occupational diseases which are compensated under the provincial Acts.

In Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, if the workman has been employed in a specified industry where he was exposed to silica dust.

Waiting Period

Under each Act, a fixed period must elapse between the date of the accident and the date when compensation begins but in all the provinces medical aid is given from the date of the accident. This "waiting period" varies from three to seven days, and in some provinces compensation is paid for the waiting period if disability continues beyond it.

In New Brunswick, no compensation is paid for the first six days in any case nor is it paid in Nova Scotia, Ontario or Quebec unless the disability continues for seven days or more in which case compensation is payable from the date of the disability.

In Manitoba and Saskatchewan compensation is not paid for an accident which does not disable the workman for longer than three days nor is compensation payable for the first three days of a disability continuing for a longer period. In Alberta and British Columbia no compensation is payable for a disability for three days or less but if the disability lasts for more than fourteen days, compensation is payable for the first three days.

Medical Aid

In addition to cash benefits, free medical aid for injured workmen is provided out of the Accident Fund for as long as needed under all the provincial Acts except that of British Columbia. Alberta ceased to require any contribution for the cost of medical aid at the end of 1943. In British Columbia, one cent a day is deducted by the employer from the wages of each workman and forwarded by him to the Board to be used for medical aid. If this amount proves insufficient it may be increased by the Board, but cost must be distributed equally between employers

and workmen. In Ontario and Quebec, employers who are individually liable for ~~compensation~~ must furnish satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario it includes also treatment by persons registered under the Drugless Practitioners Act and in Alberta the term includes "treatment by all those who are licensed to practise the healing art in the province". In Alberta, British Columbia and New Brunswick, transport of an injured workman to his home or to a hospital or physician is paid from the Accident Fund. In Alberta, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan, the cost of such transport must be borne directly by the employer. In Nova Scotia, if an employer fails to provide a conveyance he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Nova Scotia and New Brunswick, workmen are entitled to have such apparatus kept in repair as the Board deems necessary, and in Alberta, British Columbia, Manitoba, Ontario, Quebec and Saskatchewan for as long as disability lasts. Alberta, British Columbia, Manitoba and Quebec provide medicines and in other provinces the cost of those may be included in the term "medical aid". In Alberta and Saskatchewan the Board may replace dentures broken by an accident arising out of employment. In Nova Scotia and Ontario, express provision is made for dental treatment and in Ontario, in permanent total disability cases, for any other treatment, services or attendance necessary as a result of the injury.

In Alberta and British Columbia, the Board is authorized to make a per diem subsistence allowance not exceeding \$2.50 from the Accident Fund to a workman under treatment at a place other than that in which he resides.

As regards the choice of a physician, the statutes in New Brunswick, Nova Scotia, Ontario and Saskatchewan merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer but only in accordance with the regulations of the Board. The implication is that in the first instance he may choose his own doctor. In Quebec the present Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

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If so required by the Board, a workman in any province must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice the Board may make it.

In all provinces the fees for medical aid are fixed by the Board.

All the statutes provide that employers' schemes for medical aid to their workmen may be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement for medical aid in the Act and in such case in Alberta, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan, the employer is entitled to reimbursement out of the Accident Fund or to a reduction in his assessment rate. In Manitoba, it is stated in the Act that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In all these provinces except Alberta contributions by the workmen to a private scheme for medical aid in cases under the Workmen's Compensation Act are expressly forbidden by the Act. In Nova Scotia, however, schemes in the coal industry under which the miners pay the cost through a long established arrangement with the local doctors have been permitted to continue in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases. In accord with the provision in the British Columbia statute for deductions from wages to pay the cost of medical aid furnished by the board is the stipulation in this Act that, where the employer has made his own arrangements and they are approved by the board, no deductions need be made on account of the provincial scheme. In Manitoba, New Brunswick and Ontario no private schemes have been approved by the Board.

In British Columbia, New Brunswick, Nova Scotia and Quebec, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, no deduction from wages on account of medical aid under the Compensation

Act may be made in respect of such seamen. Under the Canada Shipping Act, all ships arriving at any port in British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt.

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails to comply with this provision the Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in all the provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta and Saskatchewan the maximum amount that may be spent for this purpose is fixed in the statute: \$15,000 in New Brunswick; \$20,000 in Nova Scotia; \$75,000 in British Columbia; and \$100,000 in Ontario and Quebec. In Manitoba the cost of vocational training for any workman may be paid from the reserve set aside for his compensation.

