



CHAPTER 100

Workmen's Compensation Act, 1931

[Assented to, the 4th of April, 1931]

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

1. This act may be cited as the *Workmen's Compensation Act, 1931*. Short title.

DIVISION I

PRELIMINARY PROVISIONS

2. 1. In this act, unless the context clearly indicates the contrary, the following words and expressions are employed in the special sense hereinafter indicated, namely: Interpretation:

a. The word "accident", without restricting the ordinary meaning thereof, shall include a wilful and intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause;

b. The word "Commission" shall mean the "Workmen's Compensation Commission", established under this act;

c. The word "compensation" shall mean the compensation provided in this act;

d. The word "construction" shall include reconstruction, repair, alteration and demolition;

e. The word "dependants" shall mean such of the members of the family of a workman as were wholly or partly dependent upon his earnings at the time of the accident;

f. The word "employment" shall include employment in an industry or any part, branch or department of an industry;

"Employer";

g. The word "employer" shall include every person, partnership, association, artificial person or corporation, having in his or its service under a contract of hiring or apprenticeship, written or oral, express or implied, any workman engaged in any work in or about an industry contemplated by this act.

An employer who temporarily lends or hires the services of a workman to another person shall continue to be the employer of such workman during the time for which such services are so hired or lent;

"Expert";

h. The word "expert" shall mean the physician, surgeon, or specialist appointed by the Commission;

"Accident fund";

i. The words "accident fund" shall mean the fund established by this act to pay the compensation, administration costs and the expenses in connection with this act;

"Industry";

j. The word "industry" shall include establishment, undertaking, trade or business;

"Invalid";

k. The word "invalid" shall mean physically or mentally incapable of earning;

"Industrial disease";

l. The words "industrial disease" shall mean any of the diseases mentioned in Schedule 3, and any other disease which by the regulations is declared to be an industrial disease;

"Manufacturing";

m. The word "manufacturing" shall include making, preparing, altering, renovating, repairing, ornamenting, printing, improving and adapting for use or sale any article or commodity;

"Member of family";

n. The words "member of the family" shall mean and include husband, wife; father, mother; grandfather, grandmother; stepfather, stepmother; brother, sister; half-brother, half-sister; children,—including, as the case may be, legitimate children or grandchildren, born or to be born; children and grandchildren legitimated before the accident; children adopted before the accident, in conformity with the provisions of the Adoption Act (Revised Statutes, 1925, chapter 196)—; son-in-law, daughter-in-law; stepson, stepdaughter; and any other person, even a stranger, to whom the workman stood *in loco parentis* or who stood *in loco parentis* to the workman;

"Workman";

o. The word "workman" shall mean a person who works under a contract of service or apprenticeship, written or oral, express or implied, whatever the nature of his work; but such word shall not include an outworker, or an executive officer of a corporation;

p. The word "outworker" shall mean a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, completed, repaired or made fit for sale in his own home or in other premises not under the control of the person who gave out the articles or materials; ^{"Outworker";}

q. The words "the Province" shall mean the Province of Quebec; ^{"The Province";}

r. The word "regulation" shall mean a regulation made by the Commission under the authority of this act. ^{"Regulation".}

2. The following shall be deemed employers, on the same footing as individuals, and be subject to the authority of this act when they carry on an industry included in Schedule 1 or Schedule 2: ^{Bodies deemed to be employers.}

a. The Government of the Province and any permanent commission of such Government engaged in any industry coming under the authority of this act;

b. Municipal and school corporations;

c. Public service commissions;

d. Commissions operating an industry or service for municipal purposes; and

e. Subject to the Government Employees Compensation Act (Revised Statutes of Canada, 1927, chapter 30), the Government of Canada and its services.

The obligation of the governments, public bodies and corporations mentioned in this subsection 2, to pay compensation under this act, shall apply only to such work or business as, if it were carried on by a corporation or an individual, would be an industry included in Schedule 1 or Schedule 2, and only to the workmen employed in such work or business. ^{Restriction of obligation to pay compensation.}

DIVISION II

COMPENSATION

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 where the injury,— ^{Compensation to workmen.}

a. Does not disable the workman for the period of at least seven days from earning full wages at the work at which he was employed; or ^{Exceptions.}

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

Compensation to date from disability.

2. The compensation for disability shall be computed and due from the date of the disability when the latter lasts more than seven days.

Section not to apply to casual employment.

3. 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.

Employers individually liable.

4. Employers in the industries included in Schedule 2 shall be liable individually to pay the compensation.

Id., in certain case.

The employer whose undertaking is generally carried on outside of the Province of Quebec shall be liable individually to pay the compensation due for an accident having happened within the Province if the usual place of employment of the injured workman is not therein and if, at the time of the accident, the said employer has not paid to the Commission all the assessments for which he is liable in virtue of this act.

Employers liable to contribute to the accident fund.

5. Employers in the industries included in Schedule 1 shall be bound to contribute to the accident fund as hereinafter provided, but shall not be liable individually to pay the compensation.

Compensation for accidents outside of the Province.

6. 1. Accidents happening outside of the Province also give the right to the compensation provided by this act, but only in the following cases, to wit:

Accident while workman out of the Province temporarily.

a. Where the employer has a place of business or an undertaking in the Province and the residence and usual place of employment of the workman are therein, provided that the employment outside of the Province has not exceeded six months and that it was the direct continuation of employment in the Province, in the service of the same employer.

Accident in transportation business by land.

b. Where the workman, who has his residence in the Province, is obliged by the nature of his employment in a transportation business by land to perform his work within and without the Province.

Accident in transportation business by water.

c. Where the workman, who has his residence in the Province, is obliged by the nature of his work in a transportation business by water to perform his work within and without the Province, provided that:

Proviso.

i. The vessel on board of which the workman is employed be registered in a Canadian port, and that

ii. The accident happened in the territorial waters of Canada.

2. Compensation payable in respect of an accident happening elsewhere than in the Province shall, except where the employer has fully contributed to the accident fund in respect of all the wages of workmen in his employ who are engaged in the business in which the accident happens, be paid by the employer individually. The business carried on elsewhere than in the Province by an employer who has not so contributed to the accident fund shall be deemed to be included in Schedule 2.

7. 1. Where by the law in force in the place in which the accident happens, the workman or his dependants are entitled to compensation and are also entitled to compensation under this act, they shall be bound to elect between the said law and that of this Province and to give notice of such election. If such election is not made and notice given, it shall be presumed that they have elected not to claim compensation under this act.

2. Within three months after the happening of the accident, or, in case it results in death, within three months after the death, or within such longer period as either before or after the expiration of such three months the Commission may allow, notice of such election shall be given to the Commission.

8. The Commission may award such sum in lieu of compensation, as it may deem proper, to any dependant not residing in Canada, and may pay the same out of the accident fund, or order it to be paid by the employer, as the case may be.

9. 1. Where an accident happens to a workman in the course of his employment under such circumstances as entitle him or his dependants to an action against some person other than his employer, such workman or his dependants, if entitled to compensation under this act, may, at their election, claim such compensation or bring such action.

2. If an action is brought and less is recovered and collected than the amount of the compensation to which the workman or his dependants are entitled under this act, such workman or his dependants shall receive compensation for the difference.

3. If the workman or his dependants elect to claim compensation under this act, the employer, if he is individually liable to pay it, or the Commission, if the compensation is payable out of the accident fund, as the case may be, shall

be subrogated *pleno jure* in the rights of the workman or his dependants and may, personally or in the name and stead of the workman or his dependants, institute legal action against the person responsible, and any sum so recovered by the Commission shall form part of the accident fund.

Approval by Commission. Agreements or compromises effected between the parties respecting such action or right of action shall be null and void, unless approved and ratified by the Commission.

Election and notice. 4. The election as between the above recourses shall be made and notice of it shall be given in the manner provided by section 7.

Right of action taken away as against employer in Schedule 1. 5. In the case of subsection 1 of this section, no action shall lie against an employer carrying on an industry comprised in Schedule 1 by another employer carrying on another industry comprised in the same Schedule 1, or by a workman of the latter or dependant of such workman; but, where it appears to the satisfaction of the Commission that a workman of an employer carrying on an industry in any class in Schedule 1 is injured or killed owing to the negligence of an employer or the workman of an employer in another class in the same Schedule, the Commission may direct that the compensation awarded in any such case shall be charged against the class to which such last-mentioned employer belongs.

Medical and surgical attendance in certain cases. 6. If the workman has the right to make the election mentioned in subsection 1 of this section, the Commission, in special and urgent cases, even when the workman has not elected or made a claim, may furnish such workman with the medical and surgical attendance his condition may require, and the expense thereof shall constitute a privileged claim ranking immediately after law costs, upon the amount of the judgment to be rendered, if action be afterwards brought.

Payment of expense.

Immediate employers of workmen of contractors. **10.** 1. The employer, carrying on an industry subject to the authority of this act, shall be considered to be the immediate employer of any workman of a contractor or sub-contractor executing any work for such industry:

When so considered. *a.* Until such contractor or sub-contractor shall, in respect of such work, have made the declarations required and is assessed as an employer in an industry in Schedule 1; or,

b. In cases where such contractor or sub-contractor is individually liable for payment of compensation, until the Commission finds and declares that the solvency of such contractor or sub-contractor is sufficient protection for his workmen and sufficient security for the benefits provided for by this act.

2. Where the employer has made payment, under subsection 1 of this section, of assessment or compensation or furnished medical aid, he shall be entitled to reimbursement from the contractor or sub-contractor to such extent as the Commission may determine. Reimbursement from contractor.

3. Where a person, referred to in this subsection 3 and in subsection 4 as the "principal", whether carrying on an industry included in Schedule 1 or not, contracts with any other person herein called: "the contractor or sub-contractor", for the execution by such contractor or sub-contractor of the whole or any part of any work for the principal, it shall be the duty of the principal to see that any sum which the contractor or sub-contractor is liable to contribute to the accident fund is paid; and if any such principal fails to do so he shall be jointly and severally liable with such contractor or sub-contractor to pay it to the Commission, and the Commission shall have the like powers and rights to compel the principal to pay, as it possesses for the collection of an assessment. "Principal".
"Contractor or sub-contractor".

4. Where the principal is liable to make payment to the Commission under subsection 3 of this section, he shall be entitled to be indemnified by any person liable therefor and may withhold out of any indebtedness to such person a sufficient amount to do so. Right of indemnity.

5. Nothing in this section shall prevent a workman claiming compensation or the Commission collecting contribution to the accident fund from the contractor or any sub-contractor instead of from the principal. Liability of contractor or sub-contractor.

11. Where compensation is payable out of the accident fund, a member of the family of an employer or the dependants of such member shall not be entitled to compensation unless such member was at the time of the accident carried on the pay-roll of the employer and his wages were included in the then last statement furnished to the Commission under section 82. If there be occasion for compensation, the amount thereof shall not be based on a higher amount of wages than that shown by the pay-roll. Member of family of employer employed as workman.

12. Where compensation is payable out of the accident fund, an employer or an executive officer of a corporation or their dependants respectively are entitled to the compensation benefits under this act, provided: Compensation to employer or officer.

a. That such employer or officer is carried or carries himself on the pay-roll of the industry at an amount which the Commission deems reasonable, but not exceeding two thousand dollars per annum; Conditions.

b. That the intention to include such employer or executive officer of a corporation as a workman be stated in the pay-roll and in the statement furnished to the Commission under section 82; and

c. That the amount of the salary of such employer or officer, as shown in the said pay-roll and statement, be included in the estimate for the year.

