

J
103
H7
1967/68
C59

Canada. Parliament.
Senate. Standing
Committee on Civil Service
Administration, 1967/68.
Proceedings.

A1 DATE	NAME - NOM

J
103
H7
1967/68
C59
A1



Second Session—Twenty-seventh Parliament
December 12th, 1967

THE SENATE OF CANADA
PROCEEDINGS
OF THE
STANDING COMMITTEE ON
CIVIL SERVICE ADMINISTRATION

The Honourable DONALD CAMERON, *Chairman*

No. 1

Complete Proceedings on Bill C-184,

intituled:

"An Act to amend the Government Employees Compensation Act".

TUESDAY, DECEMBER 12th, 1967

WITNESS:

***Department of Labour: J. H. Currie, Director, Accident Prevention
and Compensation Branch.***

REPORT OF THE COMMITTEE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967



Second Session—Twenty-seventh Parliament
1967

THE STANDING COMMITTEE
ON
CIVIL SERVICE ADMINISTRATION

The Honourable Donald Cameron, *Chairman*
The Honourable Senators

- | | |
|-------------|---|
| Bélisle | Inman |
| Blois | Irvine |
| Bourque | Kinley |
| Cameron | Macdonald (<i>Brantford</i>) |
| Choquette | O'Leary (<i>Antigonish-Guysborough</i>) |
| Dessureault | O'Leary (<i>Carleton</i>) |
| Fergusson | Quart |
| Gouin | Roebuck |
| Grosart | White—(18). |

Ex officio members: Connolly (*Ottawa West*) and Flynn.
(Quorum 7)

Complete Proceedings on Bill C-184

intituled :

"An Act to amend the Government Employees Compensation Act."

TUESDAY, DECEMBER 12th, 1967

WITNESS:

Department of Labour: J. H. Currie, Director, Accident Prevention
and Compensation Branch.

REPORT OF THE COMMITTEE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

MINUTES
ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Thursday, December 7th, 1967:

Pursuant to the Order of the Day, the Honourable Senator Cameron moved, seconded by the Honourable Senator Lang, that the Bill C-184, intituled: "An Act to amend the Government Employees Compensation Act", be read the second time.

After debate, and—

The question being put on the motion, it was—
Resolved in the affirmative.

The Bill was then read the second time.

On motion of the Honourable Senator Cameron moved, seconded by the Honourable Senator Lang, that the Bill be referred to the Standing Committee on Civil Service Administration.

The question being put on the motion, it was—
Resolved in the affirmative."

J. F. MACNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

TUESDAY, December 12th, 1967.

(1)

Pursuant to adjournment and notice the Standing Committee on Civil Service Administration met this day a 11.10 a.m.

Present: The Honourable Senators Cameron (*Chairman*), Blois, Fergusson, Grosart, Inman, Irvine and Roebuck—(7).

In attendance:

E. Russell Hopkins, Law Clerk and Parliamentary Counsel.

R. J. Batt, Assistant Law Clerk, Parliamentary Counsel, and Chief Clerk of Committees.

On motion of the Honourable Senator Fergusson it was *Resolved* to report, recommending that authority be granted for the printing of 800 copies in English and 300 copies in French of the proceedings of the Committee on Bill C-184.

Bill C-184, "An Act to amend the Government Employees Compensation Act", was read and considered.

The following witness was heard:

Department of Labour:

J. H. Currie, Director, Accident Prevention and Compensation Branch.

On motion of the Honourable Senator Grosart, it was *Resolved* to report the said Bill without amendment.

At 11.30 a.m. the Committee adjourned to the call of the Chairman.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

REPORT OF THE COMMITTEE

TUESDAY, December 12th, 1967.

The Standing Committee on Civil Service Administration to which was referred the Bill C-184, intituled: "An Act to amend the Government Employees Compensation Act", has in obedience to the order of reference of December 7th, 1967, examined the said Bill and now reports the same without amendment.

Your Committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said Bill.

All which is respectfully submitted.

DONALD CAMERON,
Chairman.

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

STANDING COMMITTEE ON CIVIL SERVICE ADMINISTRATION

EVIDENCE

Ottawa, Tuesday, December 12, 1967

The Standing Committee on Civil Service Administration, to which was referred Bill C-184, to amend the Government Employees Compensation Act, met this day at 11.10 a.m. to give consideration to the bill.

Senator Donald Cameron (Chairman) in the Chair.

The Chairman: Honourable senators the first item is the usual motion to print the proceedings of the committee, 800 copies in English and 300 in French.

