

British Columbia the term of office is 10 years. In most of the provinces, however, they are subject to compulsory retirement at the age of 75. Each board is authorized to appoint its officers and employees and to fix their salaries. The term of office of such employees is subject to the pleasure of the board. In the United States the term of office of compensation commissioners is usually three, four, or five years.

Amount and Period of Compensation

9. As regards liberality, the benefits of the Canadian laws are about on a par with the more liberal of the American acts. The scale of benefits is considerably lower, but on the other hand the periods for which benefits are paid are much longer. In Canada compensation is usually paid during disability or until death or remarriage of the widow, while in most of the states the compensation periods terminate at the end of 300, 400 or 500 weeks. In none of the provinces (Yukon excepted) is the waiting period over one week, and in most of the laws compensation when payable begins from the date of the injury, whereas in the United States seven states have a waiting period of 10 days and 13 states of two weeks. In all of the Canadian laws the amount of compensation in case of disability is 55 per cent. of the employee's earnings, except that in Quebec the percentage is 50; in the United States 20 states have a percentage of 60 or greater. The early Canadian laws did not provide for medical benefits, but some of the provinces have recently made provision therefor; in the United States 42 of the 45 states provide medical service. All but five of these states, however, place some limitation upon the amount of the medical service which the employer is required to furnish.

Compensation and Insurance Systems

All of the Canadian laws are compulsory upon employers coming within the scope of the act. In the five provinces of Alberta, British Columbia, New Brunswick, Nova Scotia, and Ontario* all employers must contribute to the accident fund. Quebec and Yukon Territory have no state fund, nor are employers in these jurisdictions required to insure. Manitoba has a hybrid system. Employers are required to insure in private casualty companies or provide self-insurance. Such insurance companies or self-insurers, however, must contribute to the accident fund. They must also contribute 7½ per cent. of their premiums to the administration fund.

Out of these accident funds, which are managed by the workmen's compensation boards, are paid all compensation claims. The board classifies the industries according to the hazard, fixes and collects premiums, receives and investigates claims, grants awards, and pays the compensation benefits. As already noted, the workmen's compensation board assumes liability. Injured workmen are always paid direct by the board from the accident fund, irrespective of whether or not the employer is insured or carries his own risk. Failure on the part of the employer to meet his compensation obligations does not deprive the employee of his compensation benefits. This obligation is assumed by the accident fund, which, in turn, has redress against the defaulting employer through an action at law.

Scope or Coverage

The scope or coverage of the Canadian laws is more restricted than that of most of the American Acts. In all of the provinces (Yukon excepted) the employments covered are limited to enumerated hazardous industries. Agriculture and domestic service are universally excluded. Most of the laws also exclude outworkers, travelling salesmen, non-hazardous clerical occupations, non-hazardous public employments, and casual employees employed otherwise than for the purpose of the employer's business. Alberta also excludes

* Except employers enumerated in Schedule 2, which includes municipalities, and railroad, express, telephone, telegraph and navigation companies. Employers in these industries are individually liable, though they must deposit funds with the board, which pays the compensation direct to the injured employee.

railroads. Moreover, the workmen's compensation boards have been given discretionary power both to increase and to decrease the scope of the Acts by adding to or subtracting from the industries enumerated in the statute. Under this authority the original statutory scope of the Acts has been considerably changed. Many new classes of industries have been added; others have been excluded. In addition, the Ontario Board has exempted certain classes of employers having less than a stipulated number of employees. The policy of the boards in including and excluding certain industries is apparently determined by the hazard of the particular industry and by the administrative difficulty of collecting premiums in the case of small employers. Exempted employments usually are given the privilege of coming under the Act if either the employer or employee so desires.

Under all of the Canadian laws employees injured without the province are entitled to compensation benefits if the place of business of the employer and the usual place of employment of the workmen are in the province. The following provision found in the Alberta law is typical of that in the laws of practically all the provinces:—

Location of Accident

(1) Where an accident happens while the workman is employed elsewhere than in the province which would entitle him or his dependents to compensation under this Act if it had happened in the province, the workman or his dependents shall be entitled to compensation under this Act—

(a) If the place or chief place of business of the employer is situate in the province and the residence and the usual place of employment of the workman are in the province and his employment out of the province has immediately followed his employment by the same employer within the province and has lasted less than six months; or

(b) If an accident happens to a workman who is a resident of the province and the nature of the employment is such that in the course of the work or service which the workman performs it is required to be performed both within and without the province.

(2) Except as provided by subsection 1, no compensation shall be payable under this Act where the accident to the workman happens elsewhere than in the province.

The following table shows more in detail the scope of the several Canadian Compensation Acts:—

SCOPE OF CANADIAN COMPENSATION LAWS

| Inclusions: Enumerated hazardous employ- ments. | Exclusions. | | | | |
|---|-----------------------|------------------------|--|---|--|
| | Outworkers. | Traveling salesmen. | Nonhazard- ous clerical occupations. | Casual em- ployees not in usual course of employer's business. | Public and other employments. |
| Alberta..... | Alberta..... | Alberta..... | Alberta..... | Alberta..... | Alberta (nonhazardous municipal; railroads; itinerant employees). |
| British Columbia..... | British Columbia..... | British Columbia..... | British Columbia..... | British Columbia..... | British Columbia (nonhazardous public). |
| Manitoba..... | Manitoba..... | Manitoba..... | Manitoba..... | Manitoba..... | Manitoba (nonhazardous public). |
| New Brunswick..... | New Brunswick..... | New Brunswick..... | New Brunswick..... | New Brunswick..... | New Brunswick (provincial). |
| Nova Scotia..... | Nova Scotia..... | Nova Scotia..... | Nova Scotia..... | Nova Scotia..... | Nova Scotia (nonhazardous public). |
| Ontario..... | Ontario..... | Ontario..... | Ontario..... | Ontario..... | Ontario (provincial and nonhazardous municipal). |
| Quebec..... | Quebec..... | Quebec..... | Quebec..... | Quebec..... | Quebec (public employees; sailing vessels; employees receiving over \$1,200 a year and those working alone). |
| Yukon..... | Yukon..... | Yukon..... | Yukon..... | Yukon..... | Yukon (employers having less than 5 employees). |

Accidents and Occupational Diseases

Canadian compensation laws cover both accidents and occupational diseases. The provisions of the British Act, both as to content and phraseology, have been adopted practically without change in nearly all of the provinces. Every law except Quebec uses the phrase, "Personal injury by accident arising out of and in the course of the employment, unless it is attributable solely to the serious and willful misconduct of the workman." In four provinces,* however, injuries

* Alberta, British Columbia, Manitoba and Nova Scotia.