Earnings as
bases of
compensa-
tion.

For the purpose of determining the compensation, the earnings of such employer or officer shall not be taken to be more than the amount as shown by such pay-roll and statement, nor to be more than two thousand dollars.

Exclusive
jurisdiction
of Commis-
sion.

13. 1. No action before any court of justice shall lie for the recovery of the compensation whether it is payable by the employer individually or out of the accident fund, but all claims for compensation payable by the employer or out of the accident fund shall be heard and determined exclusively by the Commission, whose decision shall be final.

Rights safe-
guarded.

2. This act shall not do away with any of the common law rights belonging to any persons who cannot avail themselves of its provisions.

Payments to
workman
who leaves
the Prov-
ince.

14. If a workman receiving a weekly or other periodical payment under this act ceases to reside in the Province he shall not thereafter be entitled to receive any such payment unless the expert certifies that the disability resulting from the injury to such workman is likely to be of a permanent nature.

Quarterly
payments.

If the expert so certifies, the Commission may order that the workman shall be paid quarterly the amount of the weekly or other periodical payments accruing due, if he proves, in such manner as may be prescribed by the regulations, his identity and the continuance of the disability in respect of which compensation is payable.

Accidents
happening
on or after
September
1st, 1931.

15. Accidents happening on or after the 1st of September, 1931, shall be governed by the provisions of this act and the compensation under this act shall be in lieu of all rights, recourses and rights of action, of any nature whatsoever, of the workman or his dependants against the employer of such workman by reason of any such accident happening to him on or after the said 1st day of September, 1931, by reason of or in the course of his work for such employer,

Legal action
prohibited.

and no action in respect thereof shall lie in any court of justice.

16. The following shall be null *pleno jure*, non-existent and of no effect: agreements made contrary to the provisions of this act, and every obligation contracted and every transaction the effect whereof may be to prevent an injured person or his dependants from receiving the entire amount of the compensation provided by this act and from having the full enjoyment thereof. Agreements, etc., null *pleno jure*.

17. 1. If an agreement is arrived at between the employer individually liable for the payment of the compensation, on the one part, and the workman or his dependants, as the case may be, on the other part, respecting the compensation to which such workman or his dependants may be entitled, such agreement, in order to be valid, must be in writing, signed and attested by the parties and approved by the Commission. Agreement as to compensation not valid unless approved by Commission.

2. In the case of temporary disability lasting for less than four weeks, the approval of the Commission is unnecessary for the validation of the agreement; but the Commission may always, on application of the workman or dependant, or of its own motion, set aside the agreement on such terms as it may deem just. In case of temporary disability.

18. 1. Unless otherwise provided, it is forbidden for any employer to make any retention of any part of the earnings of his workmen or to receive from them any subscription or contribution whatever, even with the consent of such workmen, in connection with the obligations imposed upon such employer by this act. Any agreement by which such a retention is made or such subscription or contribution received shall be null and void. Deduction not to be made from earnings. Nullity of agreement, etc.

2. Every employer who contravenes this section shall be liable, in addition to costs, to a fine of not more than fifty dollars for each offence, and shall, in addition, be bound to reimburse to the workman the amount which he has so deducted from the earnings of such workman or otherwise received from the latter. Penalties. Reimbursement.

19. The compensation awarded under this act shall be inalienable and exempt from seizure, except where the Commission is permitted to order otherwise. Compensation inalienable, etc.

20. 1. Subject to subsection 5 of this section, compensation shall not be payable unless notice of the accident is given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and unless the claim for Notice of accident to be given.

compensation is made within six months from the happening of the accident, or, in case of death, within six months from the time of death.

Nature of notice.

2. The notice of the accident shall give the name in full 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.

Service of notice.

3. Such notice may be served by delivering it at or sending it by registered post addressed to the place of business or the residence of the employer, or, where the employer is a partnership or corporation, by delivering it at the office of the employer, or, if there are more offices than one, at any of the offices of such employer, or sending it by registered post to any of such offices.

Notice to Commission.

4. Where the compensation is payable out of the accident fund, such notice shall also be given to the Commission by delivering it at the office of the secretary or by sending it to him by registered post addressed to his office.

Failure, etc., to give notice not to affect right to compensation in certain case.

5. Failure to give the prescribed notice or to make such claim, or the existence of any irregularity or inexactitude whatever in such notice or claim, shall not bar the right to compensation if, in the opinion of the Commission, the employer was not prejudiced thereby or, where the compensation is payable out of the accident fund, if the Commission is of the opinion that the claim for compensation is a just one and ought to be allowed.

Notice by employer to Commission.

21. 1. Every employer shall, within eight days after the happening of an accident to a workman in his employ by which the workman is disabled from earning full wages or which necessitates medical aid, notify the Commission in writing of the,—

Nature of notice.

- a. Happening of the accident and nature of it;
- b. Time of its occurrence;
- c. Name in full and address of the workman;
- d. Place where the accident happened;
- e. Name and address of the physician or surgeon, by whom the workman was or is attended for the injury.

Additional information.

Such employer shall furnish in addition such further details and particulars respecting any accident or claim to compensation as the Commission may require.

Penalties.

2. Every employer who does not comply with this section is guilty of an offence and liable, in addition to the costs, to a fine not exceeding fifty dollars and shall, in

addition to any other penalty or liability which he may incur under this act, pay to the Commission, if so ordered by it, the amount of compensation awarded by the Commission in accordance with the evidence or information obtained by it in any manner.

22. 1. A workman who claims compensation, or to whom compensation is payable under this act, shall, if so required by his employer, submit himself for examination by a duly qualified medical practitioner chosen and paid for by the employer, and shall, in addition, if so required by the Commission, submit himself for examination by the expert chosen by the latter.

2. A workman shall not be required at the request of his employer to submit himself for examination otherwise than in accordance with the regulations.

23. 1. Where a workman has upon the request of his employer submitted himself for examination, or has been examined by a duly qualified medical practitioner selected by himself, and a copy of the report of the medical practitioner has been furnished in the former case by the employer to the workman, and in the latter case by the workman to the employer, the Commission may, on the application of either of the parties, refer the matter to an expert.

2. The expert to whom a reference is made under subsection 1 of this section or who has examined the workman by the direction of the Commission under subsection 1 of section 22, shall certify to the Commission as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment, and, if unfit, the cause and degree of such unfitness. The expert's certificate, unless the Commission otherwise directs, shall be conclusive as to its contents.

3. The Commission may suspend the payment of the compensation to which the workman may be entitled if such workman refuses to submit to any examination required by this act or ordered under any of its provisions, or in any way obstructs any examination; and payment of his compensation shall be so suspended until such examination has taken place.

4. The Commission may also, in its discretion, diminish the compensation to which a workman is entitled, or suspend payment thereof, whenever the workman persists in dangerous and unsanitary practices imperilling or retarding his cure and whenever he refuses to submit to such medical

treatment, as the Commission, on the advice of the expert, may deem necessary for his cure. But this subsection 4 shall not apply in the event of the workman refusing to submit to surgical aid.

Special
medical
treatment,
etc., in
certain case.

24. Where, in the opinion of the Commission, it will be in the interest of the accident fund to provide a special surgical operation or other special medical treatment for a workman, with the view of avoiding heavy payment for permanent disability, it may authorize such operation or such medical treatment at the expense of the accident fund.

Review of
compensa-
tion.

25. The Commission may, at the request of the employer or of the workman, if the compensation is payable by the employer individually, or, if the compensation is payable out of the accident fund, of the Commission's own motion or at the request of the workman, review any weekly or other periodical payment and may put an end to or diminish such payment or may increase it to a sum not beyond the maximum hereinafter prescribed.

Increase of
compensa-
tion to work-
men under
21.

26. Where the workman was at the date of the accident under twenty-one years of age, and the review above provided for takes place more than six months after the accident, the amount of weekly payment may be increased to the sum to which he would have been entitled if his average earnings had at the date of the accident been equal to what, if he had not been injured, he would probably have been earning at the date of the review.

Commuta-
tion of pay-
ments into
capital sum.

27. 1. Where the compensation is payable by an employer individually, the employer may, with the consent of the workman or dependant to whom it is payable and with the authorization of the Commission, but not otherwise, commute the weekly or other periodical payments into a capital sum representing such payments. Where the compensation is payable out of the accident fund, the Commission, of its own motion and at its discretion, may commute such payments into such capital sum.

Capital sum
paid to
Commis-
sion.

2. The capital sum representing payments payable by the employer individually shall be paid to the Commission.

Application
of capital
sum.

3. The capital sum may, at the discretion of the Commission, be:

- a. Applied in such manner as the workman or dependant may direct;
- b. Paid to the workman or dependant;

- c. Invested by the Commission and applied from time to time as the Commission may deem most advantageous for the workman or dependant;
- d. Paid to trustees who shall employ it upon and subject to such trusts and for the benefit of such persons as may be desired by the workman or dependant and approved by the Commission;
- e. Applied in one or several of the modes mentioned above.

4. Where the compensation is payable out of the accident fund, the Commission may, in any case where, in its opinion, the interest or pressing need of the workman or dependant warrants it, advance to the workman or dependant such sum as the circumstances warrant and as the Commission may determine. Advances on account of compensation.

28. The Commission may require an employer, who is individually liable to pay the compensation, to insure his workmen and keep them insured against accidents in respect of which he may become liable to pay compensation, in an insurance company approved by the Commission, for such amount as the Commission may direct. Such employer shall transmit to the Commission a certificate of insurance in the form approved by it. Commission may require employer to insure his workmen.

In default of the employer complying with the provisions of this section, the Commission may have the workmen of such employer insured and recover the amount paid for such purpose from the employer, in the same way as provided for the payment of assessments. Insurance on default of employer. Reimbursement.

29. 1. Where an employer who is individually liable to pay the compensation is insured in conformity with section 28, the Commission may require the insurance company or other underwriter to pay to it, in full settlement or on account of the compensation, the sum which, under the contract of insurance, such company or underwriter would be liable to pay to the employer in respect of an accident whereby a workman or his dependants become entitled to compensation under this act. Where employer insured, Commission may exact amount payable by insurer.

2. Where a claim for compensation is made and the employer is so insured, notice of the claim shall be given to the insurance company and to the employer. In such case the Commission shall determine the rights of the workman or his dependants to compensation, and shall also determine whether the whole or part of such compensation should be paid directly by the insurance company or other underwriter. Notice of claim to insurer.

Not effective prior to September 1st, 1931.

In case of permanent disability, employer may be required to pay capital sum.

Supplementary payment.

Return of balance.

Security in lieu of capital sum.

Deposits by employers in Schedule 2.

Additional levying from employers.

Mode of levying.

3. This section shall not apply to an insurance contract made before the 1st of September, 1931.

30. 1. Where the accident causes permanent disability, either total or partial, or the death of the workman, and the compensation is payable by the employer individually, the Commission may require the employer or his insurer to pay to the Commission such sum, as, with the interest at the rate which it determines, will be sufficient to meet the future payments to be made to the workman or his dependants; and the Commission, upon receipt of such sum, shall place it in a special fund to meet the payments to be made to such workman or his dependants. If such sum is insufficient to meet such payments, the employer shall be liable for the difference. But the balance, if any, when the right to compensation has been liquidated, shall, unless the Commission orders otherwise, be returned to the employer.

