

109. Involuntary Interruptions of the Work.

By an amendment made to article 10 of the French law of 1898 by the *loi du 31 mars*, 1905, it is provided that if the workman has been unable to work on account of some exceptional cause independent of his will, he is to be allowed the average wages for the period of these interruptions in estimating the year's wages, which are to form a basis for calculating the compensation. This amendment was introduced in France to remove doubts, more especially in regard to interruptions caused by strikes. (1)

But it has always been admitted in France, even before this amendment, that the workman was to be allowed average wages for other interruptions of an exceptional and involuntary character. In our Act the amending clause has not been introduced, probably because it was regarded as unnecessary. There is no doubt that our article must be understood in the sense in which the same terms have been interpreted in France before the amendment of 1905. If during the year preceding the accident the workman has been away two months owing to typhoid fever, or if the works have been closed for that period owing to the burning down of the buildings or some other exceptional reason, it would be altogether inequitable to allow nothing for the wages which he had lost during this period. When the workman has been away from work purely for his own pleasure or convenience, no wages can be allowed him for such interruptions. (2)

The case of interruptions which are periodic in certain industries is specially dealt with in in a subsequent paragraph of this article. (3)

(1) Cabouat, v. 2, n. 558.

(2) Circ. de M. le Garde des sceaux du 10 juin, 190; Dijon, 3 juillet, 1900, D., 1902. 2. 250; Pau, 27 mars, 1903, D., 1904. 2. 358; Lorient, 29 mai, 1900, D., 1900. 2. 449; Cabouat v. 2, n. 542; Sachet, v. 1. n. 868.

(3) *Infra*, p. 144.