Accidents Occurring Outside the Province

In each province, the Act makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In Alberta, British Columbia, Nova Scotia, Ontario and Quebec, compensation is payable if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the province and his employment without the province has lasted less than six months, or in the case of Alberta, twelve months, but in Alberta and Quebec compensation is only payable in such cases if the law of the place where the accident happened grants no compensation. In Alberta, those provisions do not apply to employment on United States Government works in the Yukon or Northwest Territories. In Manitoba, Nova Scotia and Ontario, a workman is eligible for compensation if an accident occurs while he is temporarily outside the province for some purpose connected with his employment provided that his

employer has his place of business within its boundaries and the workman's employment usually causes him to be within the province even if his residence is elsewhere.

In Alberta, British Columbia, New Brunswick, Nova Scotia and Saskatchewan, when a workman, who is a resident of the province, is engaged in work which is performed partly within and partly without the province, the work is considered as done in the province and compensation is payable accordingly.

In Manitoba, Ontario and Quebec, a similar provision relates only to transport by land or water while in British Columbia it applies also to transport by aeroplane, truck, bus or other vehicle. In Quebec, it applies to an accident on a vessel which is either registered in a Canadian port or whose owner has his home or principal place of business in the province. The Nova Scotia statute stipulates that as regards accidents outside the province on a ship registered in Nova Scotia or operated by an employer residing or having his place of business in the province and while the ship is limited to making voyages between Nova Scotia and New Brunswick, Prince Edward Island or Newfoundland, the employer must apply to have the industry admitted as being within the Act and must pay the required assessment. Failure to do so makes him personally liable for the amount of compensation.

In Nova Scotia, an industry carried on outside the province may be declared by the Board, on the application of the employer, to be within the scope of Part I of the Act and compensation is payable to a workman employed in such an industry.

In British Columbia, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is eligible for compensation, the employer is individually liable to pay such compensation. The British Columbia Board, however, may exercise its discretion on this point according to the circumstances.

In Nova Scotia and Ontario, when the employer's place of business is not in the province, provision is made for compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation in Nova Scotia or Ontario is not payable, whether the workman is a resident of the province or not unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Nova Scotia, Ontario, Quebec and Saskatchewan, if an accident happening elsewhere than

within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

The Manitoba Act provides that if a workman's employment requires him to go regularly outside the province for part of his working time, the Board may arrange with the employer and the Board of the other province the amount of the assessment to be paid to each Board so that the workman will be properly protected. The Alberta, British Columbia and Saskatchewan Boards are also empowered to make agreements with the Boards of other provinces providing for the payment of compensation for injuries to workmen who are employed under such conditions that part of their work is performed in one province and part in another. The Saskatchewan statute requires such agreements to be approved by the Lieutenant-Governor in Council and restricts them to the adjoining provinces of Alberta and Manitoba. The Saskatchewan Board entered into agreements with the Boards of Manitoba and Alberta in 1930 and 1932 respectively providing that compensation and medical aid shall be given by the province in which the accident occurs. The employers of such workmen are to be assessed on their account only by the Board of the Province in which the wages are earned.

The Boards of Manitoba and Saskatchewan may arrange with the Boards of adjoining provinces respecting compensation for industrial diseases of workmen employed in any industry extending across the provincial boundary.

Non-resident Workmen and Dependants

The question of compensation to workmen or their dependants who reside outside the province is dealt with in all the Acts. The chief distinction between the statutes is that in most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which they reside. The higher cost of living in Canada compared with trans-Atlantic countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

Neither the Alberta nor the British Columbia law makes any distinction between dependants who are resident in Canada and non-residents except that in both provinces it is stipulated that where compensation is payable to aliens residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependants can be maintained on such smaller sum in a like degree of comfort as dependants of the same class in Canada.

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In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

A similar provision to that of Quebec is found in the Ontario and Saskatchewan Acts. The latter statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, New Brunswick and Nova Scotia, the section dealing with non-resident dependants is like that in Ontario and Saskatchewan except that in the three first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in New Brunswick and Nova Scotia, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan, compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in Nova Scotia the Board may reduce the compensation in such a case to that payable under the law of the country concerned. In New Brunswick and Nova Scotia, compensation to non-resident dependants may be adjusted to the cost of living in the other country or province.

