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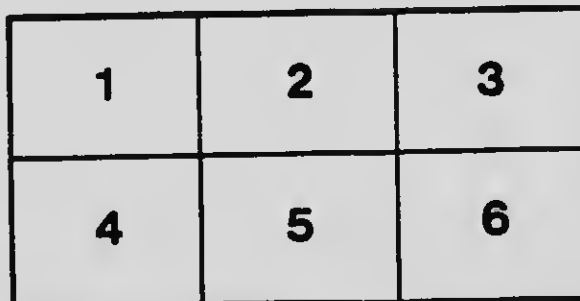
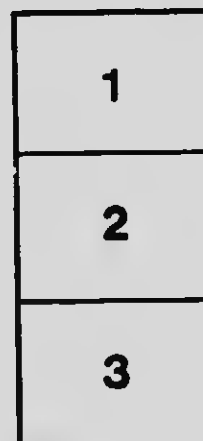
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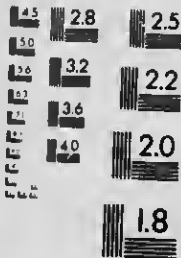
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ADDRESS

TO T. E

WORKING MEN OF WOODSTOCK

ON

WORKMEN'S COMPENSATION

DELIVERED BY

MR. N. W. ROWELL, K. C., M. P. P.

AT THE CITY HALL, WOODSTOCK

AUGUST 29th, 1912

THE GENERAL REFORM ASSOCIATION
FOR ONTARIO

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WORKMEN'S COMPENSATION

INTRODUCTION.

An adequate Workmen's Compensation Act is one of the most urgent needs of this Province at the present time. The working men and women of Ontario have not received a square deal at the hands of the present Government of this Province. Ontario is behind even Spain and Russia in making provision for reasonable compensation to her toilers who suffer injuries in the course of their employment. The Liberal party in Ontario, like the Liberal party in Britain, is devoting its thought and energy to promoting this and other great measures of social reform. In the year 1904, at the Liberal Convention held in this Province, the Liberal party recognized that much as had been done by the Liberal Government in the interests of labor, Ontario must keep abreast of the time, and her Government must devote further thought and attention to the problems affecting labor. At this Convention it declared itself in favor of creating a new department of Government, to be presided over by a Cabinet Minister, and that all matters affecting the interests of labor should be one of his chief concerns. The conservative Government came into power in the year 1905. Instead of proceeding with an advanced policy of this kind, the unprogressive character of the Government has been strikingly manifested by its complete failure to deal with these important problems, and the Bureau of Labor instead of being an important branch of the public service is a negligible factor in the life of this Province.

Mr. Rowell, the new Liberal Leader, has entered with whole hearted enthusiasm into promoting these social reforms, and in the month of August last discussed with the working

men of the City of Woodstock in his own constituency the question of Workmen's Compensation and other kindred reforms. So much public interest has been taken in the question that Mr. Rowell has been requested to revise and amplify his Woodstock address for publication. This he has now done, and in the revised address has drawn attention particularly to the complete failure of the Government to deal with these important questions. Recognizing the importance of the labor interests and the urgency of promoting reforms for the prevention of disease, Mr. Rowell proposes the creation of a Department of Labor and Public Health to be presided over by a Cabinet Minister, who shall devote his whole time and attention to these great interests. If it is not possible by a rearrangement of the existing departments to enable one Minister to devote his whole time and attention to this question, then Mr. Rowell favors the creation of a new department. The policy and platform advocated by Mr. Rowell is one that should commend itself to all interested in the welfare of the people of the Province.

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**ADDRESS TO THE WORKING MEN OF WOODSTOCK,
DELIVERED BY MR. N. W. ROWELL, K.C., M.P.P.,
AT THE CITY HALL, WOODSTOCK, ON
AUGUST 29TH, 1912.**

(REVISED FOR PUBLICATION.)

I desire to thank the working men of Woodstock for responding in such large numbers to my invitation for this meeting to talk together over the question of Workmen's Compensation—a question vitally affecting the interests of the working men not only in Woodstock, but of the whole Province.

THE PROBLEMS OF THE COUNTRY.

We are confronted with some very important and urgent problems growing out of the decline in our rural, and the rapid increase in our urban population. In the decade closing in 1911, the rural population of Ontario decreased by 52,184, but this includes Northern Ontario, where there was a substantial increase in rural population during the decade. The decrease therefore in the older parts of the Province is much more serious than these figures indicate.

