

MANITOBA LABOR LAWS

THE WORKMEN'S COMPENSATION ACT

AN ACT RESPECTING COMPENSATION TO WORKMEN FOR ACCIDENTAL INJURIES SUFFERED IN THE COURSE OF THEIR EMPLOYMENT.

His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. This Act may be cited as "The Workmen's Compensation Act, 1910."

2. The provisions of this Act shall apply only to employers who employ in their trade or business at the time the accidental injuries occur five or more workmen, or who usually or from time to time employ in their trade or business five or more workmen.

INTERPRETATION

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

(a) "Employer" includes the Crown, a municipal corporation, and any body of persons, corporate or unincorporate, and the legal personal representatives of a deceased employer, and where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person;

(b) "Workman" includes every person who is engaged in an employment to which this Act applies, whether by way of manual labor or otherwise, but does not include any person employed otherwise than by way of manual labor whose remuneration exceeds twelve hundred dollars a year, or a person whose employment is of a casual nature or a person who is employed otherwise than for the purposes of the employer's trade or business, or an outworker; but, save as aforesaid, means any such person who has entered into or works under a contract of service or apprenticeship with an employer, in any employment to which this Act extends, whether by way of manual labor, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing; any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representatives or to his dependents or other person to whom or for whose benefit compensation is payable;

(c) "Dependents" means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death for the necessities of life or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively;

(d) "Member of a family" means a wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, adopted child, foster parent;

(e) "Out-worker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale, in his own home, or on other premises not under the control or management of the person who gave out the materials or articles;

(f) The exercise and performance of the powers and duties of a public or municipal authority or corporation shall, for the purposes of this Act, be treated as the trade or business of the authority or corporation.

4. If in any employment to which this Act applies personal injury by accident, arising out of and in the course of the employment, is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule to this Act; provided that,

(a) The employer shall not be liable under this Act in respect of any injury which does not disable the workman, for a period of at least two weeks, from earning full wages at the work at which he was employed; and shall only be liable to pay compensation from the beginning of the third week after the injury;

(b) When the injury was caused by the personal negligence or wilful act of the employer, or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid, and if a workman elects to pursue his remedies independently of this Act he shall thereby forfeit his right to compensation under the provisions of this Act;