The Workmen’s Compensation (Accident Fund) Act

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Chapter 284 of The Revised Statutes of Saskatchewan, 1965 (effective February 7, 1966).

NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.
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SCHEDULE
CHAPTER 284

An Act to provide for Compensation to Workmen for Injuries sustained in the Course of their Employment

SHORT TITLE

Short title

1 This Act may be cited as The Workmen's Compensation (Accident Fund) Act.

R.S.S. 1965, c.284, s.1.

INTERPRETATION

Interpretation

2 In this Act:

“accident”
(a) “accident” includes a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause;

“accident fund”
(b) “accident fund” means the fund provided for by Part IV for the payment of compensation, outlays and expenses under this Act;

“board”
(c) “board” means The Workmen’s Compensation Board;

“construction”
(d) “construction” includes reconstruction, repair, alteration and demolition;

“dependants”
(e) “dependants” means members of the family of a workman wholly or partly dependent upon his earnings at the time of his death or who but for the incapacity due to the accident would have been so dependent;

“employer”
(f) “employer” includes any person, firm, association, body or corporation having in service under a contract of hiring or apprenticeship, written or oral, express or implied, any workman engaged in any work in, about or in connection with an industry to which this Act applies, and includes a trustee, receiver, liquidator, executor, administrator and any person who is appointed by a court or a judge and has authority to carry on an industry, and also includes the Crown in right of Saskatchewan and in right of Canada in so far as the latter in its capacity as master may submit to the operation of this Act, and any provincial permanent board or commission appointed in respect of any employment whatever and municipal corporations and school boards, and commissions and boards having the management of any work or service operated for a municipal corporation; and also includes any person who authorizes or permits a learner to be in or about an industry for the purpose mentioned in clause (k), and, where the services of a workman are temporarily let or hired to another person by the person with whom the workman has entered into such a contract, the latter shall be deemed to continue to be the employer of the workman while he is working for that other person;
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“employment”
(g) “employment” includes employment in an industry or any part, branch or department of an industry, irrespective of whether the workman’s duties are performed at, near or away from the employer’s plant or business premises;

“industrial disease”
(h) “industrial disease” means any of the diseases mentioned in schedule II, and any other disease that by the regulations is declared to be an industrial disease;

“industry”
(i) “industry” includes establishment, undertaking, trade and business;

“invalid”
(j) “invalid” means physically or mentally incapable of earning;

“learner”
(k) “learner” means a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of this Act for the purpose of undergoing training or probationary work as a preliminary to employment;

“manufacturing”
(l) “manufacturing” includes making, preparing, altering, repairing, renovating, dyeing, cleaning, ornamenting, printing, finishing, packing, assembling the parts of and adapting for use or sale any raw material, goods, article or commodity;

“medical referee”
(m) “medical referee” means a medical referee appointed by the board;

“member of the family”
(n) “member of the family” means wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother and half-sister, and a person who stood in loco parentis to the workman or to whom the workman stood in loco parentis, whether related to him by consanguinity or not so related and, where the workman is the parent or grandparent of an illegitimate child, includes that child and, where the workman is an illegitimate child, includes his parents and grandparents;

“outworker”
(o) “outworker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;

“person”
(p) “person” includes any person whether male or female and any corporation and the heirs, executors, administrators or legal representatives of such person or the successors of such corporation;

“teaming”
(q) “teaming” includes all kinds of work done by workmen with teams, carts (including hand carts), drays, trucks, cabs, carriages, automobiles and other vehicles;
(r) “workman” includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour, or otherwise, and whether his work is to be performed at, near or away from the plant or business premises of the employer, and includes the driver of a vehicle doing work for another, at, near or away from the master’s plant or business premises, whether the former supplies the means of conveyance or does not supply it, provided that the relationship of master and servant exists between such driver and the said other person, and also includes a learner; but does not include school teachers.

1955, c.64, s.2; R.S.S. 1965, c.284, s.2.

PART I

Scope

APPLICATION OF ACT

Industries set forth in schedule I

3 This Act applies to all employers and workmen engaged in, about or in connection with the industries set forth in schedule I.

1955, c.64, s.3; R.S.S. 1965, c.284, s.3.

Municipal corporations, school boards, etc.

4 The exercise and performance of the powers and school duties of:

(a) a municipal corporation other than a rural municipality;

(b) a public utilities commission or board;

(c) any other commission or board having the management and conduct of any work or service owned by or operated for a municipal corporation, or by or for the Province of Saskatchewan;

(d) a school board;

shall for the purposes of this Act be deemed the trade or business of the corporation, commission, board or school board but the obligation to pay compensation under this Act applies only to such part of the trade or business as, if it were carried on by a company or an individual, would be an industry for the time being included in schedule I, and to workmen employed in or in connection therewith.