It has been estimated that in the older and better settled counties of the Province, our population has decreased not less than 100,000 during the past ten years. This raises a most serious problem, in which all interested in the social and industrial welfare of the people, as well as in the future progress and prosperity of our Province, must be deeply interested. It is from the country that we draw the young, fresh, vigorous life that recruits, revives and energizes the life of the city, and it is from the country we receive the food supplies with which the men in the cities must be fed. A diminished rural population means a diminishing food production, and a diminished production means an increased cost of living. We have more mouths to feed and we are producing less to feed them than ten years ago. Every working man is interested, and deeply interested, in the question of rural depopulation. It is one of the most important duties of our Government to investigate this whole problem, and so far as it is able by legislative and administrative measures to co-operate with our agricultural population in making life on the farm, both more remunerative and more attractive, so that not only may the steady decrease be stayed, but a substantial increase be brought about in our rural population.

THE PROBLEM OF THE CITIES.

During the decade closing in 1911 our urban population has increased by 392,511, and this great increase will continue.

The cities and towns of Ontario are becoming more and more manufacturing centres, and as they increase in size, the experience of other countries shows that they will continue to grow at an increasing ratio. Particularly must this be true in a young and developing country like Canada, and in a great and expanding Province like Ontario, with its immense hinterland to the north just opening up for settlement. The city brings us a multitude of problems, and if we in Ontario would avoid the social and industrial conditions characteristic of the great cities of the Old World—and even now characteristic of many of the great centres of population in the new—we can only successfully do so by facing the situation now and grappling with it adequately. When we commence to investigate legislation affecting the social and industrial conditions of the masses in our cities, it is humiliating to be compelled to confess that in Ontario we are in some very important respects more backward in progressive measures to improve the conditions of the industrial workers than in most of the progressive countries of Europe.

WORKMEN'S COMPENSATION.

One of the questions on which we are the most backward is that of compensation to workmen and their dependents for injuries sustained in the course of their employment. Let me say in opening whenever I speak of workmen I mean women as well as men. For some years past the Department of Labor at Ottawa has been collecting statistics of the lives lost and injuries sustained through industrial accidents. I believe the records show that the deaths so reported to the department number on the average about 1,300 per year for the Dominion of Canada. Having regard to the available sources of information, it is claimed that not more than one-half of the accidents resulting in death are reported to the department, but taking a more conservative estimate, and assuming that the number does not exceed 2,000 per year, this means that in five years 10,000 breadwinners have lost their lives through industrial accidents. The number of non-fatal, but serious accidents, resulting in a permanent impairment of industrial efficiency has been variously estimated at from five to twenty times that number; but assuming that five times that number fairly represents the non-fatal but serious accidents, you have in five years 50,000 breadwinners with their industrial efficiency permanently impaired in a greater or less degree through industrial accidents. It is impossible to estimate all this tragedy means to the homes and families affected by it. This apparently is one of the sacrifices which our modern civilization demands as a condition of our industrial progress. But why should the victim bear the whole loss? If modern industry demands this

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sacrifice, why should not industry bear the cost? In the past we have been jealous for the rights of property, and property should be protected, and protected adequately, by law, but the rights of humanity have not been sufficiently recognized and protected. For the future these rights must receive greater emphasis, and whenever we must choose between the two, the rights of humanity must prevail.

TWO VIEWS.

There are two views of Workmen's Compensation—the old and the new. The old view was that the employer should only be liable to the employee in case he had done a personal wrong, that is, that the employee had suffered injury through the personal negligence of the employer; and under these circumstances, and these circumstances only, the employer should make compensation. The issue was a straight issue between the employer and the employee. In reality this is not Workmen's Compensation at all. It is strictly an employers' liability law, and only an employers' law of a very limited kind. The new view is that as a certain number of industrial accidents a year to be inseparably associated with the conduct of modern industry, the industry should bear the cost of compensating those who suffer from the effects of such accidents, and while the charge falls immediately upon the industry, it will be added to the cost of production and ultimately be borne by the community. The community now seeks to bear the cost through public or private charity of those in absolute need. But workmen and workwomen should not be dependent on uncertain charity for that which they should enjoy as of right, as industrial workers working for the good of the whole community.

THE COMMON LAW.

Permit me to briefly review the present state of the law in this Province relating to Workmen's Compensation. Prior to the year 1885 any workman injured in the course of his employment was entitled only to what is known as his common law rights, i.e., to recover for injuries sustained in the course of employment due to the negligence of his employer. The employer had three defences available, and those defences are still available, to an employer in case the workman seeks to recover at common law.

1. What is known as "common employment." If it appeared that the injury was due, not to the personal negligence of his employer, but was due to the negligence of a fellow employee, even though the fellow employee might be the superintendent of the workman, to whose orders the workman was bound to conform, the workman could not recover, because it

was held that in entering the employment of his employer he accepted the risk of the negligence of his fellow employees.

2. "Assumption of risk." In certain classes of employment of a hazardous character, if the workman sought to recover, it was open to the employer to say the injuries were due to the character of the employment, and the workmen in voluntarily entering upon this employment had accepted all the risks incidental to it, and therefore could not recover; and

3. "Contributory negligence." Even though the workman could establish personal negligence of the employer, if the employer was able to establish in answer that the workman by the exercise of reasonable care might have avoided the injury, he could not recover.