2. The Commission, instead of requiring the employer to make the payment provided in subsection 1 of this section, may require him to give such security as it may deem sufficient guarantee for the performance by the employer of the obligations imposed upon him by this act.

31. The Commission, where it deems it requisite for the prompt payment of claims, may require any employer carrying on an undertaking mentioned in Schedule 2, to deposit with the Commission, from time to time, sums of money out of which the Commission may pay to workmen or their dependants the compensation becoming due for accidents as they occur.

32. The Commission may, in such manner and at such time or times as it may deem most equitable and most in accordance with the general principles and provisions of this act, levy and collect from the employers, previously, now or hereafter carrying on industries to which this act applies, the additional moneys necessary to provide for increases of compensation payable under the provisions of this act.

Such levy and collection, in the case of employers carrying on an industry mentioned in Schedule 1, may be by way of addition to the usual assessment or by means of special assessment, and, in the case of employers carrying on an industry mentioned in Schedule 2, by an additional deposit of the sum required for such purpose.

33. Where payment of compensation is suspended under this act, the workman or dependant shall be deprived of his right to such compensation during the period of such suspension. Compensation not payable during suspension.

DIVISION III

FIXING OF COMPENSATION

34. 1. Where death of a workman results from an accident the following amounts or compensation shall be paid: Compensation in case of death.

- a. The necessary expenses of the burial of the workman, not exceeding one hundred and twenty-five dollars;
- b. Where the widow or an invalid husband is the sole dependant, a monthly payment of forty dollars;
- c. Where the dependants are a widow or an invalid husband and one or more children, a monthly payment of forty dollars, with an additional monthly payment of ten dollars for each child under the age of sixteen years. Such additional monthly payment of ten dollars shall be increased to fifteen dollars on the death of the widow or invalid husband;
- d. Where the dependants are children, a monthly payment of fifteen dollars to each child under the age of sixteen years;
- e. Where the dependants are persons other than those mentioned in the foregoing paragraphs *b*, *c* and *d*, to each dependant, a sum reasonable and proportionate to the pecuniary loss to such dependant occasioned by the death, to be determined by the Commission.

2. Where the workman leaves no widow or the widow subsequently dies, and a sister, aunt, or other suitable person acts as foster-mother in keeping up such household and maintaining and taking care of the children of such workman entitled to compensation, in a manner which the Commission deems satisfactory, such foster-mother while so doing shall be entitled to receive the same monthly payments of compensation for herself and such children as the widow would have been entitled to, and in such case the children's part of such monthly payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive. Monthly payments to foster-mother.

3. The dependant widow, or if she be dead, such foster-mother, shall be awarded in addition a sum of one hundred dollars. Additional payment.

Payments
to divorced,
etc., women.

4. A woman who was divorced, separated from, or was not being maintained by the workman, who has died as a result of accident or disease covered by this act, shall not receive any of the compensation, rent or allowances by this act provided, unless in the opinion of the Commission she was entitled to be maintained by him at the time of his death.

Duration of
certain pay-
ments.

5. 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 Commission, it might reasonably have been expected that, had the workman lived, he would have continued to contribute to the support of such dependants; and in any case under the said paragraph *e* the Commission may convert such payments into a capital sum or any other form of payment as the Commission in the circumstances deems most suitable.

Dependants
who stood in
loco parentis,
etc.

6. A dependant to whom the workman stood in *loco parentis* or a dependant who stood in *loco parentis* to the workman shall be entitled, as the Commission may determine, to share in or receive compensation under paragraphs *c*, *d*, or *e* of subsection 1 of this section.

Compensa-
tion to inva-
lid child.

7. Compensation shall be payable to an invalid child without regard to the age of such child, and payments to such child shall continue so long as, in the opinion of the Commission, the workman, had he lived, might reasonably have been expected to continue to contribute to the support of such child.

Allotment of
compensa-
tion to de-
pendants.

8. Where there are both dependants for whom the workman provided entirely and dependants for whom he partly provided, the Commission may allot to each dependant a part of the compensation awarded to them.

Commis-
sion may
apply pay-
ment for be-
nefit of
children.

9. Where the Commission is of opinion that, for any reason, it is necessary or desirable that a payment in respect of a child should not be made directly to the person entitled to receive same on behalf of such child, the Commission may direct that the payment be made to such other person as it may designate or be applied in such manner as the Commission may deem most advantageous for such child.

Compensa-
tion not to
exceed cer-
tain per-
centage of
earnings.

10. Exclusive of the expenses of burial of the workman, the total monthly compensation payable, as provided by subsection 1 of this section, shall not in any case exceed sixty-six and two-thirds per centum of the average monthly earnings of the workman during the twelve months preceding his accident, if his employment has lasted twelve months, and, if not, of the average monthly earnings during any shorter period during which he has been in the service of his employer.

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 a widow or an invalid husband and one or more children, the total monthly payment shall not be below the rate of twelve dollars and fifty cents per week.

Reduction of compensation in certain cases. Proviso.

35. 1. If a widow entitled to a pension marries, the pension payments to which she was personally entitled shall cease; such payments shall then be replaced by the payment of a sum equal to the total payments for two years, and such sum shall be payable within thirty days after the day of the marriage.

Marriage of widow.

2. Nevertheless, in the case referred to in the foregoing subsection 1, the widow shall continue to receive the payments in respect of the children.

Payments to children not affected.

36. Subject to subsection 7 of section 34, the pension payments in respect of a child shall cease when the child attains the age of sixteen years or dies before attaining such age.

When payments to child cease.

37. Where permanent total disability results from the accident, 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 his average weekly earnings during the previous twelve months if he has been so long employed, or of his average weekly earnings for any less period during which he has been in the employ of his employer.

Compensation in case of permanent total disability.

38. 1. In the case of permanent partial disability, the workman shall be entitled to a weekly payment, during his lifetime, of sixty-six and two-thirds per centum of the difference between the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident.

Permanent partial disability.

2. Where the impairment of the earning capacity of the workman does not exceed ten per centum of his earning capacity, the Commission shall, unless in the opinion of the Commission it would not be to the advantage of the workman to do so, convert the weekly payment into a capital sum which shall be paid to the workman forthwith.

Payment of capital sum.

Estimation
of impair-
ment.

3. Where possible, the impairment of earning capacity is estimated from the nature of the injury, having always in view the workman's fitness to continue the employment in which he was injured or to adapt himself to some other suitable occupation.

Temporary
total
disability.

39. In the case of temporary total disability, the compensation shall be payable only so long as the disability lasts, subject to the provisions of subsection 2 of section 3.

Temporary
partial
disability.

40. In the case of temporary partial disability, the compensation shall be the same as that prescribed by section 38, but shall be payable only so long as the disability lasts, and subsection 2 of section 38 shall apply, subject to the provisions of subsection 2 of section 3.

Minimum
compensa-
tion.

41. The amount of compensation to which a workman shall be entitled for temporary total or permanent total disability shall not be less than twelve dollars and fifty cents per week. Where his weekly earnings are less than that amount, the compensation shall be equal to the weekly earnings the workman was then receiving. For temporary partial or permanent partial disability, the compensation shall be determined on the same basis in proportion to the impairment of earning capacity.

Computa-
tion of
average
earnings.

42. 1. Average weekly or monthly earnings shall be computed by the Commission in such a manner as it deems best suited to the circumstances. The excess of earnings over two thousand dollars per annum shall in no case be considered.

In case of
shortness of
service or
casual
nature
thereof.

2. Where, owing to the shortness of the time during which the workman was in the employ of his employer or the casual nature of his employment or the special conditions thereof, it is impracticable to compute the rate of remuneration as of the date of the accident, the Commission may take as a basis for the earnings of the workman the average weekly or monthly amount which during the twelve months previous to the accident was being earned by a workman in the same grade employed at the same work by the same employer, or if there is no workman so employed, then by a person in the same grade employed in the same class of employment in the same locality.

Where
several
employers.

3. Where the workman is working for several employers, in turn, his average earnings shall be computed on the basis of what, in the opinion of the Commission, he would probably have been earning if he had been employed solely for the employer for whom he was working at the time of the accident.

4. Employment by the same employer shall mean employment by the same employer in the grade in which the workman was employed at the time of the accident, interrupted by absence from work due to illness or any other unavoidable cause. Meaning of employment by same employer.

5. In computing the earnings of a workman, the sums which the employer was accustomed to pay the workman to cover any special expenses entailed on him by the nature of his employment shall not be reckoned. Special expenses not to be included.

6. The Commission may award compensation, having regard to the earnings of the workman at the time of the accident, if this seems more equitable to it. Compensation in certain case.

43. 1. In fixing the amount of a weekly or monthly payment, the Commission shall deduct the equivalent of what the employer pays to the workman during the period of his disability, as rent, allowance, indemnity or compensation. Deductions when fixing payments.

2. Where the compensation is payable out of the accident fund, the Commission shall repay to the employer, out of such fund, any sum deducted from the workman under the preceding subsection. Repayments to employer.

44. The Commission may, wherever it deems it advisable, provide that the payments of compensation may be bi-monthly or monthly instead of weekly, or, where the workman or dependant is not a resident of the Province or ceases to reside therein, may otherwise fix the periods of payment or commute the compensation into a single payment. Mode of payment. Commutation of payments.

45. Where the Commission finds that the widow to whom compensation has been awarded is a common prostitute or is living with any man in the relation of man and wife without being married to him, the Commission may discontinue entirely or suspend compensation to such widow or divert such compensation in whole or in part to any other dependant or dependants of the workman. Commission may suspend, etc., compensation in certain case.

46. The Commission may divert the whole or part of the compensation to which a workman is entitled for the benefit of the wife or children of such workman, where: Diverting compensation to dependants:

a. The workman has gone away from the Province and left his wife or child or children under sixteen years of age therein without adequate means of support; Where workman has left the Province;

b. The workman, although still residing in the Province, neglects or fails to provide for the support of his wife or children. Where workman does not support.

Payments in
case of
minor.

47. Where the person entitled to compensation is a minor or under other legal disability, the Commission may, in its discretion, order that the compensation be paid to another person on his behalf, or be applied as the Commission may deem for his advantage.

DIVISION IV

MEDICAL AID

Medical aid
to be fur-
nished when
needed.

48. 1. An accident to which this act applies shall, in addition, entitle the workman to the medical aid required by the condition to which such accident has reduced him.

Nature of
medical aid.

2. Medical aid shall include, if necessary, hospitalization, the necessary medical, surgical and nursing attendance, the remedies, medicines and other pharmaceutical supplies required, as well as the furnishing and normal renewing, during a period of twelve months, of prosthetic and orthopedic appliances, the use whereof is deemed necessary. When there is more than one hospital in the place where the injured workman has to be treated, the latter may designate the one chosen by him.

Choice of
hospital.

Medical aid
to be fur-
nished.

3. When the accident occurs in any industry to which this act applies, the injured workman shall be furnished with all the medical aid that his case requires. The cost of such medical aid shall be paid, according as the employer is included in one or the other schedule, by the employer or out of the accident fund; the sum required for such purpose must be included in the assessment levied upon the employers.

Payment.