1955, c.64, s.4; R.S.S. 1965, c.284, s.4.

Rural municipalities

5(1) The exercise and performance of the powers and duties of a rural municipality shall for the purposes of this Act be deemed the trade or business of the municipality, and an industry, and this Act applies to all rural municipalities and the reeves, councillors and secretary treasurers thereof and to such other employees of all rural municipalities as the board may by order designate.

(2) The reeve and councillors of a rural municipality shall for the purposes of this Act be deemed employees of the municipality.
(3) Subject to any order made under subsection (4), the annual earnings of reeves, councillors and secretary treasurers shall for the purposes of this Act be deemed to be $1,200, and the annual earnings of any other employee shall for the purposes of payment of compensation be deemed to be $1,200 where the actual annual earnings of the employee are less than $1,200.

(4) Upon the recommendation of the board the Lieutenant Governor in Council may by order increase or reduce any or all of the amounts of $1,200 mentioned in subsection (3).

(5) Full time employees of a rural municipality shall be deemed to be working in the course of their employment while acting as election officials at municipal elections.

1955, c.64, s.5; R.S.S. 1965, c.284, s.5.

Certain contractors

6(1) In this section “equipment” includes trucks, bulldozers, draglines and powershovels and any other machine, implement or apparatus declared by the board to be equipment within the meaning of this section.

(2) Where, in any industry within the scope of this Act, an owner of equipment enters into a contract providing for the use of any of his equipment for or on behalf of another person, in this subsection and in subsection (3) referred to as the principal, then if the owner:

(a) operates the equipment himself or hires another person to operate it; and

(b) is paid or is to be paid for or in respect of the use of the equipment and the services of the person operating it; and

(c) has not been assessed under this Act for or in respect of the work being performed;

the person operating the equipment shall for the purposes of this Act be deemed to be a workman in the employ of the principal, and the board may levy upon the principal an assessment based on the earnings of that person in respect of his services as determined by the board, and the principal shall be liable for payment to the board of the sum so levied.

(3) Where a principal is liable for payment to the board of a sum levied under subsection (2), he shall be entitled to withhold out of any moneys payable to him to the owner, or to recover from the owner in any manner allowed by law, a sum equivalent to the sum so levied, but neither the principal nor the owner shall be entitled to withhold out of any moneys payable to any person other than the owner, or to recover in any other manner from any such other person, the sum levied or any part thereof.

1962, c.45, s.2; R.S.S. 1965, c.284, s.6.

NON-APPLICATION OF ACT

Farming, ranching, etc.

7 Subject to any order made under section 8, 9 or 10, this Act does not apply to the following:
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(a) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business;
(b) outworkers;
(c) the industry of farming or ranching or domestic or menial servants or their employers.

1955, c.64, s.7; 1962, c.45, s.3; R.S.S. 1965, c.284, s.7.

EXTENSION OF ACT

When industry may be brought within scope of Act

8 Where it appears to the board that any industry not within the scope of this Act may properly be brought within the scope of this Act, the board may so report to the Lieutenant Governor in Council, who may thereupon by order in council, declare that industry to be within the scope of this Act, and from and after the date of the order, or such date as may be specified therein, that industry shall be deemed to be within the scope of this Act.

1955, c.64, s.9; R.S.S. 1965, c.284, s.8.

When volunteer municipal fire brigade may be admitted

9(1) In this section “volunteer municipal fire brigade” means an organization formed for the purpose of providing general fire protection within one or more municipalities or within any part or parts of one or more municipalities.

(2) A volunteer municipal fire brigade may, upon the application of one or more municipalities with respect to which it has been formed, be admitted by an order of the board as being within the scope of this Act on such terms and conditions and for such period, and from time to time, as the board may prescribe, and during the period of such admission the members of the fire brigade shall be deemed to be workmen within the meaning of this Act and the municipality or municipalities shall for the purposes of this Act be deemed to be the employer of those members.

1962, c.45, s.4; R.S.S. 1965, c.284, s.9.

When industry may be admitted on application of employer

10 An industry or workman not within the scope of this Act may, on the application of the employer, be admitted by an order of the board as being within the scope of this of employer Act on such terms and conditions and for such period, and from time to time, as the board may prescribe, and during the period of such admission that industry or workman shall be deemed to be within the scope of this Act.