The committee agreed that a verbatim report be made of the committee's proceedings on the bill.

The committee agreed to report recommending authority be granted for the printing of 800 copies in English and 300 copies in French of the committee's proceedings on the bill.

The Chairman: You will recall that on second reading a number of questions were asked which I, as sponsor of the bill, was not qualified to answer, not being a lawyer, and so on. We have with us this morning Mr. J. H. Currie, Director of the Accident Prevention and Compensation Branch of the Department of Labour. I will ask Mr. Currie to deal with the questions that were raised in the house the other night.

J. H. Currie, Director, Accident Prevention and Compensation Branch, Department of Labour: Mr. Chairman, honourable senators, I think it might be useful to give a brief explanation of the specific points raised the other evening, and then I should be glad to elaborate them if you wish, or any others that may occur to you.

In connection with the employment of locally engaged persons, in all our embassies and other locations abroad there may be a number of people of the community native to that land—let us say it is New Delhi—who are engaged, for example, by the High Commissioner. These people are covered in one of

two ways. Under the general provisions of the Government Employees Compensation Act they are workers and employees of the Canadian Government. If there is a local workmen's compensation scheme in that country, the Canadian Government as the employer pays the premiums, or whatever contributions an employer in that land has to pay to provide this protection to native workers. If there is not any local industrial accident scheme or workmen's compensation scheme, under section 6 of the Government Employees Compensation Act, my own branch here in Ottawa handles the claim of an injured employee and awards compensation just as if he were an employee in Canada, having regard to all the circumstances, so that persons who are locally engaged outside of Canada by the Canadian Government are covered in one of those two ways.

Senator Roebuck: I presume they contribute as though they were here.

Mr. Currie: The employees themselves are not required to make any contribution. Their employer makes the total contribution. That is why they are excluded from this particular amendment. This only applies to Canadians who are assigned abroad and while there contract some disease or disability as a result of their environmental conditions. It is really an extension of the notion of industrial disease or occupational disease.

With regard to retroactivity, I think Senator Grosart hit the nail on the head. It is not so provided, and it is not intended that the amendment should have any retroactive effect whatever. It will apply only to cases of this kind that arise in the future.

Senator Grosart: On that point, you do not have any outstanding claims?

Mr. Currie: There are one or two cases which we were regretfully unable to accept under our existing legislation. These occurred in the last year or two in Indo-China, or Vietnam I suppose it is now, where the ailment was diagnosed very competently locally

as something that, had it even occurred here in Canada, would not have been regarded as an industrial or occupational disease, yet it was thought that because of the climate and other very dangerous conditions there it was probably aggravated or caused there in the first place. However, we had no choice but to reject it.

E. Russell Hopkins, Law Clerk of the Senate: That would be covered under the amendment?

Mr. Currie: In the future that type of thing would be covered under the amendment. You might say that particular case is outstanding. As occasionally happens here in Canada, people are disabled in the course of their employment and do not fall squarely within the existing provisions, and almost invariably the Government by an ex gratia arrangement or special provision in the Appropriation Act will provide a benefit if it can be clearly established that it had a causal relationship to the man's employment.

The Chairman: In other words, there is provision for a value judgment on doubtful cases.

Mr. Currie: That is so. Another question concerned persons who might be working for corporations and who might in fact be taking training with a view to becoming an employee of a corporation. Well, as the chairman I believe indicated, this only applies to prospective employees of any federal Crown corporation to whom the act itself applies. It would not apply to any private corporation.

The Chairman: What would be the case where a private corporation was engaged to do a job for the Crown? Would they then be covered?

Mr. Currie: I would not think so, sir. There would have to be the condition that they must be an employee or prospective employee of a federal department or a Crown agency.

Senator Grosart: And this would be established by the matching contribution of the employer?

Mr. Currie: In this particular instance, Senator Grosart, the total contributions, if any, are paid by the employer, but, generally speaking, under the Government Employees Compensation Act the Government departments and Crown agencies, other than those like Polymer Corporation, for example, have

no employer contribution either. All of these costs are paid out of a statutory vote coming out of the Minister of Labour.

Senator Roebuck: How do these amendments cover the case that you have mentioned in Delhi, where some person became ill because of the climate or something of that nature?

Mr. Hopkins: It is under (b) on page 2, senator.

Senator Roebuck: Thank you.

Senator Grosart: Mr. Currie, did I understand you to say that under the Government Employees Compensation Act the employee makes no contribution?