With the growth of manufacturing industries the number of industrial occupations increased, and lawmakers in countries which had large industrial populations realized the injustice of this law to the industrial worker. In the year 1881, Great Britain, and in 1884, Germany, undertook to modify the rigor of the common law by legislation relating to workmen. This legislation was further extended in Great Britain by the Chamberlain Act of 1885.

MOWAT ACT, 1885.

In 1885 Sir Oliver Mowat, keeping abreast with the progressive spirit of the age, secured the enactment in this Province of a Workmen's Compensation Act, modelled after the then British legislation, and this Act, with certain amendments from time to time passed, is the law still in force. This new law substantially enlarged the rights of employees to recover for injuries sustained, but under this law as it now stands the workman is only entitled to the same right of compensation against his employer as if he had not been in the service of the employer nor engaged in the work, and then only under the conditions mentioned in the Act. The compensation recoverable under the Act is a sum equivalent to the estimated earnings of the employee during the three years preceding the injury, or the sum of \$1,500, whichever is the larger, and the Act covers all workmen, except domestic servants and servants in husbandry, gardening and fruit growing.

You will see that the Workmen's Compensation Act now in force only modifies one of the present common law defences, viz., that of common employment, and this only to a limited extent. The rest still remain. What are the defects of the present law?

DEFECTS OF PRESENT LAW.

1. It is too limited in its operation. Accidents happening in the course of employment which are not attributable to

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either the negligence of the employer or employee do not come within the provisions of the Act. Mr. Wegenast, counsel for the Manufacturers' Association, in the very able brief prepared by him for submission to Sir William Meredith, the Commissioner now investigating this question, claims that these accidents amount to about forty-five per cent. of the total. Neither does the Act cover cases of negligence by the employer where the Court finds there has been contributory negligence by the employee. According to the figures furnished by Mr. Wegenast these cases amount to about ten per cent. of the total. Nor does it cover cases where the accidents are due to the negligence of the workman himself. These amount, according to Mr. Wegenast's figures, to over twenty per cent. of the total, leaving this net result: That under the present Act the workmen or their dependents are only entitled to recover compensation for injuries sustained IN ABOUT TWENTY PER CENT. OF THE TOTAL NUMBER OF CASES.

2. It is too expensive in its administration. The right of the workman or his dependents in case of his death, is to go to the Courts for redress. We all know the expense which this involves. I know the situation, for I have acted as counsel for workmen suing to recover for injuries and in other cases I have acted for the employers. Under the existing law, the majority of the employers insure with some employers' liability company. In fact, under the present law, the services of such companies are almost indispensable. They are doing a good work. But what is the result? Every dollar which the insurance company can save under such a policy adds to its profits; every dollar it is called upon to pay out diminishes its profits, and a workman is frequently confronted not only with the question of fighting his employer, but in reality fighting a wealthy insurance corporation. Assume that the corporation believes that it has a perfectly good defence in law, and therefore should not be called upon to pay the claim. The result is the working man, if he has the means, may be carried from Court to Court until, if he finally succeeds, he has largely lost the fruits of his action by the legal expenses he has incurred in prosecuting the claim; and if he fails, we all know that it means financial disaster. The inevitable result of such a system is that if the employer or insurance company threatens to resist his claim, the average workman, rather than run the risk of litigation, is practically compelled to accept a settlement for much less than he is really entitled. In the statements presented to the Commissioner by counsel for the Manufacturers' Association, it is claimed that probably not more than twenty to thirty per cent. of the total amount paid out by employers for liability actually reaches the pocket of the working man. I have not personally checked up these figures, and I must confess I was greatly surprised to find such a disproportionately

small return to the workman, but assuming the figures to be even approximately correct, we have an intolerable situation. The law should provide compensation for workmen, not employment for lawyers and insurance companies. The law must be changed, and changed immediately.

PRINCIPLES WHICH SHOULD GOVERN.

As you will recall, I discussed the question of Workmen's Compensation in this city in December last, and on that occasion I pointed out the defects in the existing law as I have done to-night, and suggested the principles which should be embodied in new legislation to meet the conditions. We stand by the same principles after the election as we did before the election. These principles are briefly as follows:—

1. The prevention of accidents and occupational diseases should be the first and primary consideration in any legislation because no scheme of compensation, no matter how generous, can ever adequately compensate for the loss of the breadwinner or the permanent impairment of his industrial efficiency.

