

QUEBEC WORKMEN'S COMPENSATION ACT.

We promised in our last issue that we would have something to say regarding Mr. Lafleur's very interesting article on the above subject in a Montreal newspaper.

After almost ten years' trial of the Workmen's Compensation system in the Province of Quebec, and the payment of millions of dollars to injured employees and their dependents, it is opportune that a lawyer of Mr. Lafleur's ability should make suggestions for the simpler working of the system, and it is hoped to see some action taken to follow up the question. Needless to say, we heartily concur with Mr. Lafleur in his warning that drastic changes will only lead to confusion. Owing to the difficulty of judging the value of such changes until after years of experience, employers and employees alike would again be in the position that they did not know how they stood. It therefore seems necessary to examine the present law for weak points and put these right by amending, in such a way, that nothing will be lost in the matter of experience or precedents already built up.

One of the important features to be kept in view is, that the law should give the same benefit to every employee proportionate, of course, to his earnings. It is in this feature that most of the laws have broken down in the past, and so-called State Insurance has entirely broken down. This is the verdict of keen observers who have been watching the operation of these laws very closely. Assuming that a Compensation Act nominally gives a fixed indemnity to each employee, it is beyond the ability of any human being to draft the language of the Act in such a way so as to avoid disputes at the boundary line between those who are covered and those who are not. After these laws have been enacted by law-makers, it is generally found by the courts, when actual cases come up, that there are many conditions in human life which the law-makers did not have in view and did not provide for. There is, therefore, a constant process of interpretation by the courts, and all these unfortunate but deserving cases which the wording of the Act cannot possibly provide for in a few pages of printed matter are gradually taken care of.

Under the State Insurance system there is no appeal to, and no assistance possible from the law courts. The Compensation Board has as much power as the former King of Prussia, and in settling all these questions has only got its own interests to consider. The workman is not entitled to have his side of the story put forward by proper legal process.

Under the present Quebec system, thousands of questions have arisen in cases where the law-makers have not made the wording of the Act clear, and many unfortunate claimants upon discovering that they were not entitled to compensation because of a peculiarity in the wording of the Act, have recourse to the courts of justice, and in

the majority of cases a ruling is given by the court favorable to the workman.

The latter system is the British system and is the one adopted in the majority of Countries and States to-day; but on the subject of Quebec law it has been observed that although the system is apparently an ideal one, it has not worked out right in many cases where we would expect it to do so. That is to say, it has been found that many deserving workers engaged in work, apparently not covered by the law, have let the matter drop simply because they were good fellows, but later on found that some other workman, who was not a good fellow to the same extent and possibly not as deserving, brought suit, gained his compensation and set the law for the future. Naturally this has created a certain amount of resentment on the part of the employees who were the good fellows in the past. The reason for this is clear. No man who is well disposed wants to stir up litigation and will not do so unless he is put to it. Many men will take what comes to them first, rather than try and establish new legal procedure. The lawyers are no doubt to blame for this attitude inasmuch as they have firmly fixed in the minds of the public, that to get in the hands of the law and the lawyers is positively a losing game to everybody concerned, and the only man who is safe to get in the hands of a lawyer is the man who has nothing to lose. Is it not, therefore, time that this condition should be put right as far as possible by the lawyers themselves? With the main object in view of securing absolutely free treatment for every compensation claimant, nothing would be more appropriate than the summary method of trial suggested by Mr. Lafleur. It is expected that this system of modified charges to apply to cases which are "Registered" would enable every employee to take advantage of the registration system. It is also a most important thing that the law problem should be faced by the lawyers not so much as a question of litigation but a question of assisting in the disposal of, and compromising of disputes in the quickest and most convenient way. The great majority of men do not want to be forced into litigation with their employers, and if they felt assured that a lawyer could adjust the matter in a most friendly way and they had the opportunity of going right back to work, feeling that nothing was owing on either side, a much better state of affairs would prevail and the lawyer would be much more popular. Such a condition can be brought about by Mr. Lafleur's suggestion of the Registration of all serious cases in court. The system has been adopted in England and we are told that it has placed employers and employees on a very friendly basis. While this is a simple legal process, both are aware that they still have the protection of the courts behind them; but it is only when questions of law are opened that these cases do require to go further.

Another weak point upon which Mr. Lafleur lays his finger is the present system whereby each