Mr. Currie: This is correct.

Senator Grosart: So this is sort of an extra fringe benefit?

Mr. Currie: Yes.

Senator Grosart: I am not objecting to it, because I am all for it.

Mr. Currie: This is the nature of it, as indeed it is in the private sector, too. It is part of the compromise that was reached between workers and their employers about 50 years ago, when we first introduced workmen's compensation legislation in this country. The worker gave up his rights to sue his employer in case there was any negligence, so there is no contribution of any kind from any employee.

Senator Grosart: How is the fund maintained? Or is there a fund maintained?

Mr. Currie: There is no fund as such. We operate under annual grants from Parliament under an Appropriation Act.

Senator Grosart: Do I understand, then, that the Government itself does not actually make a contribution to a fund? It merely makes a payment when a claim can be established?

Mr. Currie: It does not make any contribution to any accident fund, such as the Workmen's Compensation Board of Ontario, Quebec or Alberta. It only pays its costs.

The Chairman: Is it correct that the cost of this runs to about \$50,000 a year?

Mr. Currie: This is very difficult to estimate, Mr. Chairman, but as nearly as we can calculate it would be something of that order. This was just to indicate that it is not a very

costly matter, but there is some expense attached to it, of course.

Senator Grosart: Where would it be found in the main Estimates?

Mr. Currie: Under the Minister of Labour, statutory vote, payment of compensation respecting Government employees. It is in the order of \$3 million now per year.

Senator Blois: Mr. Chairman, if, for instance, we take the Canadian National Railways, they are covered by workmen's compensation, but as a rule—and I think I am correct in making this statement—their compensation is worked out through the province in which they are working, and then they in turn bill the Canadian federal Government. But thinking back to such examples, surely there must be more than \$50,000 involved, if all these Crown-owned companies are included in it?

Mr. Currie: Correct, My answer, I am sorry, was related only to the effect of these amendments. I thought that was the question. There are so few cases of the type that may be covered under these amendments that I would guess there would not be six per year at the most.

Senator Blois: I see. It refers to this only.

Mr. Currie: Quite so. Oh, absolutely. We have cases that cost more than \$50,000 per one incident.

Senator Blois: Right.

The Chairman: Are there any other questions?

Senator Grosart: Is there an appeal board which hears these claims? How is a claim disposed of? I will put it that way.

Mr. Currie: Any claim arising out of the provisions of the Government Employees Compensation Act, whether in Canada or abroad, is referred to my branch in the first instance. And our experienced claims people review it as to its acceptability. Was it an employee? Did it appear to arise out of and in the course of his employment? Is it part of the Government of Canada that is covered by the act, and so on? There are some general questions. If we are satisfied that it appears to be an acceptable type of claim, then we refer it to the provincial Workmen's Compensation Board of the province where the man is usually employed. They in turn make any

further investigations that are necessary and they then process the claim and pay it on our behalf. If there are any discussions we will get into them at a later stage. Sometimes they turn down claims which we think ought to be accepted, and the reverse happens as well: they may occasionally accept a claim which we think ought not to have been accepted. So we discuss and consider these together and usually work out a settlement between us.

If, however, the claimant is not satisfied with our performance or with the board's performance, he can appeal, and claimants frequently do appeal, to the compensation board in the province hearing the claim. We are sometimes represented. We can be represented all the time, if we wish, at these appeal hearings. Sometimes we are represented, if it is a serious case and if we have real grounds for doubting the validity of the claim. The employee is represented as well. He may appear himself or he may have counsel with him, and so on. The system varies across the country, but this is the general description.

The board decides whether or not there is a valid appeal, and they will reconsider and sometimes award a claim which they feel should be denied, or they might modify a previous award.