2. Compensation should be provided for all injuries sustained in the course of employment, unless possibly where caused intentionally by employee and even in such cases in the event of death or permanent disability. What difference does it make to the widow and the orphan whether the death of the husband and father was due to the negligence of the employer or to a pure accident in the course of the employment, or through a thoughtless and careless act of his own? They have lost the breadwinner; his life has been taken. Or, what does it matter to the wife and children whether the accident was due to the fault of the employer or not, if the breadwinner has sustained injury which impairs his earning capacity, and thereby deprives him of the ability to supply their needs? The interests of the whole community require that he should be able to maintain himself and his wife and family, and not be dependent upon charity or compelled to mortgage his future by going seriously into debt.

3. As accidents and injuries to employees appear to be inseparably connected with almost every industry to-day, the industry should bear the cost of compensating for these accidents and injuries. Let me illustrate the matter to you. Every manufacturer in endeavoring to arrive at the actual cost of his product must take into consideration the element of breakages and wear and tear in his machinery; he must make provision for them in his estimates of cost. It is part of the cost of production. If the industry demands in addition a toll of human life or of human energy, why should not this also be taken into account by the manufacturer in arriving at the cost of manufacturing and in fixing the price of his finished product.

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In other words, the industry should bear the cost of compensating for the injuries inseparable from the carrying on of the industry, and the community which demands the establishment and maintenance of the industry will ultimately bear the expense in the increased cost of the finished article.

4. There are diseases incidental to certain occupations, particularly where chemicals are used in the process of manufacture. These diseases should be treated as accidents and covered by a Workmen's Compensation Act, just as they are in England.

5. The compensation should be based upon and bear a definite relation to the earning capacity of the workman.

6. The employee or his dependents should be entitled to secure payment of this compensation without the necessity of litigation.

7. Where injuries have been sustained, the payments should in some form be guaranteed to the employee, and he should not be compelled to run risk of losing his claim in case of the insolvency of the employer.

8. To ensure the satisfactory operation of the law, care must be taken to guard against trumped up claims, or "malingering" as it is called.

PRECEDENTS FOR THIS LEGISLATION.

Legislation embodying these principles would be such a radical departure from our present law, would beneficially affect such a multitude of workmen and their families, you ask is there any precedent for such legislation? You may be surprised to hear that the statute books of almost every civilized and progressive manufacturing country contain legislation embodying these principles in one form or another. The British Act of 1897, as amended in 1906, seeks to embody all these principles, though it may be improved upon in some respects. British Columbia adopted the principle of the British Act in the year 1903; Alberta in 1908; Quebec, which some are disposed to suggest is not as progressive as the other Provinces, in 1909; Manitoba in 1910; Nova Scotia in 1910; Saskatchewan in 1911. None of these Provinces have nearly as many working men as has the Province of Ontario, and in none of them therefore is the problem so urgent, and yet all have left Ontario behind in keeping abreast with this legislation, so essential to the welfare of the working classes. Not only is Ontario behind the other Provinces, but she is also away behind the other self-governing portions of the Empire. New South Wales adopted the principle of the British Act (with reference to its mining industries) in 1900; South Australia in the same year; Western Australia in 1902; Queensland in 1905, and New Zealand in 1900. We are already from

seven to twelve years behind these Australian Provinces. We are also behind South Africa. Cape Colony adopted this legislation in 1905, and the Transvaal in 1907. Ontario, in dealing with this question, is the most backward of all the progressive communities in the Empire. Not only is she the most backward in the Empire, but the most backward as compared with the other countries of Europe. Germany was one of the pioneers in this legislation, and their Act of 1884, with the amendments from time to time made down to the year 1900, is one of the most complete. Australia adopted such a law shortly after Norway in 1895. France in 1898. Spain in 1900. Holland in 1901. Belgium in 1903. Italy in 1903. Russia in 1903. We think of Spain and Russia particularly as representing the most unprogressive of the European peoples, and yet even these most unprogressive are from ten to twelve years ahead of us in this important matter. Is it not humiliating for any citizen in this Province to be compelled to make this confession?

We must admit the working men have not had a square deal and no time should be lost in remedying their just grievances.

THE BRITISH ACT.

You will be interested in having a little fuller statement of the terms of the British Act, which has been so extensively copied throughout the self-governing portions of the Empire:

1. Under the British Act all injuries by accident arising out of and in the course of the employment incapacitating a workman from earning full wages for at least one week are compensated for. Compensation, however, is not paid when the injury is due to the serious and wilful misconduct of the workman, unless it results in death or serious and permanent disablement.

2. The Act covers all classes of employment, and the persons compensated are those regularly employed for the purpose of the employers' trade or business, whose compensation is less than £250 per annum, but those engaged in manual labor are not subject to this limitation.

3. The entire cost of the compensation rests upon the employer.

4. The compensation payable is as follows:

In case of death: (a) a sum equal to three years' earnings, but not less than £150 nor more than £300 to those entirely dependent on earnings of deceased; (b) a sum less than above amount if deceased leaves persons partially dependent upon his earnings, amount to be agreed upon by the parties or fixed by arbitration; (c) reasonable expenses of medical attendance and burial, but not to exceed £10 if deceased leaves no dependents.