Security for Payment of Compensation

All the provincial statutes provide that compensation shall be paid for accidents within their scope and the province is responsible for the solvency of the Accident Fund.

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in addition to a penalty, to pay, in Alberta not more than \$300 and in Manitoba not more than \$500, or, in either of those provinces one-half and in the other provinces the full amount of the capitalized value of the compensation as the Board determines.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba and New Brunswick the Board has right of action against the employer and in Alberta, Ontario and Saskatchewan if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces where an employer would be entitled to a lien, the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The Dominion Bankruptcy Act stipulates that, subject to the provincial laws concerning (1) taxes or rates on the property of the debtor and (2) as to rent, and after costs and fees of bankruptcy proceedings are provided for, all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall have first claim on the property.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precautions are being taken to prevent accidents and whether the safety appliances or safeguards required by law are being used. In Manitoba the provincial Bureau of Labour is responsible for accident prevention work.

In Alberta, British Columbia and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given. In British Columbia and Saskatchewan, the Board may maintain museums for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. Safety regulations have

been made by the Boards of both Alberta and British Columbia. In Alberta and British Columbia, an accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia 25 or more.

In New Brunswick and Nova Scotia, Ontario and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. One accident prevention association covers the province in New Brunswick and Nova Scotia. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Nova Scotia Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan under like conditions, they become binding if they are approved also by the Lieutenant-Governor in Council. Where an association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta and British Columbia, if the Board considers that an accident is due to the inexcusable failure of an employer to comply with the regulations or with the directions of the Board, it may levy a contribution not exceeding one-half of the amount of compensation payable. In British Columbia, the amount is not to exceed \$300 in any case. The Alberta Board may increase the assessment of an employer if it considers that precautions against accidents are not sufficient or that sanitary conditions are not satisfactory.

In Alberta, British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick and Nova Scotia, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

In Manitoba, New Brunswick, Ontario, Quebec and Saskatchewan, the Board is expressly authorized to adopt a system of "merit rating". Moreover, in the last three named provinces, if the accident record is high in any industry and if proper precautions are

not taken or if the machinery, appliances, etc., are defective or inadequate, the Board may increase the employer's assessment so long as such conditions exist, or the Board may exclude the industry from the class in which it has been placed and make the employer individually liable for compensation.

Draft Conventions and Recommendations of the
International Labour Conference concerning
Workmen's Compensation

Three Draft Conventions and four Recommendations dealing with workmen's compensation were adopted by the 1925 Session of the International Labour Conference. The convention concerning occupational diseases was revised in 1934.

The Convention relating to industrial accidents which has been ratified by 10 States requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in any public or private undertaking with the exception, where deemed desirable, of casual workers employed otherwise than for the purposes of the employer's business, out-workers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation. The Convention does not apply to agriculture which is covered by a convention of the 1921 Conference, or to seamen or fishermen, or to persons covered by special schemes whose terms are not less favourable than those of the Convention.

As regards coverage, then, the Canadian Workmen's Compensation Acts are not sufficiently broad but on other points only slight amendments would be necessary in the provincial Acts to bring them into line with this Convention. Except in Alberta and New Brunswick, shops and restaurants are not covered and other classes of commercial establishments are outside all the Acts. Under the Convention, compensation must be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Payments must be made not later than from the fifth day after the accident and additional compensation has to be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid, and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

A Convention concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for accidents requires each country which is a member of the International Labour Organization to grant to the nationals of any other member ratifying

number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity. In all the Canadian provinces except Alberta, there is a representative of organized labour on the Workmen's Compensation Board.

The Convention concerning occupational diseases requires compensation to be paid in case of death or disability from any of the specified diseases at a rate not less than that prescribed for accidental injury. The diseases to be compensated are: anthrax, silicosis, poisoning by lead, mercury, phosphorus and arsenic or their compounds, and poisoning by benzene or its homologues and their nitro and amino-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin. None of the Canadian provinces provides for compensation for all these diseases although in all provinces five of them are compensated and some other diseases are included in each province.