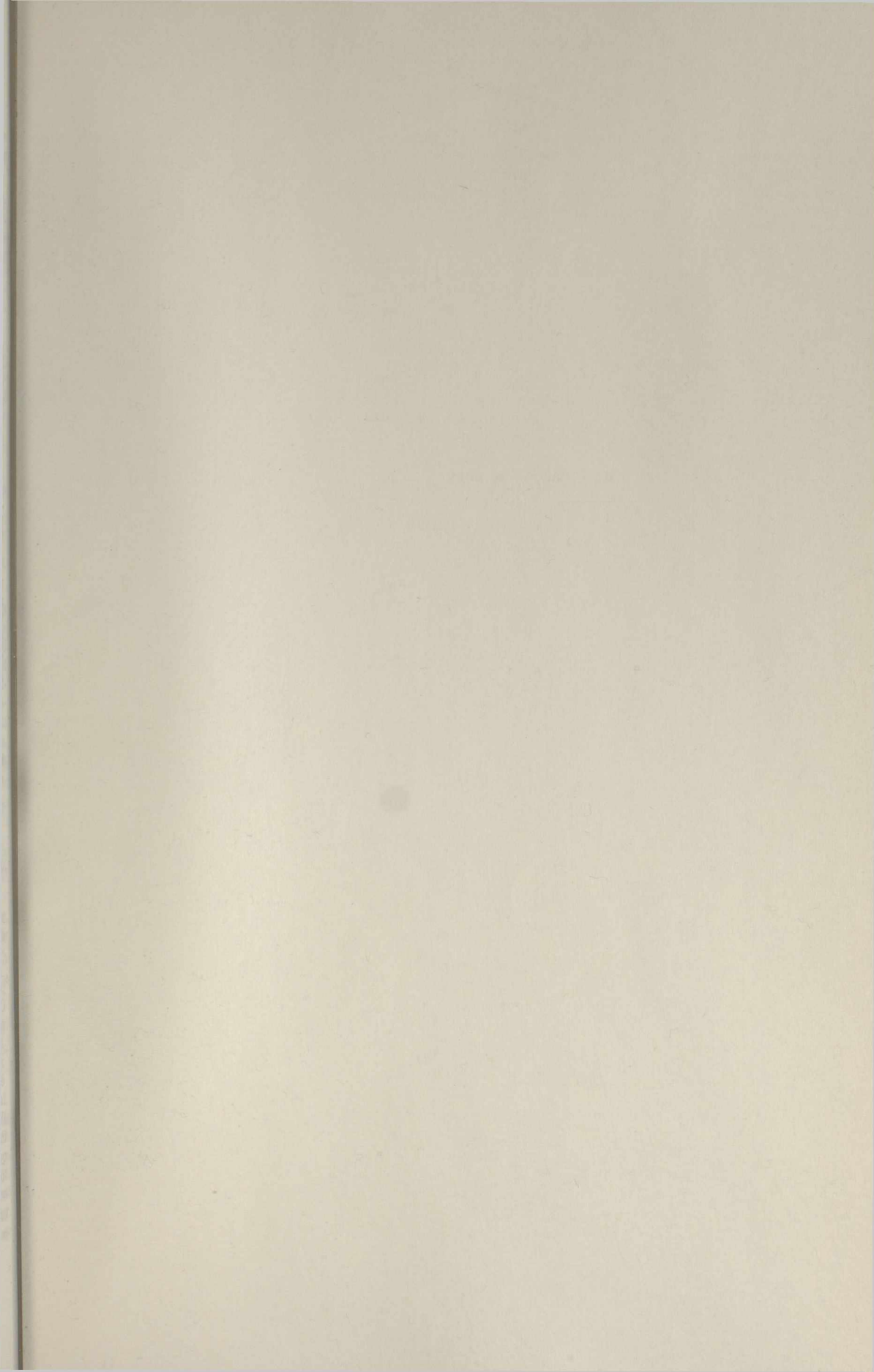
This can go on indefinitely, unfortunately. We have had claims continued under appeal for 20 years. One wonders sometimes, but a claim, theoretically, is never closed. If any claimant at any time can bring forward any new evidence indicating that he has an aggravation or that this condition was not there when he took his employment and now is there, and there is supporting medical evidence, we are always willing to listen again.

Senator Grosart: Would you say in general that the rights and the recourses of the claimant under this act are roughly the same as under the various industrial compensation acts?

Mr. Currie: Their rights and their entitlements are the same. They are certainly no less, and in fact under the new amendments proposed here they are even better.

Senator Roebuck: You have no statute of limitations when a claim has once been registered, but I presume you have some limitations on how long a person can wait before he registers a claim, have you not?

Mr. Currie: Yes. We tend to comply, as a matter of course, with the requirements in



Special Committee

The committee have previously said that they intended to report within three weeks but certainly not longer than three months. It would seem that the committee is still working on the bill and will report in a few weeks.

The committee had a meeting on the 15th of the month and discussed the bill. It was decided that the committee should report on the bill as soon as possible. The committee is still working on the bill and will report in a few weeks.

respectively on both, with the co-operation of the Albany, New York, Congregation Board, had the same purpose, and the deceased's widow and children are now going to start another religious congregation in-aid. It is to be held under the auspices. So while people come to a New York congregation or congregation and you may always have a new church of a good one.

