

WORKMEN'S COMPENSATION IN ONTARIO.**Sir William Meredith's Draft of Bill—No Contribution by Employees—Outline of Main Provisions.**

Sir William Meredith produced on Monday, at a conference of representatives of manufacturers and employees, a draft bill embodying his recommendations to the Ontario Government on the subject of workmen's compensation. No provision is made in the draft for contributions by employees. All classes of workers are included, the Commissioner apparently leaving it to the Legislature to decide what exemptions shall be allowed.

MAIN PROVISIONS OF BILL.

The main provisions of the bill are summarized in the following paragraphs:—

The section respecting compensation provides that where in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman his employer shall be liable to provide or to pay compensation in the manner and to the extent hereinafter mentioned, except where the injury:

(a) Does not disable the workman for a certain period from earning full wages at the work at which he was employed;

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

Sub-section 2 of this clause places the onus of proof on the employer to show to the contrary, and failing such proof it shall be presumed that the accident arose out of the employment.

AFFECTS MEN OUTSIDE PROVINCE.

Clause 4 makes the act applicable to workmen injured out of the Province, but whose employer has his head office or principal place of business situate in the Province.

If an accident happens out of the Province and in a place where the workman or his dependents might be entitled to compensation, those entitled to claim will have the right to elect under which law the application for compensation will be made, and failing such election it will be presumed that no claim will be entered under the Ontario Act.

A dependent not resident in Ontario will not be entitled to compensation under this law unless the law of the place where he resides would entitle a dependent resident in Ontario to receive compensation for an accident happening in that place.

The workman is not to be precluded from the right of action in respect of an accident against any person other than his employer, but if the amount recovered is not equal to the compensation provided, the difference will be payable as compensation.

Work let out by sub-contract shall not exclude the principal from liability, but the compensation shall be based on the earning capacity of the workman under the sub-contractor.

No member of the family of an employer shall be entitled to be paid out of the accident fund provided under the act unless that person is carried on the pay-roll. An employer appearing on his own pay-roll may receive compensation out of the accident fund.

BOARD TO DETERMINE ALL CLAIMS.

No action can be brought by a workman for compensation whether it is payable out of the accident fund or individually by the employer, and all claims

are to be determined by the Board, and the compensation will be in lieu of all actions and rights of action against an employer.

A workman cannot waive his right to compensation under the act by agreement with his employer, and any sum payable by way of compensation shall not be capable of being assigned, attached or charged.

The usual procedure is required for notification in case of accident, and a workman injured shall be liable to examination under the regulation of the Board. In case of differences between medical examiners provision is made for appeal to a medical referee.

Individual payments extending over a period may after being continued for six months be commuted by the payment of a lump sum.

The scale of compensation is left blank, and the amounts necessary will be filled in after the entire bill has been under discussion by the House. The principle of deferred or extended payments has been adopted and an injured workman will not receive a lump sum, but assistance in the form of monthly payments.

If a dependent widow marries, the monthly payments to her under the act shall cease, but she shall receive a lump sum equal to the monthly payments for two years.

Where there are no dependents the employer shall be liable for medical and funeral expenses.

The amount payable by way of compensation is not determined and a blank is left in the bill for the insertion of this percentage.

BOARD TO HOLD OFFICE TEN YEARS.

The governing board or commission will consist of three members, appointed by the Lieutenant-Governor in Council, who shall hold office for a period of ten years. The Board will be given power to take evidence and summon witnesses, may compel the production of books, papers, etc.

Provision is made for an accident fund out of contributions from employers in classes or groups of industries outlined in a schedule to the act. The scheme is only submitted in outline, and power is given to the Board to establish further classes or sub-classes except in business or industries withdrawn under the authority of a subsequent section of the act.

An important provision under this section is that the Board may exercise its discretion in reducing the assessment in any class where the hazard to workmen is less than with other industries of the same class. Contrariwise, where a number of accidents have happened in any industry which would not have happened, in the opinion of the Board, if proper precautions had been taken, the Board may add to the amount of contributions from that industry to the accident fund, and the additional percentage so levied shall be applied in reduction of the assessment upon other employers of the same class.

Recourse may be had to the municipal machinery for collecting assessments from defaulting employers, and the amount shall be entered upon the tax collector's roll, and shall operate similarly to amounts levied in respect of taxes.

Compensation is provided for occupational diseases, the same as for injuries, and the onus is placed upon the employer of ascertaining when a workman enters his establishment whether he is in a proper condition of health and has not contracted any disease from the place of his former employment.