

CHAPTER II.

WORKMEN'S COMPENSATION IN CANADA.

(1) History of the Adoption of such Acts by the Various Provinces.

The Province of Prince Edward Island has now no legislation dealing with compensation to injured workmen or the liability of employers.

ONTARIO.

The Province of Ontario has always taken, and still holds, a position of commendable leadership in regard to compensatory legislation for injured workmen. In the session of 1885, a compensation bill was introduced and had reached its second reading when an amendment was carried postponing the consideration of the bill for six months in order that the reports of the Imperial Commission dealing with the subject could be received.

In the following year the Imperial reports (1), were duly considered and an Act was passed (2), called "The Workmen's Compensation for Injuries Act, 1886." Its most salient features may be summarized as follows:—

The employer was made liable for accidents that were caused by any defect in machinery, etc., due to neglect to discover or repair or to any neglect on the part of a superintendent or anyone for whom the employer is responsible, or of a railway signalman. The amount of compensation was to be no greater than estimated earnings for three previous years, and certain exceptions were provided in the case of employers who had entered into arrangements for separate insurance, and provident societies whose rates came up to a certain fixed standard.

At the session of 1889 several important amendments were introduced. It was enacted that "superintendence" was to mean such general control over a workman as is exercised by a foreman, "whether the person exercising such superintendence is or is not ordinarily engaged in manual labor." This is, of course, a broadening, though very slight, of the old doctrine of the fellow-servant. Continuing in the employment of an employer with knowledge of dangerous conditions should not of itself constitute a voluntary assumption of the risk of injury.

(1) Sessional Papers, Ont. 1885, No. 56.

(2) 49 Vict., c. 28.