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THE COST OF EXPERIENCE.

In political and communal affairs, as in the affairs of the individual, the proverbial rule of the costliness of experience holds good. Have those responsible for the new workmen's compensation legislation in the province of Ontario considered how they will be affected by this rule?

Without doubt they are trying an experiment. The only places where legislation of this kind has been put into force under conditions which bear any similarity at all to the circumstances of Ontario are a few states of the Union. In none of those states has this legislation been in force a sufficient period to permit of final judgment being given of its success or economy. The German system cannot be quoted as providing an experience which Ontario can safely follow. Conditions in Germany and Canada, geographically, politically, socially, even temperamentally, are too widely separated to permit of any deductions of value to Canada being drawn from the German experience of workmen's compensation insurance. Ontario is making an experiment, and if the present proposals are carried into law will have to acquire knowledge of its success or non-success by the costly method of payment for experience.

In the first place, experience will have to be paid for through an immense amount of litigation, and that notwithstanding the fact that one of the declared purposes of the present law is the obviation of litigation. The new law will have to be "defined" in the courts, and those who are familiar with the amazing subtlety of the legal mind will appreciate what an immense amount of litigation and costs can be piled up in the "definition" of such a complicated and drastic measure as that now before the provincial legislature. In this respect the English experience is of much value. There, as in Ontario, one of the main purposes of workmen's compensation legislation was the avoidance of litigation. But it is not too much to say that the workmen's compensation laws of England have given rise to more litigation than the Merchants' Shipping Act, the Bankruptcy Act, and the Companies' Acts put together, although the last-named statutes have for years notoriously been a particularly happy hunting-ground of the legal fraternity. This great mass of litigation has been concerned principally with the definition of the law. It has cost millions. The statement has been made that the lawyer will be adversely affected by the new Ontario law. Such a statement is ridiculous. In England, workmen's compensation legislation has been a perfect gold-mine for lawyers. Had Ontario followed the English system as it has been brought towards finality by the expenditures of these millions, the statement quoted might have had some degree of

truth. But the proposed legislation means simply that the province will be billed for an immense expenditure of law costs and legal fees until all the fine points of it have been settled. Whatever else the new law may be, it will certainly be a gold-mine for the lawyers.

Again, experience will have to be dearly bought in matters of administration. It is not a nice thing for Canadian pride to stomach, but there is no use in blinking the fact that at the present time the creation of any new department of Government activity inevitably means the building-up of another political machine with consequences and subsequent conditions which are prejudicial to the general well-being. Supposing, however, that this initial danger is successfully surmounted, there remain other serious problems to be solved by experience. The system of administration of the new law will depend upon the organisation of a vast army of inspectors, commissioners and clerks. Such a system cannot be created on anything approaching an efficient basis except after years of hard work and immense expense, and it would seem likely that under Canadian conditions it will never achieve anything more than a very moderate degree of efficiency. Canadian conditions are such that the man of knowledge, of energy and of enterprise finds no attractiveness in the service of the Government; the rewards for his service are greater elsewhere; and the probabilities are that those who are appointed to the responsibility of administering the new act will find themselves supported by a staff of mediocre attainments and mediocre energy. It is a truism that Government service means "go-easy" service, save for a few brilliant exceptions, heads of departments and others who are statesmen in the true sense of that much-abused word, whose sense of duty compels them to give of their best to the community or the country. "Go-easy" service means inefficient service. Inefficient service means ultimately that not only those who are compelled by this new legislation to insure will have to pay dearly for their protection against the financial liability arising from accidents to their employees, but that through the provincial grants towards the expense of working the act the whole province will be compelled to pay dearly for workmen's compensation.

By the adoption of this new legislation, Ontario will embark upon an experiment which in these two directions alone, will entail, so far as can be foreseen, the purchase of a costly experience, which might be avoided through the adoption of a scheme incorporating the expensive experience of other countries and giving to the ultimate beneficiaries—injured workmen—as great advantages as are likely to be obtained from the present legislation.