1955, c.64, s.10; 1962, c.45, s.5; R.S.S. 1965, c.284, s.10.
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PART II
The Workmen’s Compensation Board
CONSTITUTION

Constitution
11 There shall be a board for the administration of this Act to be called “The Workmen’s Compensation Board”, which shall consist of three members to be appointed by the Lieutenant Governor in Council and shall be a body corporate.

1955, c.64, s.11; R.S.S. 1965, c.284, s.11.

Chairman
12(1) One of the members shall be appointed by the Lieutenant Governor in Council to be the chairman of the board and he shall hold that office while he remains a member of the board.

(2) In the absence of the chairman or in case of his inability to act or if there is a vacancy in the office, one of the other members designated by the chairman may act as and shall have all the powers of the chairman.

1955, c.64, s.12; R.S.S. 1965, c.284, s.12.

Appointment of member pro tempore
13(1) In case of the death, illness or absence from Saskatchewan of a member or of his inability to act from any cause, the Lieutenant Governor in Council may appoint a person to act pro tempore in his stead and the person so appointed shall have all the powers and perform all the duties of a member.

(2) Subsection (1) applies in the case of the chairman of the board as well as in the case of any other member.

1955, c.64, s.13; R.S.S. 1965, c.284, s.13.

Presumption where member has acted as chairman
14 Where one of the other members appears to have acted as chairman, it shall be conclusively presumed that he so acted for one of the reasons mentioned in section 13.

1955, c.64, s.14; R.S.S. 1965, c.284, s.14.

Tenure of office
15(1) The chairman shall hold office during good behaviour for a period of ten years from the date of appointment, but may be removed at any time for cause on address of the Legislative Assembly.

(2) The other members shall hold office during the pleasure of the Lieutenant Governor in Council.

1955, c.64, s.15; R.S.S. 1965, c.284, s.15.

Reappointment
16 The chairman shall on the expiration of his term of office be eligible for reappointment.

1955, c.64, s.16; R.S.S. 1965, c.284, s.16.
Chairman to give whole time to duties

17 The chairman shall devote the whole of his time to the performance of his duties under this Act.

1955, c.64, s.17; R.S.S. 1965, c.284, s.17.

Salaries of members

18 The salaries of the members shall be fixed by the Lieutenant Governor in Council.

1955, c.64, s.18; R.S.S. 1965, c.284, s.18.

Quorum

19 The presence of two members shall be necessary to constitute a quorum of the board.

1955, c.64, s.19; R.S.S. 1965, c.284, s.19.

Vacancy not to impair authority if two members remain

20 A vacancy on the board shall not, if two members remain, impair the authority of these two members to act.

1955, c.64, s.20; R.S.S. 1965, c.284, s.20.

Members disqualified in certain cases

21(1) A member shall not directly or indirectly:

(a) be the holder of shares, bonds, debentures or other securities of a company that carries on the business of employers’ liability or accident insurance;

(b) have any interest in any device, machine, appliance, patented process or article that may be required or used for the prevention of accidents.

(2) If any such interest or any such share, bond, debenture or security comes to or becomes vested in a member by will or by operation of law and he does not within three months thereafter sell and absolutely dispose of it, he shall cease to hold office.

1955, c.64, s.21; R.S.S. 1965, c.284, s.21.

Head office of board and sittings

22(1) The head office of the board shall be situated in the city of Regina and its sittings shall be held there, except where it is expedient to hold sittings elsewhere, and in that case sittings may be held in any part of Saskatchewan.

(2) The board shall sit at such times and conduct its proceedings in such manner as it deems most convenient for the proper discharge and speedy dispatch of business.

1955, c.64, s.22; R.S.S. 1965, c.284, s.22.

Proceedings of board

23(1) The board shall appoint an executive secretary and a chief medical officer and may appoint such auditors, actuaries, accountants, inspectors, medical referees, other officers, clerks, and servants as the board deems necessary for carrying out the provisions of this Act, and may prescribe their duties and fix their salaries.

(2) Every person so appointed shall hold office during the pleasure of the board.

1955, c.64, s.23; 1960, c.84, s.2; R.S.S. 1965, c.284, s.23.
Jurisdiction

24(1) The board shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the board, and the action or decision of the board thereon shall be final and conclusive and shall not be open to question or review in any court, and no proceedings by or before the board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by certiorari or otherwise into any court.

