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## Comparison of Workmen's Compensation Laws\*

**Dominion and Eight out of Nine Provinces have Workmen's Compensation Laws—Rapidly Adopted in Canada, Following Introduction into Great Britain—Payments Approximate Those of most Liberal States—Administrators are Permanent Officials in Canada**

By CARL HOOKSTADT

WITH the single exception of Prince Edward Island, all of the provinces of Canada, including the Dominion government, have enacted workmen's compensation legislation. The law of Saskatchewan, however, although designated in its title as a workmen's compensation law, is merely an employer's liability act, and is therefore not included in the following discussion. The Dominion act provides that if a federal employee (government railroads excepted) sustains an injury he shall receive the same compensation as any other person would under similar circumstances, receive under the law of the province in which the accident occurred. Administration of the Dominion act is placed in the hands of the provincial boards, and any compensation awarded may be paid by the Dominion Minister of Finance.

Chronologically, Canadian legislation practically parallels that of the United States. The first law was enacted by British Columbia in 1902, followed by Alberta in 1908, Quebec in 1909, and Manitoba and Nova Scotia in 1910.† These early laws were patterned after the British act and were really modified employers' liability laws. No administrative commissions were provided, and usually suits for damages were permitted. A radical departure from the British type of law, however, took place in 1914, when Ontario enacted the first of the collective-liability compensation acts prevailing in most of the provinces at the present time. These laws were patterned upon the mutual liability idea of the German workmen's compensation system and upon the exclusive state fund plan of the Washington act. Nova Scotia enacted a similar law in 1915, followed by British Columbia in 1916 and by Alberta and New Brunswick in 1918.

### Canadian and American Laws Compared

An analysis of the Canadian laws shows a number of striking characteristics and of deviations from the American type of compensation act. Some of the more important of these are the following:—

1. In Canada there is a remarkable uniformity among the several compensation laws. This uniformity applies to the scope of the acts, benefits, injuries covered, administration, and procedure. In the United States compensation acts are distinguished more for their dissimilarity than for their uniformity.

2. In Canada all of the laws are compulsory upon the employers coming within the scope of the act. In the United States only 13 are compulsory while 32 are elective.

\*From the "Labor Review" of the Bureau of Labor Statistics, U.S. Department of Labor. This comparison includes 1919 legislation.

†In the United States the Federal Compensation Act was passed in 1908, while Montana enacted a compensation law in 1909 and New York in 1910, though these early state laws were later declared unconstitutional.

3. In Canada the scope of the law in each province (Yukon excepted) is limited to enumerated hazardous employments. There is some diversity in the number of such employments, but the principal hazardous industries are covered, including manufacturing, mining, construction, and transportation. In the United States only 13 states limit their scope to the so-called hazardous industries, while 32 states cover the "nonhazardous" as well as the "hazardous" industries.

### Occupational Diseases Enumerated

4. In Canada occupational diseases are compensable in every province except Quebec and Yukon. Such diseases, however, are limited to those enumerated in the statutory schedule. In the United States only 6 of the 45 state laws include occupational diseases, but in these six states all occupational diseases are covered.

5. In Canada all of the provinces except Manitoba, Quebec, and Yukon have exclusive state insurance funds. In Ontario, however, employers under schedule 2 (municipalities, railroad, express, telephone, telegraph, and navigation) are permitted self-insurance. In the United States only eight of the 45 states have exclusive state funds, while nine have competitive state funds.

6. In Canada probably the most significant characteristic of compensation legislation is the assumption of liability on the part of the province. Injured workmen are paid direct by the workmen's compensation board out of the accident fund. This is true, irrespective of whether or not the employer has contributed his premiums to the fund and even if 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 injured workmen or his dependents of compensation benefits. This obligation is assumed by the accident fund, which in turn has redress against the defaulting employer through an action at law. Under none of the laws in the United States does the state assume liability. In case of insolvency of the employer and insurance carrier the injured employee loses his compensation benefits.

### No Appeal Except in Two Provinces

7. In Canada the workmen's compensation boards have exclusive and final jurisdiction over all compensation matters, no appeal to the courts being permitted except in New Brunswick and Nova Scotia. In these two provinces appeal may be had to the Supreme Court upon questions of law, but only with the permission of the judge of said court. In none of the states of America does the administrative commission have final jurisdiction. In every state appeal may be had to the courts upon questions of law and in many of the states upon questions of fact.

8. In Canada members of the workmen's compensation boards hold office during good behavior, except that in