

INTRODUCTORY.

This brief is submitted as representing the official views of the Canadian Manufacturers' Association—a body representing some twenty-eight hundred manufacturing concerns and embracing in its membership between eighty and ninety per cent. of the manufacturing interests of the Dominion of Canada. The outlines of the Association's position were laid down in a report submitted by a special committee and unanimously adopted by the Executive Council of the Association on the 14th December, 1911. This brief is an amplification of the report with citations and quotations in support.

The literature upon the subject of workmen's compensation which has during the last few years reached an immense bulk, is rapidly increasing, and it is characteristic of the subject that the older literature rapidly loses value as experience in the different jurisdictions accumulates. While in this brief no attempt is made at exhaustiveness, an effort has been made to incorporate at least by reference the most important and recent of the productions.

It goes without saying that it has been sought to embody in the presentation the best that can be gathered from the systems of the various countries and jurisdictions. There is very little need, in fact very little excuse, for original thought in dealing with the subject. Every form of solution that could be suggested has been subjected to experiment in some or other jurisdiction and there is available a mass of information and experience which renders further experiment along many lines not only useless but indefensible. No proposition and no view upon the subject can be of any great value which is not founded upon an investigation of the different systems and which does not reckon with their results.

No effort has been made to prove that conditions under the existing law are unsatisfactory or that a change in the law is necessary.¹ This has been assumed. Even the assumption, however, is more or less superfluous, because, whatever view may be taken of existing conditions, the history of the subject in every other country leaves no room for doubt that some change will be made in the law of Ontario. This brief is, therefore, addressed entirely to the question of the form which such legislation should take. The brief has been prepared with specific reference to the Province of Ontario, but it has been kept in mind that the legislation adopted in recent years in seven of the other provinces of Canada, must, in the light of uniform experience in other jurisdictions, be regarded as of a temporary character only, and that the course of legislation in the other provinces will in all probability be influenced by whatever action is taken in Ontario. In fact the possibility has been kept in view of a homogeneous, if not a unified, scheme for the whole Dominion. This is a consummation theoretically attainable perhaps by Dominion legislation, but practically attainable probably in no other way than that indicated, namely, uniform provincial legislation.

¹As to this see Rep. Atlantic City Conference; Rep. Ohio Com., Pt. I., pp. I-cxliii, and appendices I and II; Rep. Que. Com.; Rep. Ill. Com.; Rep. N. J. Com.; Rep. Wash. Com.; Rep. Fed. Com. U. S.; Rep. Mich. Com.