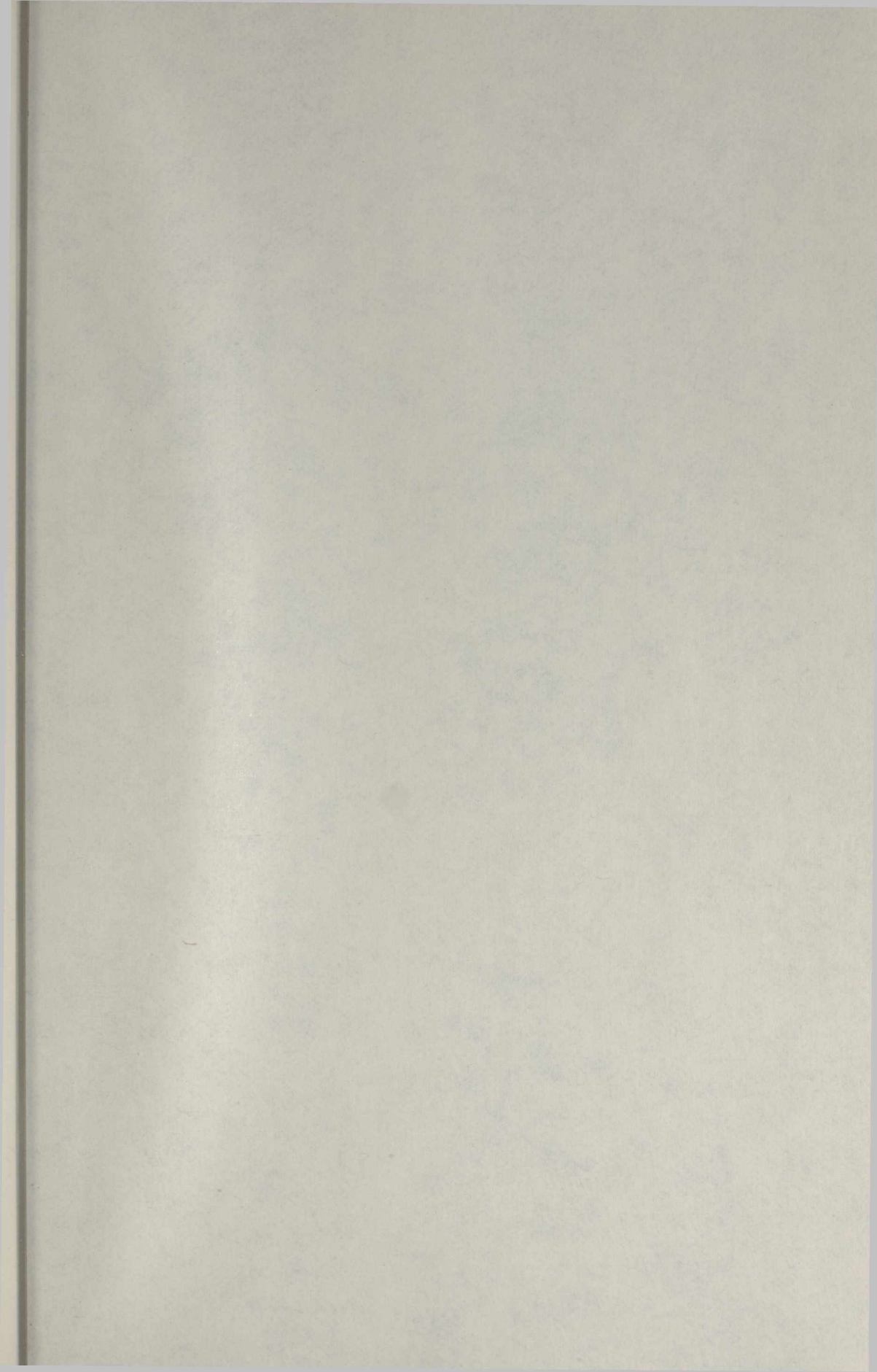
It is very important to make very very sure that the bill is passed under this act and nothing but the statute permits.