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In case of disability: (a) a weekly payment during incapacity of not more than fifty per cent. of workman's average weekly earnings during previous twelve months, but not exceeding £1 per week; if incapacity lasts less than two weeks no payment is required for the first week; (b) a weekly payment during partial disability not exceeding the difference between workman's average weekly earnings before injury and average amount which he is earning or is able to earn after injury; (c) minor persons may be allowed full earnings during incapacity, but weekly payments may not exceed 10s.; (d) a sum sufficient to purchase a life annuity through the Post Office Savings Bank of 75 per cent. of annual value of weekly payments may be substituted, on application of the employer, for weekly payments after six months; but other arrangements for redemption of weekly payments may be made by agreement between employer and workman.

5. Litigation is greatly reduced by the elimination of the defences of common employment, assumption of risk, and contributory negligence, and further by the provision in the Act that questions arising under the law are settled either by a committee representative of the employer and his employees or by an arbitrator selected by the two parties, and if the parties cannot agree, by the Judge of the County Court, who may appoint an arbitrator to act.

6. They seek to guarantee payment by providing, in case of the employer's bankruptcy, that the claim is preferred, or where the employer has entered into a contract of insurance which insures in respect of liability under the Act, the rights of the employer in case he becomes bankrupt are transferred to and become vested in the workman.

The British Act aims to embody the essential principles I have laid down, but there are some defects and weaknesses in the British Act which we should avoid if possible in our legislation in this Province. (1) The ultimate method of settlement is still recourse to the Courts, and there is still a substantial amount of litigation, which should be avoided if possible (2) under the system of individual responsibility of the employers, they must ensure in employers' liability insurance companies for their own protection, and it is claimed that one of the results is that the insurance companies object to the employment of men beyond a certain age, as beyond a certain age there is increased liability to industrial accident; (3) the insolvency of the employer may result in the defeat of the claim of the workman, though his claim may be preferred.

GERMAN LEGISLATION.

While there are a number of important differences between the German Act and the British Act, the fundamental differ-

ence is that the principle of the British Act is the individual liability of the employer, while in Germany it is the collective liability of the employers in each class of industry. The Government compels the employers in each industry to form an Employers' Association, and to meet all the payments under the Act by a mutual insurance system. The solvency of the Employers' Association is guaranteed by the State. Disputes are settled by arbitration Courts, composed of one Government official, two representatives of workmen and two of employers.

THE WASHINGTON ACT.

The most recent and one of the most interesting experiments in legislation of this kind is the Act passed by the State of Washington in the year 1911. As distinguished from the British and German Acts, the Washington Act may be described as a collective liability system administered by the State and limited to employments described in the Act as hazardous. The employers of labor in the State are formed into groups or classes, according to the industries in which they are engaged, and under the Washington Act there are over forty of such groups or classes of industries. The employers in each class are each year assessed a sum sufficient to compensate for the injuries sustained by the workmen engaged in the industries included in that class, on the basis of the pay roll of each employer. The law is administered by a Board, appointed by the Government, which settles and adjusts all claims. Under this law the employers only pay a sum sufficient to actually compensate the workman for the injuries sustained. The necessity for litigation is avoided, the procedure is simple, the workman presents his claim directly to the Board appointed by the Government, accompanied by a statement from the employer and from the medical examiner. The matter is dealt with by the Government Board, and payment is absolutely guaranteed by the State.

OUR OWN ACT.

Until the Commissioner completes his investigation of the working of the various Acts now in operation in different countries and presents his report thereon it would be premature to pass a final judgment on the exact form which our legislation should take, but I have set before you the principles which must be embodied in any satisfactory Act, and it would look as if a combination of the best parts of the British and Washington Acts might prove the solution in this Province. In applying the principles of the British Act, we must, however, bear in mind the difference in the scale of wages and in the cost of living in this Province, and the payments under the

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Act would have to be increased to meet the conditions in Ontario. The new Act should cover all classes of employment covered by our present Act. What an unspeakable blessing it would be to the working men of this Province if we had our Statute books an adequate Workmen's Compensation Act, providing reasonable compensation for all injuries, and under which the workman or his dependents could secure the payment of the compensation due without the necessity of litigation. Why have we not had such an Act when nearly all other countries have such legislation?

THE PRESENT GOVERNMENT IS TO BLAME.