Choice of
physician.

4. In every case where a workman meets with an accident, he must be furnished with the physician of his choice as soon as he is able to make his choice known and sees fit to avail himself of his privilege unless for valid reasons the Commission decides otherwise.

Determina-
tion by
Commis-
sion.

5. The Commission shall determine all questions as to the necessity, character, sufficiency or duration of the medical aid.

Amount of
charges.

6. The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill; and, except where otherwise agreed upon, the amount thereof shall be fixed and determined by the Commission, and no action for any amount larger than that so fixed shall lie before any court.

Contribu-
tions from
employees
forbidden.

7. Subject to the following provisions, it shall not be lawful for any employer, directly or indirectly, to retain, receive or collect from any workman any contribution

toward the fees or expense of medical aid, and every employer contravening this provision shall for every such contravention be liable, in addition to the costs, to a fine ^{Penalty.} not exceeding fifty dollars, and shall also be liable, upon the order of the Commission, to reimburse the workman treble the amount of any sum so retained, received, or collected.

8. No fees or expense of medical aid provided for by this ^{Workman} act may be claimed from a workman who has suffered an ^{not liable} accident within the meaning of this act and no action for ^{for fees, etc.} same shall lie before any court of justice.

9. Where any employer has now or hereafter establishes, ^{When em-} in connection with any industry carried on by him, an ar- ^{ployer} rangement for furnishing medical aid to his workmen ^{arranges for} which, in the opinion of the Commission, is at least as ^{furnishing} favourable to the workmen as that provided for in this ^{medical aid.} section, the Commission, after investigating the facts and considering the wishes of both workmen and employer, may approve such arrangement. As long as such approval remains unrevoked such arrangement may be continued in lieu of the medical aid herein provided for. If the industry is in Schedule 1 the employer who furnishes such medical aid shall be entitled to such reimbursement out of the accident fund or to such reduction in his rate of assessment as the Commission shall deem just.

10. The Commission may order that employers, in any ^{First aid} industries where it may deem it proper, maintain, as may ^{service may} be directed by the Commission, a first aid service, with suit- ^{be ordered} able appliances, articles and medicines; and the Commis- ^{by Com-} sion may make such order respecting the expense thereof ^{mission.} as it may deem expedient.

11. Every employer shall at his own expense furnish ^{Transporta-} to any workman injured in his employ, who is in need of it, ^{tion of in-} immediate conveyance and transportation to a hospital, or ^{jured work-} to a physician, or to the workman's home; and any em- ^{man.} ployer failing so to do shall be liable, by order of the Commission, 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 Commission.

12. Where, in conjunction with or apart from the medical ^{Further} aid to which a workman is to be entitled free of charge, ^{medical} further care is proposed to be given him, the Commission ^{care.} shall determine the expediency and extent of any contribution from the workman towards the cost of such additional care or the legality of such contribution from the workman.

Reports by
physicians,
etc.

49. Every physician, surgeon or hospital official who has attended or had the care of or been consulted respecting a workman shall furnish to the Commission from time to time, without additional charge, such reports as the Commission may require of him in respect of such workman; and, failing the making of such reports, such physician, surgeon or official shall lose the right to recover the cost of his services.

Reports to
be privi-
leged.

50. The reports to the Commission or the employer, as the case may be, made by a physician, practitioner or expert, shall be confidential and privileged and, as such, cannot give rise to a claim for damages.

DIVISION V

REHABILITATION

Rehabilita-
tion of
workmen.

Payment of
expenses.

Expendi-
ture there-
for, limited.

51. To aid in getting injured workmen back to work and assist in their rehabilitation and lessening or removing any handicap resulting from their injuries, the Commission may take such measures and make such expenditures as it may deem necessary or expedient. The expense thereof shall be borne, in the case of an accident in an industry mentioned in Schedule 1, by the accident fund, and, in the case of an industry mentioned in Schedule 2, by the employer individually.

The amount of the expenses incurred for the above purposes shall be levied and collected in the same manner as the assessment or expenses of administration; but the expenditure which the Commission may make under this section shall, in no instance, exceed one hundred thousand dollars in any calendar year.

DIVISION VI

COMPENSATION COMMISSION

"Quebec
Workmen's
Compensa-
tion Com-
mission".

Salaries.

52. 1. A Commission is established, called "Quebec Workmen's Compensation Commission" or *Commission des accidents du travail de Québec*, as a corporation, vested with all the rights and powers generally belonging to corporations, having its corporate seat in the city of Quebec, and composed of three members, appointed by the Lieutenant-Governor in Council, one of whom as president shall receive an annual salary of ten thousand dollars and each of the two others an annual salary of eight thousand dollars, starting from the 1st of September, 1931.

2. The Lieutenant-Governor in Council may appoint Vice-president. one of the commissioners vice-president, who shall perform the duties and exercise the powers of the president in the case of the absence, illness or inability to act of the latter or a vacancy in the office of president.

3. The Lieutenant-Governor in Council shall appoint Secretary. during pleasure the secretary of the Commission, with an annual salary of five thousand dollars.

4. The salaries of the commissioners and that of the secretary shall be borne by the accident fund. Payment of salaries.

53. The commissioners and the secretary shall attend Whole time exclusively to the work of the Commission and to the duties to duties. of their office; they shall not engage in any other employment, trade, industry or profession.

54. 1. In the case of the death, illness or absence from Appointment of the Province of a commissioner or of his inability to act commissioner *pro tempore* 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.

2. Subject to the provisions of subsection 3 of this section, the Commissioners shall exercise their functions during office of good conduct. Tenure of office of commissioners.

3. The Lieutenant-Governor in Council may dismiss the Dismissal. members of the Commission on a joint address of the Legislative Council and of the Legislative Assembly; and, in the event of vacancies in such offices, through death, Vacancies. dismissal or other cause, he may appoint other persons to fill such vacancies.

55. The quorum of the Commission shall be two mem-Quorum, bers and it shall decide by a majority of votes. In the case etc. of an equality of votes, the president shall have a casting-vote. Nevertheless, the opinion of the president shall prevail in any question which he shall deem to be a question of law.

56. The Commission shall not be dissolved by reason of No dissolution the death or withdrawal of one or more or all of its members. by vacancy.

57. 1. The sittings of the Commission shall be held at Sittings. the corporate seat or in any place in the Province, at any time it may deem expedient, and the commissioners shall conduct their proceedings in such manner as they may deem most convenient for the proper discharge of their duties and speedy despatch of business.

Premises for holding inquiry. 2. When the Commission, or a commissioner, or any person delegated by it, holds an inquiry at the chief-place of a judicial district, the sheriff shall supply premises for the holding of such inquiry.

Idem. 3. When an inquiry is held in a place where there is a Magistrate's Court, the clerk of such court shall allow the Commission, or the commissioner or delegate of the Commission, the use of the premises intended for the Magistrate's Court, unless the court is then sitting therein.

Appointment of officers, etc. **58.** 1. The Commission shall appoint an assistant-secretary and a chief medical officer and may appoint such auditors, actuaries, accountants, inspectors, medical experts, other officers, clerks, and employees as it may deem necessary for carrying out the provisions of this act; it may prescribe their duties and, subject to the approval of the Lieutenant-Governor in Council, may fix their salaries.

Tenure of office. 2. Every person so appointed shall hold office during the pleasure of the Commission.

Jurisdiction of Commission. **59.** 1. Subject to the provisions of section 64, the Commission shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this act and to dispose of any other matter or thing in respect of which any power, authority or discretion is conferred upon the Commission. No proceedings by means of *certiorari*, prohibition, injunction or *mandamus* can be exercised against the proceedings and decisions of the Commission nor against the Superior Court or any judge thereof homologating such decisions.

No *certiorari*, etc.

Jurisdiction of Commission. 2. Without limiting the generality of the provisions of the preceding subsection 1, the Commission shall have exclusive jurisdiction to determine:

- a. Whether any industry or any part, branch or department of any industry falls within Schedule 1, and, if so, in what class;
- b. Whether any industry or any part, branch or department of any industry falls within Schedule 2, and, if so, in what class;
- c. Whether any part of any such industry constitutes a part, branch or department of an industry within the meaning of this act.

Power to reconsider, etc. 3. The Commission may, at any time, with respect to matters within its jurisdiction, reconsider any question decided by it, and rescind, amend or alter its decisions and orders.

4. The Commission shall render its decisions according to equity and upon the real merits and justice of the case, and shall not be bound to follow the ordinary rules of evidence in civil matters; it may, by all legal means which it deems best, inquire into the matters the investigation whereof is attributed to it. How Commission to decide cases.

5. The commissioners shall enjoy the same immunity and the same privileges as are conferred upon judges of the Superior Court, for any act done or omitted in the execution of their duties. Immunity, etc. of commissioners.

60. 1. As regards the summoning and examining of the parties and witnesses, the examining and fying of exhibits and documents, as well as the maintenance of order during a hearing, the Commission and the persons appointed for the purpose by the Commission, conducting an investigation under this act or an examination under section 85, shall have the same powers as the Superior Court. Powers of Commission respecting witnesses, etc.

2. Every person who, without valid reason, obstructs an investigation or examination, or refuses or neglects to submit to a lawful order of the Commission or of the person holding such investigation or examination, shall be guilty of an offence and be liable, for each offence, in addition to costs, to a fine not exceeding five hundred dollars. Such fine may be repeatedly imposed until the order or injunction of the Commission or of the person holding the investigation has been obeyed. Persons obstructing, etc., investigation, etc. Penalty.

61. Every copy or extract from an order or a regulation of the Commission, from an entry in its books or registers and of any document fyled with it, certified by the secretary or assistant-secretary, shall be deemed and received in any court of justice as authentic documents constituting *prima facie* evidence of their contents. Certificate of secretary as evidence.

62. In the case of a contested claim for compensation or of any other contested matter, the Commission may award such amount of costs as it may deem reasonable to the successful party, and its decision for the payment by an employer of any sum so awarded, when fyled in the office of the prothonotary of the Superior Court of the district of Quebec and homologated in the manner provided by section 64, shall become a final judgment, without appeal, of the said court and may be enforced accordingly. Awarding of costs in case of contested claim. Decision final after homologation.

63. 1. The Commission, after inquiry, or upon the report of a commissioner, officer or other person delegated Decision on report of officer, etc.

by it to make the inquiry, may adopt such conclusions as it may deem just and render a decision accordingly.

Powers of persons delegated.

2. Every person delegated by the Commission to make an inquiry shall, for the purposes of the inquiry, have the powers conferred upon the Commission by section 60.

Homologation of decision by Court.

64. 1. Upon the depositing in the office of the prothonotary of the Superior Court of the district of Quebec of an authentic copy of a decision of the Commission, the Court may, upon a summary petition of the Commission or of any interested party, homologate the decision, which shall become executory as any other judgment. During the judicial holidays or out of term, the judge of the Superior Court shall have the same jurisdiction as the Court for the purposes of this section.

Id., by judge.

Delay for execution.

2. The decision of the Commission shall be executory fifteen days after the day on which it was homologated.

Judgments final.

3. Judgments homologating decisions of the Commission shall be final and without appeal.

Application to Superior Court for homologation.

65. The workman who desires the homologation of a decision rendered in his favour may apply to the Superior Court of the district wherein he has his domicile.

Regulations.