A Recommendation of the Conference is to the effect that some provision should be made for some simple procedure for revising the list of industrial diseases for which compensation is payable. In all the provinces, the Board has power to add to the list of diseases to be compensated.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts, by provinces:-

Anthrax	)	
Arsenic poisoning or its sequelae	)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae	)	
Phosphorus poisoning or its sequelae	)	
Ammonia poisoning or its sequelae	)	New Brunswick
Ankylostomiasis	)	British Columbia, Manitoba,
	)	Nova Scotia, Ontario,
	)	Saskatchewan
Asbestosis	)	Quebec
Benzol poisoning	)	Quebec, Saskatchewan
Benzene poisoning and poisoning by its homologues, nitro and amino-derivatives, anilin and others	)	Alberta, British Columbia,
	)	Manitoba (munition making)-
	)	Ontario, Quebec,
	)	Saskatchewan
Brass, zinc or nickel poisoning (See also under zinc)	)	Ontario, Quebec,
	)	Saskatchewan
Cadmium poisoning	)	Ontario, Quebec,
	)	Saskatchewan
Cancer arising from the manufacture of pitch and tar	)	Saskatchewan
Cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	)	Ontario
Carbon bisulphide poisoning or its sequelae	)	Ontario, New Brunswick,
	)	Saskatchewan
Carbon dioxide poisoning or its sequelae	)	British Columbia, Ontario,
	)	New Brunswick,
	)	Saskatchewan
Carbon monoxide poisoning or its sequelae	)	British Columbia, New
	)	Brunswick, Ontario, Quebec,
	)	Saskatchewan

Carbon monoxide and carbon dioxide poisoning by coke fumes used as a heating agent in the shipbuilding or other industry	))))	British Columbia
Cellulitis, <u>subcutaneous</u> , (bursitis)		
----- elbow	)))	British Columbia, New Brunswick, Nova Scotia, Ontario, Quebec
----- hand	))	Alberta, British Columbia, Nova Scotia
----- patella	)))	British Columbia, New Brunswick, Nova Scotia, Quebec
----- prepatellar	)	British Columbia
Chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichloronaphthalene and others), poisoning by or its sequelae	)))))	British Columbia, Ontario, Quebec, Saskatchewan
Chlorinated hydro-carbons, acetates or alcohols, poisoning from	))	British Columbia
Compressed air illness	)))	British Columbia, New Brunswick, Ontario, Quebec, Saskatchewan
Conjunctivitis, bronchitis, tracheitis, pulmonary odema or gastric irritation caused by welding gases and fumes in electric and oxy-acetylene welding	))))))	British Columbia
Conjunctivitis and retinitis due to electro- and oxy-acetylene welding	)))	Manitoba, New Brunswick, Ontario, Quebec, Saskatchewan
Cyanide, dermatitis in treatment of ore	))	British Columbia
Dermatitis and infection of skin or contact surfaces due to oils, cutting compounds or lubricants, dust (Alberta only), flour (Saskatchewan only) liquids, fumes, gases or vapours	))))))))))	Alberta, Saskatchewan

Dermatitis caused by any process where cutting-oils are used in machine work, involving contact with glue in the manufacture of ply-wood or airplanes, direct contact with uncooked meats, fish or poultry, or with mites on cheese, sugar or cereals, or from fruit or vegetable canning, from cement, red cedar, poison ivy, poison oak, or by handling of copra, or in manufacturing brooms or brushes	) British Columbia
Dermatitis caused by any process involving the use of or direct contact with acids and alkalis or acids and oils, or soaps (B.C.)	) British Columbia, Ontario, Quebec
Dermatitis and ulcerations in any process involving uses of a chromate or chromic acid	) British Columbia, Ontario, Quebec and Saskatchewan
Dermatitis and ulcerations and infections of the skin due to employment carried on by following classes of workers; abattoir and stockyard workers; boiler washers (steam); bricklayers; cement (Portland) workers; dyers (in clothes cleaning establishments); furriers and fur workers; lime workers; masons; metal platers (including galvanizers and bronzers); munition workers; plasterers (including lime white-washers); painters (including paint mixers and French polishers); printers (including engravers, electrotypers and lithographers); tanners (leather including hide-workers)	) Manitoba
Dermatitis venenata from any industrial process involving handling or use of irritants capable of causing it	) Nova Scotia
Frostbite	) Nova Scotia
Glanders	) Alberta, New Brunswick
Infection from handling sugar	) New Brunswick