Who is to blame for the present conditions in this Province? I do not believe it is the working men. For years they have been urging the Government to take action. Mr. Studholme, the Labor Member for East Hamilton, has for the past six or seven years pressed upon the Government the urgent need for advanced legislation—and let me say in passing we have no more faithful or painstaking member of the House than Mr. Studholme, a man who seeks to inform himself on every question that comes up, and to give his best judgment on what he believes to be the real merits of the proposal. The matter was also brought to the attention of the Government in the year 1907 by the introduction of a bill by the Hon. Thos. Crawford. The bill in the form in which it was introduced would not meet the situation, and was not satisfactory to either employers or employees. The Prime Minister, however, instead of giving the bill a second reading, which would accept the principle, and amending in committee, requested that the bill should be withdrawn, and stated that the Government was preparing to consider the question between now and the next Session. The bill was accordingly withdrawn. The year 1907 passed, and the Government, decisive on some matters, could not make up its mind to help the working man, and so nothing was done. The year 1908 passed, with the same result. The year 1909 passed, still the Government did nothing. As a result of repeated urging, the Government in the speech from the Throne in 1910 again promised to investigate the matter with a view to legislation, but in the Session of that year, the Liberals being wearied by the repeated promises of the Government and its inaction, through Mr. Proudfoot, member for Centre Huron, introduced a bill based on the principles of the British Act, modified to meet our conditions, a bill which would have given the industrial workers of this Province reasonable compensation for injuries sustained by them in the course of employment. On the second reading of the bill Sir James Whitney asked Mr. Proudfoot to withdraw the bill, and promised that the Government would appoint a Commissioner

to investigate the matter and would introduce legislation dealing with the question. Mr. Prondfoot, relying on the assurance of the Prime Minister and believing that the Government would not further procrastinate, withdrew his bill. The year 1910 passed, and no investigation was undertaken, although apparently a Commissioner was appointed, and in the Session of 1911 no legislation was introduced by the Government. Mr. Prondfoot again brought the matter to the attention of the House and the country, and enquired of the Government what progress the Commissioner had made with his investigation, and whether it was the intention of the Government to introduce legislation. The only answer of the Government was that the Commissioner had not completed his investigation; there would be no legislation. As a matter of fact the first session of the Commission was not held until 23rd October 1911, in the face of a general election and evidently to avoid the indignation of the working men at the Government's excusable delay.

LIBERAL PLATFORM.

In the policy which I had the honor of submitting to the electors of the Province in the same election, we made the following pledge:—

"We promise the passage of a measure to provide for compensation to workmen injured in our industries, and to their dependents where such injuries result in death, modelled after the recent legislation in Great Britain, and to ensure in all cases the payment of such compensation."

During the campaign we pointed out the urgent necessity for this legislation. What answer did the Government make? What answer could they make? Only this, the Commissioner was still investigating. They gave us no satisfactory explanation of their unaccountable and inexcusable delay. They emphasized their opposition to the demands of the working men by the Prime Minister himself going up to East Hamilton to secure, if possible, the defeat of the one Labor representative in the House, a man who had been most persistent in pressing upon the attention of the Government the need of an adequate Workmen's Compensation Act.

During the last Session of the Legislature, we again pressed the Government to deal with the question, but it was not until the Session drew towards a close that we ever received the interim report from the Commissioner, and we were then told by the Prime Minister there would be no legislation this Session. In order to express the feelings and sentiments of the Liberal Opposition in the House on this matter, a resolution was introduced by Mr. Prondfoot in the following terms:

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"That this House is of the opinion that the Government having failed to carry into effect its pledge given upon the second reading of Bill (No. 220) of the Session of 1910, to introduce a bill with respect to the Compensation of Workmen for injuries incurred in the course of their occupation, and having sought to escape the carrying into effect of the said pledge by the appointment of a Commission, and having failed to see that the said Commission reported in time to have such a bill enacted in the Session of 1912, the Government has failed to do justice to the workmen of this Province."

Speaking in support of this resolution, not only Mr. Proudfoot and the Liberal members, but Mr. Studholme, the Independent Labor Member for East Hamilton, pointed out that from 1907 to 1912 was a long time for the workmen of the Province and for their widows and orphans to wait for a just recognition of their claims, and no one can tell how much longer the workmen must wait.

LOSS AND SUFFERING.

Since the Government was urged to take action the widows and orphans of possibly 4,000 breadwinners have been compelled to suffer all the privations incidental to the loss of husband and father; and those dependent on 20,000 more, the suffering and privation incidental to the impaired earning capacity of the breadwinner, without any legal right of redress. No doubt the humanitarian impulses and instincts of the employers have in many cases greatly mitigated the suffering and relieved the want, but why should those so situated be dependent upon charity?

INTERIM REPORT.

The interim report presented by the Commissioner and laid before the House towards the end of the last Session fully justifies and supports our position.

LAW INADEQUATE.

The Commissioner finds:—

"Sufficient progress has, however, been made to warrant the statement that the law of Ontario is entirely inadequate to meet the conditions under which industries are now carried on, or to provide just compensation for those employed in them who meet with injuries or suffer from occupational diseases contracted in the course of their employment.

"It is satisfactory to be able to say that there is practical unanimity on this point, and that those who

speak for the employers concede the justice of the claim made on behalf of the employees that the industries should bear the burden of making compensation.