66. 1. The Commission may make, amend or repeal such regulations as it may deem necessary for carrying out the provisions of this act and to meet cases not specially provided for therein. A certified copy of every regulation so made shall be transmitted forthwith to the Provincial Secretary and any regulation may, within one month after it has been received, be disallowed by the Lieutenant-Governor in Council.

Power of Lt.-Gov. in C. to disallow.

Effective after approval.

2. Every regulation which is approved by the Lieutenant-Governor in Council shall immediately after approval or on the day named by him become effective. After the period for disallowance has expired every other regulation which has not been disallowed shall become effective.

Publication.

Every regulation of the Commission, which has become effective, shall be forthwith published in the *Quebec Official Gazette*.

Penalty.

3. Every person who contravenes any regulation of the Commission or any rule of an association formed as provided by section 106 which has been approved and ratified in conformity with that section shall, for each contravention, be liable, in addition to costs, to a fine not exceeding fifty dollars, but no suit for the recovery of such fine shall be taken without leave of the Commission.

Authorization for suit.

67. The books and accounts of the Commission shall be audited by the Provincial Auditor or by an auditor appointed by the Lieutenant-Governor in Council for that purpose, and, in such latter case, the salary or remuneration of the auditor shall be paid by the Commission. Audit of books, etc. Cost.

68. 1. The Commission shall on or before the 31st day of January in each year make a report to the Lieutenant-Governor in Council of its transactions during the year finishing on the preceding 31st day of December, and such report shall contain such particulars as the Lieutenant-Governor in Council may prescribe. Annual report to Lt.-Gov. in C.

2. Every such report shall be forthwith laid before the Legislative Assembly if the Assembly is then in session, and if it is not then in session, within fifteen days after the opening of the next session. Report to be laid before Legislative Assembly.

69. The Superintendent of Insurance or an officer of the Insurance Branch named by him for that purpose shall, once in each year and whenever so required by the Lieutenant-Governor in Council, examine the books and affairs of the Commission for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant-Governor in Council. Examination by Superintendent of Insurance. Report.

70. This act shall apply only to industries mentioned in Schedules 1 and 2 and to employment in such industries, subject to the provisions of section 109. Application restricted.

71. Schedules 1, 2 and 3 of this act and their amendments shall form part of this act and shall continue so to do until repealed by the regulations of the Commission. Schedules 1, 2 and 3.

DIVISION VII

CONTRIBUTION BY THE PROVINCE

72. To assist in defraying the expenses of the Commission, the Lieutenant-Governor in Council may authorize the Provincial Treasurer to pay to the Commission, out of the consolidated revenue fund, an annual sum not exceeding one hundred thousand dollars. Provincial grant towards expenses.

DIVISION VIII

ACCIDENT FUND

73. 1. An accident fund shall be provided by contributions to be made, in the manner hereinafter prescribed, by the employers in the classes or groups of industries in- How accident fund to be provided.

Compensation payable out of accident fund.

cluded in Schedule 1. The compensation payable in respect of accidents which happen in any industry included in any of such classes or groups shall be paid out of the accident fund.

Industries in Schedule 2.

2. Notwithstanding the generality of the description of the classes included in Schedule 1, none of the industries included in Schedule 2 shall form part of or be deemed to be included in any of such classes, unless it is specially added to Schedule 1 by the Commission under the authority conferred by this act.

Advance by Province in certain case.

74. If on the 1st of September, 1931, or thereafter, the Commission has not the necessary funds to pay the compensation or the expenses provided for by this act, the Lieutenant-Governor in Council, whenever requested so to do by the Commission, may authorize the Provincial Treasurer to advance to it, out of the consolidated revenue fund, the sums required.

Reimbursement.

The sums so advanced shall be reimbursed to the Provincial Treasurer by the Commission and shall be paid into the consolidated revenue fund.

Sufficiency of accident fund to be maintained.

75. It shall be the duty of the Commission to maintain the accident fund so that with the reserves, exclusive of the special reserve, it shall always be sufficient to meet all the payments to be made out of the fund in respect of compensation as they become payable, and so as not unduly to burden the employers in future years with payments to be made in respect of accidents which have previously happened.

Reserve fund.

76. 1. Subject to section 96, it shall not be obligatory upon the Commission to provide and maintain a reserve fund which shall at all times be equal to the capitalized value of the payments of compensation which will become due in future years, unless the Commission shall be of the opinion that it is necessary to do so in order to comply with the provisions of the above section 75.

Uniformity as to all classes not obligatory.

2. It shall not be necessary that the reserve fund shall be uniform as to all classes of industries, but, subject to sections 75 and 96, the Commission may provide a different reserve fund for each class.

Powers of Commission:
As to rearrangement

77. 1. The Commission may:

a. Alter the classification of industries included in Schedule 1, and withdraw from any class any

- industry included in it and transfer it wholly or partly to any other class, or form it into a separate class, or exclude it from the operation of this act; of classification;
- b. Establish other classes including any of the industries which are for the time being included in Schedule 2, or are not included in any of the classes in Schedule 1; Establishing other classes;
- c. Add to any class included in Schedule 1, any industry which is not mentioned therein. Adding to classes.
2. The Commission may, if convinced that the hazard to workmen in any of the industries embraced in a class is less than that in another or other industries of the same class or, where for any other reason it deems proper to do so, subdivide the class into sub-classes and, if that is done, shall fix the percentages or proportions of the contributions to the accident fund payable by the employers in each sub-class. Apportionment of contributions according to hazard.
3. Separate accounts shall be kept of the amounts collected and expended in respect of every class and sub-class, but for the purpose of paying compensation the accident fund shall be indivisible. Separate accounts for each class.
4. Where the Commission deems that the accidents in any industry are partly due to not taking the proper precautions for their prevention, or where, in the opinion of the Commission, the machinery or appliances in any industry are defective or insufficient, the Commission may, so long as such condition, in its opinion, continues to exist, add to the amount of the contribution to the accident fund of the employer who carries on such industry such a percentage as it may deem just and levy the amount upon such employer. The Commission may, moreover, exclude, at its discretion, such industry from the class in which it is included and add it to the industries in Schedule 2 and, thereupon, the employer who carries on such industry shall be individually liable to pay the compensation to which his workmen or their dependants may be entitled. Additional assessment in certain case.
5. Any additional percentage levied and collected under the preceding subsection 4 shall, in the discretion of the Commission, be added to the accident fund or applied in reduction of the contribution of the other employers in the class or sub-class of industries to which the employer from whom it is collected belongs. Changing of class of industry.
6. Any additional percentage levied and collected under the preceding subsection 4 shall, in the discretion of the Commission, be added to the accident fund or applied in reduction of the contribution of the other employers in the class or sub-class of industries to which the employer from whom it is collected belongs. Collection and application of additional percentage.

78. 1. The Commission, in the exercise of the powers conferred by the next preceding section, may withdraw or exclude from a class industries in which not more than a stated number of workmen are usually employed and may afterwards add them to the class or classes of indus- Withdraw- ing small industries from classes.

Effect. tries from which they have been withdrawn. Any industry so withdrawn from a class shall not thereafter be deemed to be included in Schedule 1, but such withdrawal shall not mean that it is excluded from Schedule 2.

Election by employers in industries withdrawn under subsection 1. 2. Where an industry is withdrawn from a class under the authority of subsection 1, an employer in such industry may elect that his industry be included in the class to which, but for the withdrawal, it would have belonged; and, thereupon, such employer shall be a member of that class and as such liable to contribute to the accident fund, and his industry shall be deemed to be embraced in Schedule 1.

Notice of election. 3. Notice of the election under the foregoing subsection shall be given to the secretary of the Commission, in writing, and compensation for accidents happening after the date of the receipt of such notice shall be paid out of the accident fund.

Powers may be exercised as required. **79.** The powers conferred by the next preceding two sections may be exercised by the Commission from time to time and as often as in the opinion of the Commission the occasion may require.

Additions to Schedule 1. **80.** 1. The Commission may, upon the application of an employer, add to Schedule 1, for such time and upon such conditions as the Commission may determine, any industry or part of an industry, or department of work or service, of such employer.

Additions to Schedule 2. 2. The Commission may likewise, upon the application of an employer, add to Schedule 2, for such time and upon such conditions as it may determine, any industry or part of an industry, or department of work or service, of such employer, not in Schedule 1.

When regulations and decisions become effective. **81.** The regulations made or decisions rendered by the Commission under the authority of sub-paragraph *a* or sub-paragraph *b* of subsection 1 of section 77 require approval by the Lieutenant-Governor in Council and shall come into force on the thirtieth day after their publication in the *Quebec Official Gazette*.

DIVISION IX

STATEMENTS TO BE FURNISHED BY EMPLOYERS

Statements to be furnished by employers. **82.** 1. Every employer shall yearly, on or before the date prescribed by the regulations of the Commission, and at such other time as it may determine by decision or

regulation, prepare and transmit to the Commission a statement of the amount of the wages earned by all his employees during the twelve months preceding the date fixed by the Commission or any part thereof specified by the Commission and of the amount which he estimates he will expend for wages during the then current year or any part thereof specified by the Commission, and such additional information as the Commission may require.

The correctness of such statement shall be attested by affidavit or by the solemn declaration of the employer or his manager or, where the employer is a corporation, by an officer of the corporation having a personal knowledge of the matters to which the statement relates. Attestation of statement.

2. For the purposes of this act, every employer shall keep, in the usual form and with all the details required, a careful and accurate account of all wages paid to his employees; and such account shall be constantly kept within the Province and shall be produced to the Commission and its officers when so required. Accounts of wages.

3. Where the business of the employer embraces more than one branch of business or class of industry, the Commission may require separate statements from such employer for each branch or class of industry, and such statements shall be made, verified, and transmitted as provided by subsection 1 of this section. Separate statements for branches may be required.

4. If the employer does not make and transmit to the Commission the prescribed statement within the prescribed time, the Commission may base any ordinary or supplementary assessment on such sum as in its opinion is the probable amount of the pay-roll of the employer, and the employer shall be charged and assessed accordingly. If it is afterwards ascertained that the employer's pay-roll has exceeded the amount fixed by the Commission, such employer shall pay to the Commission the difference between the amount for which he was assessed and the amount for which he would have been assessed on the basis of his actual pay-roll. Failure to furnish statement.

5. The employer, who does not comply with the provisions of subsection 1, subsection 2, or subsection 3 above, or who, with a view of conforming thereto, makes or files a false or inaccurate statement, shall be liable, for every such non-compliance and for every such false statement, in addition to the costs, to a fine not exceeding five hundred dollars; and the Commission may furthermore, if the employer fails or delays in furnishing such statement or furnishes an insufficient statement of the wages he has to pay to his work- Penalty for false, etc., statement.

men, condemn the employer to pay, as the case may be, an additional amount of assessment or interest, as fixed by the Commission.

Posting up
of certifi-
cate.

83. Every employer who carries on an industry subject to the authority of this act, on and after the 1st of September, 1931, shall obtain from the Commission and post up in his establishment, in a conspicuous place to which all his workmen have access, a certificate to the effect that he has made and furnished to the Commission the statements and reports required by section 82.

Penalty.

In default of so obtaining and posting up such certificate, the employer shall be liable, in addition to costs, to a fine not exceeding fifty dollars for each day's delay.

Annual
return by
municipalities.

