



CHAPTER 98

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

[Assented to, the 13th of April, 1933]

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

1. Section 3 of the Workmen's Compensation Act, 1931, 21 Geo. V, c. 100, s. 3, replaced. (21 George V, chapter 100), is replaced by the following:

"3. 1. The employer of a workman injured by reason of an accident arising out of or in the course of the work in any employment to which this act applies shall be bound to pay the compensation hereinafter mentioned or to provide therefor, except,—

- a. For the first seven days of disability, unless the injury disables the workman for the period of at least three weeks from earning full wages at the work at which he was employed; or
- b. Where the injury is attributable solely to the serious and wilful misconduct of the workman, unless the injury results in death or serious disablement.

2. This section shall not apply to an outworker or to a person whose employment is of a casual nature or foreign to the employer's industry." Section not to apply to casual employment.

2. Section 21 of the said act is amended by adding thereto, after the word: "section", in the second line of subsection 2 thereof, the words: "or who knowingly transmits or causes to be transmitted false information to the Commission". 21 Geo. V, c. 100, s. 21, am.

3. Section 34 of the said act is amended by replacing the words: "twelve dollars and fifty cents", in the eighth line of the second paragraph of subsection 10 thereof, by the words: "ten dollars". Id., s. 34, am.

21 Geo. V, c. 100, s. 39, replaced. **4.** Section 39 of the said act is replaced by the following:

Temporary total disability.

"39. In the case of temporary total disability, the compensation shall be the same as that prescribed by section 37 but it shall be payable only so long as the disability lasts, subject to the provisions of sub-paragraph *a* of subsection 1 of section 3."

21 Geo. V, c. 100, s. 40, am.

5. Section 40 of the said act is amended by replacing the word and figure: "subsection 2", in the fifth line thereof, by the words and figure: "sub-paragraph *a* of subsection 1".

Id., s. 41, am.

6. Section 41 of the said act is amended by replacing the words: "twelve dollars and fifty cents", in the third and fourth lines thereof, by the words: "ten dollars".

Id., s. 47*a*, added.

7. The said act is amended by inserting therein, after section 47 thereof, the following section:

Limitation of responsibility in certain case.

"47*a*. In the case of an industry mentioned in clause 6 of Schedule 2, the responsibility of the owner of the vessel is limited to the maximum fixed by the Merchant Marine Act of Canada (Revised Statutes of Canada, 1927, chapter 186) and its amendments."

21 Geo. V, c. 100, s. 48, am.

8. Section 48 of the said act is amended by replacing subsections 3 and 4 thereof by the following subsections:

Medical aid to be given in industries governed by Schedule 1.

"3. As to industries governed by Schedule 1, medical aid shall be given under the control of the Commission which must take the necessary steps therefor and include the cost thereof, paid out of the accident fund, in the assessments levied upon the employers.

Id., Schedule 2.

"4. As to industries included in Schedule 2, the employer shall be personally bound to provide medical aid under the control of the Commission and pay the cost thereof, and, upon failure so to do, upon decision of the Commission, the cost of the medical aid given at the request of the workman, or of any person for him, or upon the order of the Commission, shall be at the employer's expense.

Doctor to be provided.

"4*a*. In all cases and insofar as possible the injured workman shall be provided with a doctor speaking the language of the injured workman.

Consulting injured workman on choice of doctor.

"4*b*. In all cases the employers or the Commission, without prejudice to the provisions of subsections 3 and 4, must consult the injured workman upon the choice of the attending doctor."

9. Section 64 of the said act is amended by adding ^{21 Geo. V, c. 100, s. 64, am.} thereto, after the word: "homologate", in the fifth line of subsection 1 thereof, the words; " , with costs against the debtor,".

10. Section 75 of the said act is amended by adding ^{Id., s. 75, am.} thereto, after the word: "Commission", in the first line thereof, the words: " , unless the Lieutenant-Governor in Council order otherwise,".

11. The English version of section 90 of the said act is ^{Id., s. 90, Eng. version, am.} amended by adding thereto, after the word: "merit", in the first line of subsection 3 thereof, the words: "or demerit".

12. Section 99 of the said act is amended by adding ^{21 Geo. V, c. 100, s. 99, am.} thereto, after the word: "payable", in the tenth line of subsection 1 thereof, the words: "and of the costs incurred for medical aid".

13. The said act is amended by adding thereto, after ^{Id., s. 99a, added.} section 99 thereof, the following section:

"**99a.** Without prejudice to the provisions of section 99, any employer who refuses or neglects to pay, within a delay of one month after its due date, any assessment or any special or supplementary assessment, or the amount of any provisional assessment, or any instalment or part of such assessments, and who continues after such delay, and while he is still in default, to carry on an industry governed by Schedule 1, commits an offence and shall be liable to a fine of not less than twenty dollars nor more than one hundred dollars per day."

Fine on employer not paying assessment within certain delay.

14. Section 104 of the said act is amended by striking ^{21 Geo. V, c. 100, s. 104, am.} out subsection 3 thereof.

15. Section 105 of the said act is amended by striking ^{Id., s. 105, am.} out subsections 9 and 10 thereof.

16. Schedule 3 of the said act is amended: ^{Id., Schedule 3, am.}

a. By striking out, in the column entitled "Description of Disease":

1. The word: "Ankylostomiasis", in the tenth line thereof;

2. The words: "Miners' phthisis", in the eleventh line thereof;

3. The words: "Stone workers or grinders' phthisis", in the thirteenth and fourteenth lines thereof;

4. The word: "Silicosis", in the fifteenth line thereof;

5. The word: "Pneumoconiosis", in the sixteenth line thereof;

b. By striking out, in the column entitled: "Description of Process":

1. The word: "Mining", in the twelfth, thirteenth and eighteenth lines thereof;

2. The words: "Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal", in the fifteenth, sixteenth and seventeenth lines and in the nineteenth, twentieth and twenty-first lines thereof.

Applica-
tion.

17. The provisions of this act shall not apply to accidents which occurred before the date of the coming into force of this act.

Coming into
force.

18. This act shall come into force on the day of its sanction