"The employers, however, contend that the whole of this burden should not be borne by them, but that the employees should share it, and suggest as a fair contribution by the employees 10 per cent. of the amount required to provide for the compensation.

"This contention is strenuously opposed by the employees, who take the position that the whole burden should be borne by the employers.

"The basic principle that the burden of providing compensation should be borne by the industries being conceded, the question arises as to what form the legislation necessary to give effect to it should take.

"Those representing the employers who have appeared before me favor what is practically a plan of mutual insurance, under the management of a Board appointed by the Crown, that the industries should be made by the Board to meet the claims for the preceding year, each group or class being assessed only for the compensation for injuries happening in the establishments within it, with a special additional assessment in all cases to provide a reserve fund.

"This plan seems to be favored by the representatives of labor organizations, as will be seen from their statement as to the form which, in their opinion, the proposed legislation should take, which was submitted to me in Schedule 1.

"There being practically unanimity on the part of the employers and the employed as to these two main principles, it would seem to follow that it is reasonable that they should form the basis for provincial legislation, and as at present advised I shall be prepared to recommend a plan such as is proposed if, after careful and thorough enquiry and examination, I am satisfied that it is economically sound and workable."

No intelligent man studying the situation as it exists in our Province and comparing it with that in other countries could reach any other conclusion than that our present Act is entirely inadequate. Who is responsible for this situation? Who, but the Government, which has the power to pass the necessary legislation, and has entirely failed to do so? This report of Sir William Meredith substantiates our position that **the present Act is entirely inadequate** and fully justifies the attack we have made upon the Government for their shameful neglect of the rights and interests of the working men and women of this Province.

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The Commissioner appears to approve of a collective liability system under State supervision, and there is much to be said in favor of this view, but if such a Board is appointed it should be non-partisan in its character, and the spoils and patronage systems should be entirely eliminated from its administration. If political partisan considerations are permitted to enter into the administration of such a great trust, it cannot be successfully or satisfactorily administered. Efficiency, nay, the salvation, of such a system depends on an honest non-partisan administration as between all interests affected by it.

It is gratifying to be able to state that in the representations made to the Commissioner, both on behalf of the manufacturers of the Province, and the representatives of organized labor, there was substantial unanimity on the broad principles underlying such a measure except on the one question of contribution, and it is only fair and just to congratulate both Mr. Wegemst, who presented the case on behalf of the manufacturers, and Mr. Bancroft, who so ably presented the case on behalf of organized labor, on the manner in which they have prepared and presented their views before the Commissioner.

One of our great railways has filed a brief, strongly dissenting from a collective liability system administered by the State. I have no hesitation in saying whatever may be the exact form the legislation ultimately takes, the railway companies of Canada should stand on the same basis as the other employers of labor similarly situated.

After a number of working men had spoken, expressing clearly and forcibly their opinions on many phases of the proposed legislation, Mr. Rowell was asked what he would do if the Government did not introduce a bill the next Session. Mr. Rowell replied:—

LIBERALS PROMISE LEGISLATION.

If the Government does not introduce a bill next Session following the Commissioner's report, I will introduce one myself, and the Government must either accept it or vote it down. If the Government introduces a bill in accordance with the modern views of workmen's compensation, embodying the principles I have set forth, it will have the united and hearty support of the members of the Opposition.

Mr. Rowell was asked if something could not be done to do away with the waste of money in litigation. He replied:—

Under the present law the services of the lawyer and the insurance man are indispensable. The fault is not with them

but with the law. You must change the law. You must eliminate so far as practicable the necessity for the lawyer and the insurance man in its administration. This we promise to do.

OTHER SOCIAL REFORMS.

Workmen's compensation, however important as it is, but one of a group of great measures of social reform which demand the earnest attention of the legislators of this Province. In Germany they have had for years insurance against sickness, old age and unemployment, as well as against accident; and according to the best testimony available the result:

Germany has been (1) a diminution in the number of accidents; (2) a great increase in the industrial efficiency of employees, and (3) a remarkable growth and expansion of German industry. You will be interested to hear the opinion of a man who speaks with authority on the question. Dr. Kaufman, President of the German Imperial Insurance Offices, states:—

"The workers' lives preserved mean the maintenance and increase of our natural resources, and therefore splendid returns for the heavy financial burdens which social insurance places upon economic structure. It is an accident that the unprecedented expansion of German commerce and industry and the wonderful improvement in the economic welfare of the nation during the twenty years have happened concurrently with those going improvement in the condition of our workers. There is a close connection between the two events."