84. 1. The clerk or secretary-treasurer of every municipality, except county municipalities, shall yearly, on or before the day on which the public notice is given that the general collection roll is completed and deposited, make a return to the Commission upon forms provided by it showing the names, address, nature of business and usual number of employees of each employer carrying on, in the municipality, any industry within the meaning of this act.

Notification
of building
permits.

2. Within six days after the issue of a building permit by or on behalf of a municipal corporation, the officer in charge of the giving of such permits shall notify the Commission thereof with such other information as it may require.

Payment
therefor.

3. The Commission may make remuneration for the above return and notification, out of the accident fund.

Penalty.

4. The officer of a municipality who refuses or neglects to make the return to the Commission, required by subsection 1 of this section, or to give it the notice and information prescribed by subsection 2 above, shall be liable in each case, in addition to costs, to a fine not exceeding ten dollars.

Commis-
sion may
liberate
from fine.

5. The Commission may, however, when it deems proper, liberate the party in fault from the fine incurred and the costs, by a decision which the courts shall be bound to recognize.

Examina-
tion of books
and ac-
counts of
employer.

85. The Commission, any member of it, and any officer or person authorized by it for that purpose, shall have the right to examine the books and accounts of any employer and to make such other enquiry as the Commission may deem necessary for the purpose of ascertaining whether any statement furnished to it under the provisions

of section 82 is an accurate statement of the matters which are required to be stated therein, or of ascertaining the amount of the pay-roll of any employer, or of ascertaining whether any industry or person is under the operation of this act and whether he or it should be classed in Schedule 1 or Schedule 2.

86. 1. If a statement is found to be inaccurate, the assessment shall be made on the true amount of the pay-roll as ascertained by such examination or inquiry; and if an assessment has been made against the employer on the basis of his pay-roll being as shown by the statement, the employer shall pay to the Commission the difference between the amount for which he was assessed and the amount for which he would have been assessed if the exact amount of the pay-roll had been stated, and in addition, by way of penalty, a sum equal to such difference. Assessment where statement inaccurate.

2. The Commission, if satisfied that the inaccuracy of the statement was not intentional and that the employer honestly desired to furnish an accurate statement, may remit the fine or part of the fine incurred by such employer provided by the preceding subsection. Commission may remit fine.

87. 1. The Commission, any member of it, and any officer or person authorized by it for that purpose, shall have the right at all reasonable hours to enter into the establishment and the premises connected with it and every part of it, of any employer who is liable to contribute to the accident fund, for the purpose of ascertaining whether the working conditions, tools, machinery or appliances therein are safe and sufficient and whether all necessary precautions are taken for the prevention of accidents to the workmen employed in such industry and whether the safety appliances prescribed by law are used and employed therein, or for any other purpose which the Commission may deem necessary for the purpose of determining the proportion in which such employer should contribute to the accident fund. Commission to have right to enter establishment of employer.

2. An employer and every other person who obstructs or hinders the making of such inspection, or refuses to permit it to be made, shall be liable to a fine not exceeding five hundred dollars, in addition to the costs. Penalty for obstruction, etc.

88. 1. No officer of the Commission and no person authorized to make an inquiry under this act shall divulge or allow to be divulged, except in the performance of his duties or with the authorization of the Commission or of a Information obtained not to be divulged.

court, any information obtained by him or which has come to his knowledge in making or in connection with such inspection or inquiry.

Penalty. 2. Every person who contravenes any of the provisions of subsection 1 of this section shall be liable to a fine not exceeding fifty dollars, in addition to the costs.

DIVISION X

ASSESSMENTS

Assess-
ments:

89. 1. The Commission shall, in every year, assess and levy upon the employers in each class of industry such percentage of the pay-roll, or such other contribution or such specific sum, deemed sufficient, allowing for any surplus or deficit in the class assessed:

For compen-
sation;

a. To pay the compensation for the current year in respect of injuries to workmen employed in the industries within such class;

For admin-
istration
expenses;

b. To provide for and pay the expenses of the Commission in the administration of this act for that year, or so much of such expenses as may not be otherwise provided for;

For main-
tenance of
reserve
fund.

c. To maintain a reserve fund, deemed sufficient by the Commission to pay the compensation payable in future, in respect of claims for accidents in that class happening in that year and to thus prevent the employers from being unfairly burdened later on with payments to be made in respect of accidents which have happened previously.

Commis-
sion may fix
assessment
in case of
contractor.

2. Where the employer is a contractor or sub-contractor, the Commission, if it deem proper, may determine the percentage of the assessment of such employer on the price agreed upon for the work done by him instead of on his pay-roll.

Provisional
assessments.

3. Such assessments may, if the Commission sees fit, be levied provisionally upon the estimate of pay-roll given by the employer, or upon an estimate fixed by the Commission and, after the actual pay-roll has been ascertained, adjusted to the correct amount; and the payment of assessments may, if the Commission deems fit, be divided into instalments.

Deduction
of propor-
tion of
wages from
pay-roll in
certain case.

90. 1. Where the assessment is based on the pay-roll of the employer and there is included in it the wages or salary of a workman who has been paid more than at the rate of two thousand dollars per annum, the excess shall be deducted from the amount of the pay-roll and the assessment shall be based on the amount of it as so reduced.

2. It shall not be necessary that the assessment upon the employers in a class or sub-class of industries shall be uniform, but they may vary for each industry included in the same class or sub-class in relation to the hazard of such industry. Assess-
ments need
not be
uniform.

3. A system of merit rating for assessing may, if the Commission deem proper, be adopted. Merit
rating.

91. 1. The Commission shall fix the percentage, rate or sum for which each employer is assessed under the provisions of the preceding two sections 89 and 90, or the provisional amount thereof, and such employer shall pay to the Commission the amount or provisional amount of his assessment within one month, or such other time as the Commission may fix, to run from the notice of the assessment and of the amount to be paid. Where payment is to be made by instalments, the employer shall pay the first instalment within the above-mentioned delay, and the remaining instalment or instalments at the time or times specified in such notice. Rate of as-
essment.

Delay for
payment.

Id., of
instalments.

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. Giving of
notice.

3. Wherever it appears that a statement or estimate of pay-roll, upon which an assessment or provisional amount of assessment is based, is too low, the employer shall upon demand pay to the Commission such additional sum, to be fixed by the Commission, as will bring the payment of assessment or provisional amount up to the proper amount; and the employer may be compelled to the payment of any such sum in the same manner as the payment of any assessment may be enforced. Additional
payment in
certain case.

92. If the amount realized from any assessment is insufficient for the purpose for which the assessment was made, the Commission may make supplementary assessments to make up the deficiency and section 91 shall apply to such supplementary assessments, but the Commission may defer such supplementary assessment until the next annual assessment is made and then include in such annual assessment the amount required to make up the deficiency. Insufficient
assessments
to be made
up by sup-
plementary
assessments.

93. 1. Where any deficiency in the amount realized from any assessment in any class is caused by the failure of some of the employers in that class to pay their share of the assessment or by any disaster or other circum- All classes
may be as-
sessed for
deficiency in
any of them.

stance which, in the opinion of the Commission, would unfairly burden the employers in that class, the deficiency or loss may be made up by supplementary assessment upon the employers in all the classes and the provisions of section 91 shall apply to such assessment; but the Commission may defer such supplementary assessing until the next annual assessment and then include in such annual assessment, the amount necessary to make up the deficiency.

Special
fund.

2. The Commission, where it deems proper, may add to the assessment for any class or classes or for all the classes of industries in Schedule 1, a percentage or additional sum for the purpose of raising a special fund to be laid aside and used to meet the loss arising from any disaster or other circumstance which, in the opinion of the Commission, would unfairly burden the employers in any class.

Where defi-
ciency made
good by
employer.

94. 1. If any deficiency mentioned in sections 92 and 93 is afterwards made good, wholly or partly, by the defaulting employer, the amount so received shall be apportioned between the other employers in the proportions in which the deficiency was made up by them by the payment of supplementary assessment upon them and shall be credited to them in making the next assessment.

Employer
not assessed
liable for
amount.

2. An employer liable to assessment, who is not assessed in any year, shall nevertheless be liable to pay to the Commission 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.

Amount col-
lected cre-
dited to
employers
in class.

3. Any sum collected from an employer under the above subsection 2 shall be credited to the employers in the class or sub-class of industries to which such employer belonged and shall be deducted from the next assessment.

Employer
liable.

95. 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 supplementary assessment, a defaulting employer who owes such assessment or part thereof shall continue liable to pay the same to the Commission.

Lt.-Gov. in
C. may re-
quire sup-
plementary
assesst. to
be made.

96. Whenever the Lieutenant-Governor in Council is of the opinion that the available amount of the accident fund, with the reserves exclusive of the special reserve, is not sufficient to meet all the payments to be made in respect of compensation as they become payable, and so as not to unduly burden the employers in any class of industry in future years with payments which are to be made in

respect of accidents which have happened in previous years, he may require the Commission to make a supplementary assessment of such sum as in his opinion is necessary to be added to the accident fund.

When such a requirement is made, the Commission shall forthwith make such supplementary assessment in the manner provided in this act for other supplementary assessments. Made of supp. assesst.

97. In order to maintain the accident fund as provided by section 75, the Commission may, from time to time and as often as it may deem it necessary, increase any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose; and the sums so collected shall form a reserve fund and shall be invested in conformity with article 9810 of the Civil Code. Formation of reserve fund.

98. If an assessment is not paid at the time when it becomes payable, the defaulting employer shall pay, as a penalty, such a percentage upon the amount unpaid as may be prescribed by the regulations or determined by the Commission. Penalty for non-payment of assessment.

99. 1. Any employer who refuses or neglects to make and transmit any pay-roll, return or other statement required to be furnished by him under the provisions of sections 82 and 102, or who refuses or neglects to pay any assessment or special or supplementary assessment, or the provisional amount of any assessment, or any instalment or part of such assessments, shall, in addition, to any penalty and other liability to which he may be subject, pay to the Commission the full amount or capitalized value, as determined by it, of the compensation payable in respect of any accident to a workman in his employ which happens during the period of such default. The employer may be compelled to pay such amount in the same manner as the payment of an assessment may be enforced. Failure to make return or pay assessment.

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

100. Where default is made in the payment of the whole or any part of any assessment, supplementary assessment, or special assessment, the Commission may render a decision declaring that the assessment was made and determining the amount remaining unpaid on account of Collection of unpaid assessments.

it and giving the name and address of the person by whom it was payable. Such decision shall be executory after being homologated in conformity with the provisions of section 64.

Execution of judgment. **101.** The judgment homologating a decision of the Commission rendered under section 100 may be executed in the usual manner.

Industries established after assessment made. **102.** 1. Where an industry coming within any of the classes included in Schedule 1 is established or commenced after an assessment has been made, it shall be the duty of the employer forthwith to notify the Commission of the fact and to furnish the Commission with a statement, made and verified in the manner provided in section 82, giving the estimate of the probable amount of his pay-roll for the remainder of the year, and to pay to the Commission a sum equal to that for which he would have been liable if his industry had been established or commenced before such assessment was made, or so much thereof as the Commission may deem reasonable.

Powers of Commission. 2. The Commission shall have the same powers and be entitled to the same remedies for enforcing payment of the sum payable by the employer under subsection 1 of this section as it possesses or is entitled to for enforcing payment of assessments.