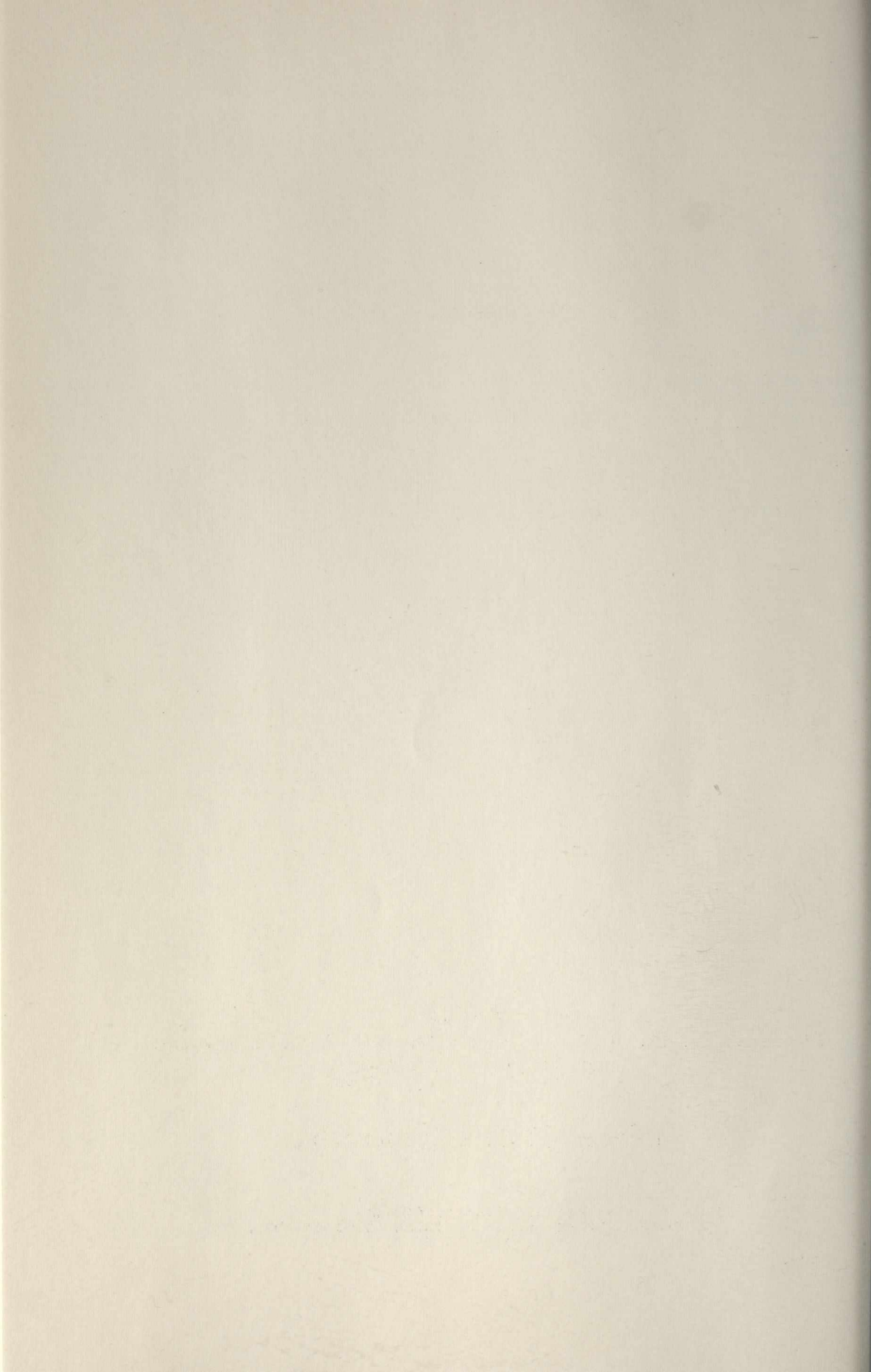
The committee are sure any other question you wish to report the bill with the committee.

Very Respectfully,
The committee chairman









SENATE

Standing Committee on Civil Service Administration
27th Parl. 2d Session 1967

INDEX

(Compiled by Reference Branch Library of Parliament)

	Page
COMPENSATION	
Claims	
Handling	1,3,4
Outstanding	1,2
Cost	2,3
Coverage	
Canadians assigned abroad	1,2
Native employees, embassies, other locations abroad	1
Prospective employees taking training	2
Source of funds	2,3
CONTRIBUTIONS	
Employer, employee	1,2
CURRIE, J.H., DIRECTOR, ACCIDENT PREVENTION AND COMPENSATION BRANCH, DEPARTMENT OF LABOUR	
Government Employees Compensation Act bill, explanation	1-4
GOVERNMENT EMPLOYEES COMPENSATION ACT	
Bill C-184	
Explanation of amendment	1-4

LEN