Great Britain has now followed the example of Germany. She has her old age pensions; her insurance against sickness and against unemployment in certain industries. While the Act may be criticised by some, and a certain degree of inflation appears to be inevitable in bringing into operation such a great measure of social reform, affecting over 15,000,000 of people, yet the wisest men interested in social and industrial conditions in England pronounce that bill one of the greatest measures of social and industrial reform ever enacted in the country. Other countries are moving along similar lines. Along these lines Ontario has made little progress. There is a whole territory of social reform practically unexplored almost entirely unoccupied by us. We cannot hope to explore or occupy it so long as we have such an unprogressive Government in power, we must put a progressive Government in power which will do so. We must as a people address ourselves to the task of seeking by legislative and administrative measures to remove the abuses now existing, to improve the present condition of the toiling masses, and to prevent, as I believe we can prevent, the development in this Province of the social

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It does not follow that because Germany and Great Britain have adopted certain measures that we in Ontario should adopt just the same measures. But we are confronted with the same problems, and if we are wise we will probably study these problems and the solutions which have been tried elsewhere, and then seek to adopt the measures which will produce the very best results in our country. We should be able to do better in Ontario than they have done elsewhere, because we have not the initial difficulties to contend with, and we have all the experience of the other countries to aid and guide us.

BUREAU OF LABOR.

How shall we undertake this task? It means a reorganization of the present departments of Government. At the present time we have a Bureau of Labor. How many of you have heard of it? How many in this Province know of its existence? A prominent working man said to me to-day that it was about ready for its funeral. It has been dying a slow but certain death under the present Government. Do you mean to tell me if we had a Department of Labor that was alive, that had back of it the courage and inspiration of a progressive Government, it would be necessary to appoint the Chief Justice to find out where are the laws relating to workmen's compensation in other countries of the world? The Bureau of Labor of this Province should know what those laws are, and keep in touch with the administration. It should study the effects of their operation, and suggest legislation suited to our conditions to keep abreast of the times. Why did the Government give my country for an eight-hour day for underground miners the six months' hoist? Because the Premier said in effect that they did not know the conditions under which the mines were being operated and they must take time to investigate. If we had a Department of Labor which was alive, would it be necessary to appoint a Special Commissioner to enquire into the conditions of our mining industry, to ascertain whether we should have an eight-hour day for underground miners? A Department of Labor should be in touch with the conditions of labor in the mines of this Province, so as to be able to fully advise the Minister in charge of the conditions.

We have the Factory Inspection Department attached to the Provincial Secretary's Department. While the number of factory inspectors has been increased, and wisely increased, who will say that the factory inspection at the present time is

what it ought to be, or that the workmen in this Province have the protection of an efficient factory inspection as they have in the Old Country or in Germany.

PUBLIC HEALTH.

Then there is the question of public health, vitally related to life and work in the factory, and the conditions under which the toiler lives and labors. We are only now commencing to realize the great importance of the question of public health. We have been spending hundreds of thousands of dollars every year in the establishment and maintenance of hospitals and asylums to care for the sick and the physically and mentally unfit. The time has come when we should devote our money and much more thought to the prevention of disease. The Public Health Act of the last Session of the Legislature marks a distinct advance, but it is only the beginning, and as a Province we must undertake larger measures of a preventative character to promote and guard the health and physical well-being of our citizens. The question of occupational diseases is one that particularly affects the working men and women of the Province. We must not only adopt all suitable measures to prevent occupational diseases, but we must make sure that the Workmen's Compensation Act covers such diseases as well as actual injuries. There are the questions of the hours of labor of our working men and our working women; of the minimum wage; of the slums; the housing problem; the high cost of living, and other kindred questions of vital moment to the masses of our people, particularly in our cities and towns, which are receiving at present little, if any, attention at the hands of our Government.

It was my deep interest in all these social problems—of which the temperance question is one of the most important—that induced me to accept the position of leader of the Liberal party in this Province. It is because of my interest in them that I represent this constituency in the Legislature; and I want to say to you to-night that important as are the material problems affecting the growth and development of our Province, the supreme questions are those relating to the moral and physical well-being of our citizens, the conservation of human life.

We have in the past been greatly concerned in the production of wealth. We must now devote more attention to the question of the distribution of wealth; because on its distribution so largely depends the welfare of our citizens.

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DEPARTMENT OF LABOR AND PUBLIC HEALTH.

The thorough investigation and consideration of these matters demands the whole time and thought of one of the Ministers of the Crown, and if we cannot secure by a rearrangement of the existing departments a grouping together of these matters so closely related and so vitally affecting the interests of labor and the public health under one Minister, then we must create a new Department of Labor and Public Health, and put at the head of it a Minister of the Crown, whose sympathies are with the people. We must have a member of the Government who will enter into the study of these problems with whole-hearted enthusiasm, a man who will seek to find solutions for them which will make this Province, not the most backward, but the most progressive of all the civilized communities of the world, in those forms of social legislation which tend to promote the welfare and increase the comfort and happiness of the masses of the people. To this great task we promise to address ourselves with whole-hearted enthusiasm, but we need, and I feel sure we have, your co-operation and support.