Penalty. 3. For default in complying with the provisions of the above subsection 1, the employer shall be liable to the same penalty and liability as provided by section 82.

Industries carried on temporarily. **103.** 1. Where an employer engages in any of the industries included in Schedule 1 and has not been assessed in respect of it, the Commission, if it is of opinion that the industry is to be carried on only temporarily, may require the employer to pay or to give security for the payment to the Commission of a sum equal to the assessment for which he would have been liable if the industry had been in operation when the next preceding assessment was made.

Powers of Commission. 2. The Commission shall have the same powers and be entitled to the same remedies for enforcing payment from the employer of such sum as it possesses or is entitled to for enforcing payment of assessments.

Penalty. 3. An employer who refuses or neglects to comply with the provisions of subsection 1 of this section shall be liable, in addition to costs, to a fine not exceeding two hundred dollars, and an additional fine not exceeding twenty dollars per day for every day on which the default continues.

104. 1. The amount of any assessment or compensation for which an employer is liable shall constitute a privileged claim on all the moveable and immoveable property of such employer and of the principal contemplated by subsection 3 of section 10 of this act, ranking immediately after law costs.

2. When compensation is payable by periodical instalments, such instalments, for the purposes of this section, shall be converted by the Commission into a capital sum representing the instalments to become due. Conversion of periodical payments.

3. The privilege established by this section shall not exceed, for a particular claim, the sum of one thousand dollars. Extent of privilege.

DIVISION XI

INDUSTRIAL DISEASES

105. 1. When an industrial disease disables a workman from earning full wages at the work at which he was employed or causes his death and 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, the workman or his dependants shall be entitled to compensation under this act, as if the disease were a bodily injury by accident and the disablement were the happening of an accident, subject to the modifications hereinafter mentioned; but no compensation shall be paid if the workman, at the time of entering into the employment, had wilfully and falsely represented himself in writing as not having previously suffered from the disease. Certain industrial diseases to be deemed accidents.

2. Where compensation for an industrial disease is payable by an employer individually, it shall be payable by the employer who last employed the workman during the twelve months mentioned in subsection 1 of this section, in the employment to which the disease was due. Exception.

3. The workman or his dependants, if so required, shall furnish the employer mentioned in subsection 2 of this section, with such information as they possess with respect to the names and addresses of all the other employers for whom he worked in the employment to the nature of which the disease was due during the preceding twelve months; and if such information is not furnished or is not sufficient to enable that employer to take the proceedings mentioned in subsection 4 of this section, that employer, upon proving that the disease was not contracted while the workman was in his employ, shall not be liable to pay compensation. By whom compensation payable.

Last employer may bring in former employers.

4. If the last employer alleges that the disease was in fact contracted while the workman was in the employ of some other employer, he may bring such employer before the Commission and if the allegation is proved, the Commission may order that the latter pay the compensation.

Where disease develops gradually.

5. If, due to the nature of the process, the disease is such as to be contracted and to develop gradually, all the other employers who during the preceding twelve months employed the workman in employment of the nature to produce the disease shall be liable to pay to the employer by whom the compensation is payable such proportion or contribution as the Commission may determine to be just.

How compensation fixed.

6. The amount of the compensation shall be fixed with reference to the earnings of the workman under the employer by whom the compensation is payable, and the notice provided for by section 20 shall be given to the last employer of the workman during such twelve months, who gave him work of a nature to produce the disease; and the notice in such case may be given notwithstanding that the workman has voluntarily left the employment.

Notice.

Charging compensation to particular classes.

7. Where the compensation is payable out of the accident fund, the Commission shall make such investigation as it deems necessary to ascertain the class or classes of industries against which the compensation should be charged and act accordingly.

Presumptions as to disease being due to nature of employment.

8. If the workman, at or immediately before the date of the disablement, was employed in any process mentioned in the second column of Schedule 3 and the disease contracted is the disease in the first column of the Schedule set opposite to the description of the process, the disease shall be deemed to have been due to the nature of that process unless the contrary is proved. But no compensation shall be payable under this section unless the workman has been a resident continuously of the Province for three years next preceding his first disablement, except in the case where the Commission is satisfied that the disease is not due to any other cause than his employment within the Province.

Proviso.

"Silicosis".

9. *a.* In this act, the word "silicosis" shall mean silicosis of the lungs (a fibroid condition of the lungs caused by the inhalation of silica dust).

Person deemed affected by silicosis.

b. A person shall for the purposes of this act be deemed to have or to have had silicosis,—

i. in the ante-primary stage, when it is found by the Commission that the earliest detectable specific physical signs of silicosis are or have been present,

- whether or not capacity for work is or has been impaired by such silicosis;
- ii. in the primary stage, when it is found by the Commission that definite and specific physical signs of silicosis are or have been present, and that capacity for work is or has been impaired by that disease, though not seriously and permanently;
 - iii. in the secondary stage, when it is found by the Commission that definite and specific physical signs of silicosis are or have been present, and that capacity for work is or has been seriously and permanently impaired by that disease, or when it is found by the Commission that tuberculosis with silicosis is or has been present.
- c. For the purposes of this act the word "tuberculosis" shall mean tuberculosis of the respiratory organs when on examination of any person it is found that,—
- i. such person expectorates the tubercule bacillus;
 - ii. such person has closed tuberculosis to such a degree as to seriously impair his working capacity and as to render him unable to work underground without endangering his health.
- d. The Commission may appoint such medical officers as are required for the carrying out of the provisions of the Quebec Mining Act and its amendments respecting the examination of employees or applicants for employment, and the remuneration and expenses of such officers shall be paid out of the assessments levied for the payment of claims made on account of silicosis. Appointment of medical officers.
10. Neither the workman nor his dependants shall be entitled to the compensation, medical aid or burial expenses provided in this act, for disability or death from silicosis, unless the workman has been actually exposed to silica dust in his employment in the Province for periods amounting in all to at least five years. Condition upon which compensation granted.
11. The foregoing provisions shall in noway affect the rights of a workman in respect of a disease not provided for in this section, if the disease is the result of an accident which entitles him to compensation under this act. Right of compensation not affected in certain case.

DIVISION XI:

PREVENTIVE ASSOCIATIONS

106. 1. The employers carrying on industries included in any of the classes in Schedule 1 may form themselves into an association for accident prevention and may make rules for that purpose. Associations of employers may be formed.

Rules to be binding after approval by Lt.-Gov. in C.

2. The Commission may, if of opinion that an association so formed sufficiently represents the employers in the industries included in the class, approve such rules, and when approved by the Lieutenant-Governor in Council they shall be binding on all the employers in industries included in the class.

Payment of inspector out of accident fund.

3. Where an association, under the authority of its rules, appoints an inspector for the purpose of accident prevention, the Commission may, as it shall deem just, pay the whole or any part of the salary or remuneration of such inspector out of the accident fund or out of that part of it which is to the credit of any one or more of the classes of industries mentioned on Schedule 1.

Grant to associations.

4. The Commission may, in any case where it deems proper, make a special grant toward the expenses of any such association.

Levying of amount.

5. Any moneys so paid by the Commission under this section shall be levied as part of the assessment against the class in question.

"Class".

6. The word "class" in this section shall include subclass or such part of a class or such number of classes or parts of classes of industries in Schedule 1 as may be approved by the Commission.

Committee of employers.

107. 1. The employers in any of the classes of industries included in Schedule 1 may appoint a committee, consisting of not more than five employers, to watch over their interests in matters to which this act relates.

Commission may award compensation on report of committee.

2. Where a claim is for compensation for an injury for which the employers in any such class would be liable, if the Commission is of the opinion that the committee sufficiently represents such employers, and the committee certifies that the claim should be allowed for a determined amount, the Commission may award such sum to the workman or his dependants, if they are satisfied with it.

Medium of communication.

3. The committee may be the medium of communication on the part of the class with the Commission

DIVISION XIII

CONTRIBUTION BY EMPLOYERS IN INDUSTRIES IN SCHEDULE 2

Payment of expenses by employers in Schedule 2.

108. Employers in industries included in Schedule 2 shall pay to the Commission such proportion of the expenses of the Commission in the administration of this act as the Commission may deem just to determine, and the sum payable by such employers shall be apportioned

between them and assessed and levied in like manner as are assessments for the accident fund. The provisions of this act shall apply, *mutatis mutandis*, to assessments made under the authority of this section.

109. This act shall apply only to the industries mentioned in Schedules 1 and 2 and to such other industries as may hereafter be added to them under the authority of this act and to employment in such industries. Application.

110. This act shall not apply to the industry of farm- Industries excluded.
ing or to domestic service.

DIVISION XIV

GENERAL AND TRANSITORY PROVISIONS

111. The Workmen's Compensation Act, 1928, (18 George V, chapter 79), and the Workmen's Compensation Commission Act (18 George V, chapter 80) shall remain in force with respect to accidents happening before the 1st of September, 1931, as if the present act had not been enacted. Provisions applicable to accidents happening prior to September 1st, 1931.

112. Until the 1st of September, 1931, the salaries of the commissioners continued in office under section 116 and those replacing them, as well as the expenses for lodging and furniture of the Commission, shall be borne by the Provincial Government and paid out of the consolidated revenue fund; from and after such latter date, such salaries and expenses shall be paid out of the accident fund, as provided in this act. Payment of salaries, etc. of Commission.

113. Except the above-mentioned salaries and expenses for lodging and furnishing up to the 1st of September, 1931, all expenses incurred for the administering of the Workmen's Compensation Act, 1928, (18 George V, chapter 79), and of the Workmen's Compensation Commission Act (18 George V, chapter 80) shall be borne by the insurers as defined in paragraph 3 of section 2 of the Workmen's Compensation Act, 1928, in the manner therein determined; and after that date, subject to the provisions of the following section 114, such salaries and expenses shall be paid out of the accident fund, as provided in this act. Other expenses to Sept. 1st. Id., after Sept. 1st.

114. From and after the 1st of September, 1931, the Commission may, from time to time, impose upon the insurers mentioned in section 113 of this act, any assessments on insurers for accidents prior to Sep- Assessments on insurers for accidents prior to Sep-

tember 1st, 1931.

ments that it may deem just to pay the proportion of the Commission's expenses in connection with the settlement of claims filed for accidents happening before the 1st of September, 1931, and its decisions to that effect shall be final and without appeal and may be enforced in conformity with the provisions of section 64.

Suits for recovery of fines.

115. 1. Suits for the recovery of the fines provided for by this act shall be instituted by the Commission or in the name of the Commission by any person authorized by it; such suits shall be instituted, adjudged and executed in conformity with the Quebec Summary Convictions' Act.

Disposition of fines collected.

2. The fines imposed shall belong in their entirety to the Commission and shall form part of the accident fund.

Present commissioners to remain in office.

116. 1. Notwithstanding section 52, the commissioners appointed under section 2 of the Workmen's Compensation Act (18 George V, chapter 80) shall be the commissioners charged with administering the present act, and they shall remain in office during good conduct and may be dismissed only in conformity with the provisions of subsection 3 of section 54.

Powers and duties of commissioners.

2. The said commissioners shall administer concurrently the Workmen's Compensation Act, 1928, and the Workmen's Compensation Act, 1931; they shall have all the powers conferred on the commissioners by both such acts and shall perform all the duties imposed by same.

Employees of the Commission.