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Infected blisters from any process involving continuous friction, rubbing or vibration	) British Columbia,) Ontario, Quebec,) Saskatchewan
Inflammation of the synovial lining of the wrist joint and tendon sheaths of wrist or hand	) British Columbia,) Ontario, Saskatchewan)
Magnesium, dermatitis due to metallic magnesium or its alloys	) British Columbia)
Miners' phthisis	) Saskatchewan
Nitrous fumes, poisoning by, or its sequelae	) Ontario, Quebec,) Saskatchewan, Manitoba,) (munition making)
Pneumoconiosis	) Ontario, Saskatchewan,) Quebec
Pneumoconiosis (deemed to be silicosis, siderosis, lithosis) in quarrying, crushing or polishing stone or metal and in mining	)) Alberta))
Pneumoconiosis in monument lettering and setting, stone dressing and cutting, sand blasting, reduction and smelting of ores, manufacture of alabastine, lime and gypsum products	))) British Columbia))
Pneumoconiosis in sewer-construction, road construction, or tunnelling; grinding or polishing of stone or metal castings or any process in any foundry or other manufacturing operation	))) British Columbia)))
Poisoning, any process involving use of a volatile solvent in the manufacture and repair of airplanes, assembling or repairing motor-vehicles, or in the making of paints, paint removers or in water-proofing fabrics, printing, dry cleaning, welding or gasoline blending	)))) British Columbia)))
Red cedar, western red cedar, Alaska cedar, yellow cedar or yellow cypress, poisoning by	)) British Columbia)
Silicosis in mining	) Ontario, Quebec,) Saskatchewan,) Nova Scotia

Silicosis in mining and in iron, steel and metal foundries	) Manitoba
Silicosis in mines, in sharpening or grinding tools or any other operation in mines or in ore or rock-crushing operations	) British Columbia
Silicosis in the making of pottery	) Quebec
Stone workers' or grinders' phthisis	) Ontario, Saskatchewan
Sulphur poisoning or its sequelae	) British Columbia) New Brunswick
Sulphur, inflammation or ulceration of the skin or mucous membrane (mining)	) British Columbia
Tooth-erosion due to exposure to acid mist in electrolytic zinc refining	) British Columbia
Tuberculosis, pulmonary, in hospitals or sanatoria under the Act	) British Columbia
Vascular disturbances in the upper extremities due to continuous vibration from pneumatic or power drills, riveting machines or hammers in any construction, mining or quarrying operation	) British Columbia
X-rays, radium or other radio-active substances, ulceration or malignant disease of the skin or other tissues due to exposure to, (in Ontario, any disease due to such exposure)	) Ontario, Quebec
Zinc refining, ulceration of mucous membranes, due to acid fumes in	) British Columbia

Scale of Compensation

The table shows the benefits payable. Periodical payments may be computed for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as to a widow with one or more children for as long as payments to the children continue.

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I. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

<u>Funeral</u>	<u>Widow or Invalid Widower</u>	<u>C H I L D R E N</u>		<u>Where only dependants are other than consort & child</u>	<u>Maximum</u>
		<u>With Parent</u>	<u>Orphans</u>		
<u>NOVA SCOTIA</u>					
\$100	\$40	Under 16, \$10 each ¹	Under 16, \$20 each. Maximum \$80 ¹	As in N.B. Maximum to parent or parents \$30. Maximum in all \$45 ²	2/3 of earnings ³
<u>NEW BRUNSWICK</u>					
\$100 ⁴	\$40 plus sum of \$100	Boys under 16 girls under 18, \$10 each ¹	Boys under 16 girls under 18 \$15 each	Sum reasonable and in proportion to pecuniary loss ²	2/3 of earnings ³
<u>QUEBEC</u>					
\$125	\$40 plus sum of \$100	Under 18, \$10 each ¹	Under 18, \$15 each ¹	As in N. B.	2/3 of earnings ³ Min. \$50 to consort and one child, \$12.50 per week if more.
<u>ONTARIO</u>					
\$125 ⁴	\$45 plus sum of \$100	Under 16, \$10 each ¹	Under 16, \$15 each ¹	As in N. B.	2/3 of earnings ³ Min. to consort \$45 or earnings of workman if loss. With one child \$55 \$10 to each addi- tional child up to \$55 or earnings if greater.
<u>MANITOBA</u>					
\$150	\$40	Under 16, eldest \$12, As in Ontario 2nd \$10, 3rd \$9, others \$8 each ¹		As in N.B. Max. \$20 each. Max. in all \$40 ²	As in Que. ³ but min. \$12.50 per wk. If one child; \$15 if more

1. In Manitoba, Ontario and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia and Manitoba, payments are continued until recovery.

