



CHAPTER 80

An Act to amend the Workmen's Compensation Act, 1931

[Assented to, the 11th of April, 1935]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Workmen's Compensation Act, 1931, (21 George V, chapter 100) is amended: 21 Geo. V, c. 100, s. 2, am.

a. By striking out the words: "*(stepfather, stepmother)*", in the third and fourth lines of sub-paragraph *n* of subsection 1 of the French version thereof;

b. By inserting therein, after the word: "*stepmother*", in the third line of sub-paragraph *n* of subsection 1 of the English version thereof, the words: "; father-in-law, mother-in-law".

2. Section 3 of the said act, as replaced by the act 23 Id., s. 3, am. George V, chapter 98, section 1, is amended by replacing the words: "*three weeks*", in the third line of paragraph *a* of subsection 1 thereof, by the words: "*seven days*".

3. Section 9 of the said act is amended:

a. By adding thereto, after subsection 3 thereof, the following subsection: Id., s. 9, am.

"*3a.* Notwithstanding any provision to the contrary, the Commission may exercise its recourse against a municipal or school corporation, by reason of an accident to a workman, within the twelve months following the date of the receipt of the notice of election contemplated by subsections 1 and 4 of this section, provided that such notice of election be communicated by the Commission to the municipal or school corporation concerned within the thirty days following the receipt thereof." Exercising of recourse against certain corporations. Proviso.

b. By inserting therein, after the word: "latter", in the fifth line of subsection 5 thereof, the words: ", or by a member of the family".

21 Geo. V, c. 100, s. 13, am. **4.** Section 13 of the said act is amended by replacing subsection 2 thereof by the following:

Rights safeguarded "2. This act shall not do away with any of the common law rights belonging to any persons not subject to its provisions."

21 Geo. V, c. 100, s. 15, am. **5.** Section 15 of the said act is amended by inserting therein, after the word: "workman", in the fifth line thereof, the words: ", of the members of his family".

Id., s. 19, replaced. Inalienability, etc. **6.** Section 19 of the said act is replaced by the following: "**19.** The compensation awarded under this act shall be inalienable and exempt from seizure."

21 Geo. V, c. 100, s. 21, am. **7.** Section 21 of the said act, as amended by the act 23 George V, chapter 98, section 2, is again amended by adding thereto, after the word: "compensation", in the sixth line of subsection 2 thereof, the words: "and of the costs of medical aid".

Id., s. 34, am. **8.** Section 34 of the said act, as amended by the act 23 George V, chapter 98, section 3, is again amended:

a. By replacing the word: "sixteen", in the fifth line of paragraph *c* of subsection 1 thereof, by the word: "eighteen";

b. By replacing the word: "sixteen", in the third line of paragraph *d* of the said subsection 1 thereof, by the word: "eighteen";

c. By replacing the second paragraph of subsection 10 thereof by the following paragraph:

Reduction of compensation in certain case. "If the compensation payable under subsection 1 of this section exceeds the percentage fixed by this subsection 10, it shall be reduced accordingly, and, where several persons are entitled to monthly payments, the payments shall be reduced proportionately; but, where the dependants are an invalid husband or a widow with one or more children, the total monthly payment shall not be less than fifty dollars when there is only one child nor less than fifty-four dollars and sixteen cents, being the equivalent of twelve dollars and fifty cents per week, if there are two children or more."

21 Geo. V, c. 100, s. 36, am. **9.** Section 36 of the said act is amended by replacing the word: "sixteen", in the third line thereof, by the word: "eighteen".

10. Section 40 of the said act, as amended by the act 23 ^{21 Geo. V, c.} George V, chapter 98, section 5, is replaced by the follow- ^{100, s. 40,} ing: ^{replaced.}

“40. In the case of temporary partial disability, the Temporary compensation shall be the same as that prescribed by sec- ^{partial dis-} tion 38, but shall be payable, subject to the provisions of ^{ability.} paragraph *a* of subsection 1 of section 3, only so long as the disability lasts.”

11. Section 41 of the said act, as amended by the act 23 ^{21 Geo. V, c.} George V, chapter 98, section 6, is replaced by the follow- ^{100, s. 41,} ing: ^{replaced.}

“41. The amount of compensation to which a workman ^{Minimum} shall be entitled for temporary total or permanent total ^{compensa-} disability shall not be less than twelve dollars and fifty ^{tion.} cents per week.

Where his weekly earnings are less than that amount, *Idem.* the compensation shall be equal to the weekly earnings.

In the case of temporary partial or permanent partial ^{Compensa-} disability, the compensation shall be determined on the ^{tion for} same basis in proportion to the impairment of earning ^{partial dis-} capacity. ^{ability.}

12. Section 68 of the said act is amended by replacing ^{21 Geo. V, c.} the figures and words: “31st day of January”, in the ^{100, s. 68,} first and second lines of subsection 1 thereof, by the words: ^{am.} “last day of February”.

13. Section 89 of the said act is amended by adding ^{Id., s. 89,} thereto, after subsection 2 thereof, the following subsection: ^{am.}

“2a. If the employer carries on at the same time, either ^{Determin-} directly or through a contractor or a sub-contractor, several ^{ing of as-} industries subject to different rates, the Commission may ^{essment,} determine the proportion of the pay-roll submitted which ^{etc., by} shall be considered as general costs and assess such general ^{Commission} costs proportionally among all the industries carried on.” ^{in certain} ^{case.}

14. Section 104 of the said act, as amended by the act ^{21 Geo. V, c.} 23 George V, chapter 98, section 13, is again amended by ^{100, s. 104,} adding thereto, at the end of subsection 1 thereof, the ^{am.} words: “, without registration”.

15. The foregoing provisions shall not apply to acci- ^{Application} dents which occurred before the date of the coming into ^{restricted.} force of this act.

16. This act shall come into force on the day of its ^{Coming} sanction. ^{into force.}