3. The employees of the Workmen's Compensation Commission, appointed under the act 18 George V, chapter 80, shall be employees of the Commission created by this act, without further appointment; the said employees, except in the case of subsection 3 of section 52, shall be subject to the control of the Commission in accordance with the provisions of section 58.

Coming into force.

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

SCHEDULE 1

INDUSTRIES THE EMPLOYERS IN WHICH ARE LIABLE TO
CONTRIBUTE TO THE ACCIDENT FUND

Class 1.—Lumbering; logging, river-driving, rafting, booming; robbing, bark peeling; sawmills, shingle-mills, lath-mills; manufacture of veneer, excelsior, staves, spokes, or headings; lumber yards (including the delivery of lumber) carried on in connection with saw-mills; the creosoting of timbers.

Class 2.—Pulp and paper mills.

Class 3.—Manufacture of furniture, fixtures, organs, pianos, piano actions, canoes, small boats, coffins, wicker and rattan ware, mattresses, bed-springs, artificial limbs, cork articles, cork carpets or lineolium; upholstering, picture framing.

Class 4.—Planing mills, sash and door factories, manufacture of wooden and corrugated paper boxes, cheese boxes, mouldings, window and door screens, window shades, brooms or brushes, carpet sweepers, wooden toys, articles and wares or baskets, matches or shade rollers; lumber yards (including the delivery of lumber) carried on in connection with planing mills or sash and door factories; cooperage, not including the making of staves or headings; carpenter, joiner, or cabinet work in shop.

Class 5.—Mining; reduction of ores and smelting; preparation of metals or minerals; boring and drilling, including sinking of artesian wells (except when done by an employer coming under Class 14); manufacture of calcium carbide, carborundum or alundum, abrasives or abrasive articles other than stone; manufacture of fireworks, gunpowder, ammunition, nitro-glycerine, dynamite, guncotton or other high explosives, torpedoes, fuses or cartridges.

Class 6.—Sand, shale, clay or gravel pits; marble works, stone cutting or dressing; manufacture of brick, tile, terracotta, fire-proofing, sewer pipe, roof tile, plaster blocks, plaster board, slate or artificial stone; manufacture of stone or artificial stone, paving blocks, or cement or concrete blocks; quarries, stone crushing, lime kilns; manufacture of cement, glass, glass products, glassware, porcelain or pottery.

Class 7.—Rolling mills; steel works; manufacture of heavy forgings, including ship anchors.

Class 8.—Foundries; gas or electric welding; manufacture of stoves, furnaces, cast hot water boilers, radiators, or metal sanitary ware, water fixtures or bedsteads.

Class 9.—Fabrication of structural steel, iron or metal; ship building or ship repairing; manufacture of boilers, engines, locomotives; riveted pipes, tubing or tanks; safes, heavy machinery, cranes; or metal siding, ceiling, roofing, shingles, window frames or the like.

Class 10.—Machine shops, metal stamping works, or blacksmith shops; manufacture of light forgings, carriage mountings, wires, cables, bolts, nuts, nails, screws, tools, cutlery, hardware; tin, sheet metal or sheet metal enamelled wares or articles not otherwise specified; metal wares, instruments, utensils and articles; wire goods, screens, cold drawn shafting, cold drawn tubing, fire-arms, ammunition shells (without explosives), windmills, gas or electric light fixtures, light machinery, scales, cash registers, typewriters, adding machines, dry batteries, cameras, sporting goods, metal toys; buttons of metal, ivory, pearl or horn; ivory articles, rubber stamps, pads or stencils; manufacture of gold or silverware, plated ware, watches, watch-cases, clocks, jewellery or musical instruments.

Class 11.—Manufacture of agricultural implements, threshing machines, wagons, carriages, sleighs, vehicles, automobiles, motor trucks, motor-cycles, bicycles, tri-cycles, toy wagons or sleighs, baby carriages, or aeroplanes; car shops.

Class 12.—Manufacture of paint, color, varnish, oil, japans, turpentine, printing ink, printers' rollers; manufacture of salt; manufacture of chemicals, corrosive acids, or salts, ammonia, gasoline, petroleum, petroleum products, celluloid, gas, charcoal, artificial ice, including the handling and delivery thereof; wood alcohol, celluloid articles; the manufacture, transmission and distribution of natural or artificial gas and operations connected therewith; the cutting, storing, handling and delivery of natural ice; manufacture of non-hazardous chemicals, drugs, medicines, dyes, extracts, pharmaceutical or toilet preparations, soaps, candles, perfumes, non-corrosive acids or chemical preparations; shoe-blackening or polish, yeast, baking powder or mucilage; tar, or tarred, pitched or asphalted paper.

Class 13.—Milling; manufacture of cereals or cattle foods; warehousing or handling of grain or operation of grain elevators, threshing machines, clover mills, or ensilage cutters.

Class 14.—Manufacture or preparation of meats or meat products or glue; packing houses, abattoirs; manufacture of fertilizers not incidental to any other industry.

Class 15.—Distilleries, breweries; manufacture of spirituous or malt liquors, malt, alcohol, wine, vinegar, cider, mineral water, soda waters, or methylated spirits; sugar refineries; manufacture of dairy products, butter, cheese, condensed milk or cream, biscuits, confectionery, chewing gum, spices, condiments, or any kind of starch; bakeries; canning or preparation of fruit, vegetables, fish or food-stuffs; pickle factories; manufacture of tobacco, cigars, cigarettes or tobacco products.

Class 16.—Tanneries; manufacture of leather goods and products, belting, whips, saddlery, harness, trunks, valises, trusses, imitation leather, boots, shoes, gloves, rubber goods, rubber shoes, tubing, tires, or hose.

Class 17.—Flax mills; manufacture of textiles or fabrics, spinning, weaving and knitting manufactories; manufacture of yarn, thread, hosiery, cloth, blankets, carpets, canvas, bags, shoddy, felt, felt hats, cordage, ropes, fibre, asbestos goods, hair cloth and other hair goods; work in manilla or hemp.

Class 18.—Manufacture of men's or women's clothing, whitewear, shirts, collars, corsets, hats other than felt, caps, furs, robes, feathers or artificial flowers, quilts, clothing pads, tents, awnings, gloves, mittens, neckties, or other articles not otherwise specified made from fabrics; the erection of awnings; covering of umbrellas; power laundries; dyeing, cleaning or bleaching.

Class 19.—Printing, photo-engraving, engraving, lithographing, book-binding, embossing; manufacture of stationery, paper, cardboard boxes, bags, wall-paper, or papier-maché.

Class 20.—Heavy teaming or cartage; safe-moving or moving of boilers, heavy machinery, building stone and the like; warehousing, storage; teaming and cartage, including the hauling for hire by means of any vehicle, howsoever drawn or propelled, of any commodity or material; scavenging, street cleaning or removal of snow or ice; coal, wood, lumber yard, and builders' supply businesses.

Class 21.—Road or street making or repairing; bridge or culvert construction not otherwise classified; manufacture of asphalt material or paving material not otherwise classified; concrete or cement work not otherwise classified; sewer construction, tunneling, shaft sinking, well digging;

construction or operation of a waterworks system; excavation work for foundations other than for or in connection with buildings; trenching, less than six feet deep, for gas pipes, water pipes or wire conduits; excavation work not otherwise classified where the depth is more than six feet and the width is less than half the depth.

Class 22.—Construction, installation or operation of electric power lines or appliances, and power transmission lines; construction or operation of an electric light system; construction and operation of power plants and electric light works, not included in Schedule 2; construction or operation of telegraph or telephone lines, construction or operation of telephone lines and works for the purposes of the business of a telephone company or used or to be used in connection with its business when constructed or operated by the company, except where such telephone lines or works are within the legislative authority of the Parliament of Canada.

Class 23.—Steel building and bridge construction; installation of elevators, fire-escapes, boilers, engines or heavy machinery; the erection of windmills; construction or operation of railways or canals; construction or operation of drydocks; construction of piers, wharves, breakwaters or other harbour improvements; stevedoring; operation of and work upon wharves; dredging, subaqueous construction or pile driving; fishing; loading or unloading of cars; all industries, trades, businesses, and occupations contemplated by this act, not otherwise classified and not included in Schedule 2.

Class 24.—Bricklaying, mason work, stone setting; plastering; concrete or cement work in or connected with buildings; excavation work for or connected with buildings; structural carpentry; lathing; installation of pipe organs; house wrecking or house moving; painting, decorating or renovating; glazing or installation of plate glass, the business of window-cleaning; sheet metal work; roofing; the erection of lightning rods; electric wiring of buildings or installation of lighting fixtures; plumbing, heating or sanitary engineering; gas or steamfitting; operation of theatres and places for exhibitions by moving picture machines, licensed under the law of the Province.

SCHEDULE 2

INDUSTRIES THE EMPLOYERS IN WHICH ARE INDIVIDUALLY
LIABLE TO PAY THE COMPENSATION

1. The industry or business, contemplated by subsection 2 of section 2, of the Government of Canada, of the Government of the Province and of the corporations enumerated in the said subsection.

2. The construction or operation of railways operated by steam, electric or other motive power, street railways and incline railways, but not their construction when constructed by any person other than the company which owns or operates the railway.

3. The construction or operation of car shops, machine shops, steam and power plants and other works for the purposes of any such railway or used or to be used in connection with it when constructed or operated by the company which owns or operates the railway.

4. The construction or operation of telephone lines and works within the legislative authority of the Parliament of Canada, for the purposes of the business of a telephone company or used or to be used in connection with its business when constructed or operated by the company.

5. The construction or operation of telegraph lines and works for the purposes of the business of a telegraph company or used or to be used in connection with its business when constructed or operated by the company.

6. The construction or operation of steam vessels and works for the purposes of the business of a navigation company or used or to be used in connection with its business when constructed or operated by the company, and all other navigation, towing, operation of vessels, and marine wrecking.

7. The operation of the business of an express company which operates on or in conjunction with a railway, or of sleeping, parlor or dining cars, whether operated by the railway company, or by an express, sleeping, parlor or dining car company.

8. The construction or operation of a bridge connecting the Province with an adjacent province or state, but not its construction when constructed by any person or company other than the person or company owning or operating the bridge.

SCHEDULE 3

| Description of Disease. | Description of Process. |
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| Anthrax. | Handling of wool, hair, bristles, hides, and skins. |
| Lead poisoning or its sequelæ. | Any process involving the use of lead or its preparations or compounds. |
| Mercury poisoning or its sequelæ. | Any process involving the use of mercury or its preparations or compounds. |
| Phosphorus poisoning or its sequelæ. | Any process involving the use of phosphorus or its preparations or compounds. |
| Arsenic poisoning or its sequelæ. | Any process involving the use of arsenic or its preparations or compounds. |
| Ankylostomiasis. | Mining. |
| Miners' phthisis. | Mining. |
| Benzol poisoning. | Any process involving the use of benzol. |
| Stone workers' or grinders' phthisis. | Quarrying, cutting, crushing, grinding, or polishing of stone, or grinding or polishing of metal. |
| Silicosis. | Mining. |
| Pneumoconiosis. | Quarrying, cutting, crushing, grinding, or polishing of stone, or grinding or polishing of metal. |
| Compressed air illness or caisson disease. | Any process carried on in compressed air. |
| Chrome poisoning. | Any process involving the use of chromium or its compounds. |