2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.

3. For maximum earnings that may be reckoned, see Table 2, Column 5.

4. For cost of transporting body from place of death to place of interment, \$125 may be paid in Ontario and in New Brunswick, and in British Columbia \$100 may be paid for transportation to a point within the province.

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	<u>Widow or invalid widower</u>	<u>With Parent</u>	<u>Orphans</u>	<u>Where only dependents are other than consort & child</u>	<u>Maximum</u>
<u>SASKATCHEWAN</u>					
\$125	As in Quebec	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in N. B.	Average earnings but Min. \$12.50 per wk. where de- pendents are widow or invalid widower and one or more children ³
<u>ALBERTA</u>					
\$125	\$40 plus sum of \$100	Under 18, \$12 ¹	Under 18, \$20 ¹	As in N.B. Max. to parent or parents \$35 ² Max. in all \$70 ²	
<u>BRITISH COLUMBIA</u>					
\$125 ⁴	\$40 plus sum of \$100	Under 16, \$10 each ¹ , if attending school \$12.50 between 16 and 18 years.	Under 18, \$20 each ¹ \$17.50 if able to attend school between 16 and 18 years and not attending. Max. in all \$80 ⁵	(a) as in N.B. Max. \$40 to parent or parents Max. in all \$55. (b) if there is widow or invalid widower or orphans max. to parent or parents \$40 ²	\$80 ⁵

1. In Manitoba, Ontario and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia and Manitoba, payments are continued until recovery.

2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.

3. For maximum earnings that may be reckoned, see Table 2, Column 5.

4. For cost of transporting body from place of death to place of interment, \$125 may be paid in Ontario and in New Brunswick and in British Columbia \$100 may be paid for transportation to a point within the province.

5. Where there is an accumulation in reserve because of lower payments to dependents in foreign countries, this maximum is not to apply.

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2. BENEFITS IN CASE OF DISABILITY

<u>P E R M A N E N T</u>		<u>T E M P O R A R Y</u>		<u>MAXIMUM EARNINGS RECKONED</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>NOVA SCOTIA</u>				
2/3 of earnings. Min. \$10 per wk. or earnings if less.	2/3 of difference in earnings before and after accident. If no difference may be lump sum.	2/3 of earnings for duration. Min. \$10 per wk. or earnings if less.	As in permanent partial disability for duration	\$1500 per annum.
<u>NEW BRUNSWICK</u>				
Average earnings but not in excess of 2/3 of \$2,000.	Amount determined by Board. Lump sum may be given.	2/3 of earnings for duration. Min. \$8 per wk. or earnings if less	If earnings diminished by more than 10% 2/3 difference in earnings before and after accident for duration.	\$2000 per annum
<u>QUEBEC</u>				
2/3 of earnings. Min. \$12.50 per wk. or earnings if less.	2/3 of difference in earnings before and after accident. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	As in permanent total disability for duration.	As in permanent partial disability for duration.	\$2000 per annum.
<u>ONTARIO</u>				
As in Quebec	Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, 2/3 of diminution of earnings. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	As in Quebec	As in Quebec	\$2500 per annum
<u>MANITOBA</u>				
2/3 of earnings. Min. \$15 per wk. or earnings if less.	As in Quebec	As in Quebec	As in Quebec	As in Quebec
<u>SASKATCHEWAN</u>				
As in Quebec	As in Quebec	As in Quebec	As in Quebec	As in Quebec
<u>ALBERTA</u>				
2/3 of earnings. Min. \$12.50 per wk. or earnings if less.	Based on impaired earning capacity. If diminished 10% or less lump sum may be given.	2/3 of earnings for duration.	Based on impaired earning capacity.	As in Quebec
<u>BRITISH COLUMBIA</u>				
2/3 of earnings. Min. \$12.50 or earnings if less.	2/3 of diminution of earnings or may be based on impaired earning capacity. If earnings not substantially less lump sum may be given.	As in permanent total disability for duration.	2/3 of diminution of earnings or may be based on impairment of earning capacity.	\$2500 per annum.

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