(2) Without limiting the generality of subsection (1), such exclusive jurisdiction shall extend to determining:

(a) whether any injury or death, in respect of which compensation is claimed, was caused by an accident within the meaning of this Act;
(b) the question whether any injury has arisen out of or in the course of an employment within the scope of this Act;
(c) the existence and degree of disability by reason of an injury;
(d) the permanence of disability by reason of an injury;
(e) the degree of diminution of earning capacity by reason of an injury;
(f) the amount of average earnings;
(g) the existence, for the purpose of this Act, of the relationship of any member of the family of a workman;
(h) the existence of dependency;
(i) whether or not any industry or any part, branch or department of any industry is within the scope of this Act, and the class to which any industry or any part, branch or department of any industry within the scope of this Act should be assigned;
(j) whether or not any workman in any industry is within the scope of this Act and entitled to compensation thereunder;
(k) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in schedule I, and if so which of them;
(l) whether any part of any such industry constitutes a part, branch or department of an industry within the meaning of this Act.

(3) Nothing in subsection (1) prevents the board from reconsidering any matter that has been dealt with by it or from rescinding, altering or amending any decision or order previously made, all of which the board shall have authority to do.

1955, c.64, s.24; R.S.S. 1965, c.284, s.24.

Evidence

25 The board shall have the like powers as the Court of Queen's Bench for compelling the attendance of witnesses and of examining them under oath, and compelling the production of books, papers, documents and things.

1955, c.64, s.25; R.S.S. 1965, c.284, s.25.
Depositions

26 The board may cause depositions of witnesses residing within or outside the province to be taken before any person appointed by the board, in a similar manner to that prescribed by the rules of the Court of Queen’s Bench for the taking of like depositions in that court before a commissioner.

1955, c.64, s.26; R.S.S. 1965, c.284, s.26.

Principles upon which board to decide cases

27 The decisions of the board shall be upon the real merits and justice of the case, and it shall not be bound to decode cases follow strict legal precedent.

1955, c.64, s.27; R.S.S. 1965, c.284, s.27.

Decisions of board final

28 The decisions and findings of the board upon all questions of law and fact shall be final and conclusive.

1955, c.64, s.28; R.S.S. 1965, c.284, s.28.

Immunity of members of board

29 The members shall enjoy the same immunity and the same privileges as are conferred upon judges of the Court of Queen’s Bench for any act done or omitted in the execution of their duties.

1955, c.64, s.29; R.S.S. 1965, c.284, s.29.

Board may act on report of officers

30(1) The board may act upon the report of any of its officers, and any inquiry that the board deems necessary may be made by any member of the board or by an officer of the board or some other person appointed to make the inquiry, and the board may act upon his report as to the result of the inquiry.

(2) The person appointed to make the inquiry shall, for the purposes of the inquiry, have all the powers conferred upon the board by section 25.

1955, c.64, s.30; R.S.S. 1965, c.284, s.30.

PART III

Compensation

PERSONS ENTITLED TO COMPENSATION

Compensation to workman

31(1) Where, in an industry within the scope of this Act, personal injury by accident arising out of and in the course of the employment is caused to a workman, compensation as provided by this Act shall be paid by the board out of the accident fund, subject to the following subsections.

(2) Where a workman is found dead at a place where the workman had a right in the course of his employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and in the course of his employment, unless there is evidence sufficient to rebut the presumption.
(3) When a workman is frost-bitten under circumstances arising out of and in the course of his employment, that occurrence shall be deemed to be an accident.

(4) If the injury does not disable the workman longer than the day of the accident no compensation other than medical aid shall be paid, but if the injury disables the workman longer than the day of the accident, compensation shall be payable from and including the day following the accident.

(5) Where the injury is attributable solely to the serious and wilful misconduct of the workman, no compensation shall be payable unless the injury results in death or serious disability.

(6) Where the accident arose out of the employment, unless the contrary is shown, it shall be presumed that it occurred in the course of employment; and, where the accident occurred in the course of employment, unless the contrary is shown, it shall be presumed that it arose out of the employment.

1955, c.64, s.31; R.S.S. 1965, c.284, s.31.

Workmen whose labours are performed partly in one province and partly in another

32 Subject to the provisions of any arrangements made under section 57, where a workman is engaged in work performed part of which is to be performed in this province and part an adjoining province or country, the work shall be in another considered as done and performed in this province and the workman or his dependants shall be entitled to be paid compensation under this Act provided the employer has pursuant to this Act included or ought to have included the workman in the statement or estimate referred to in section 95 previously submitted to the board or to be submitted to the board.

1955, c.64, s.32; 1959, c.103, s.2; R.S.S. 1965, c.284, s.32.

Where compensation payable by law of foreign country, workman to elect

33(1) Subject to the provisions of any arrangements made under section 57, where, by the law of the country or place in which the accident happens, the workman or his dependants are entitled to compensation in respect of it they shall be bound to elect whether they will claim compensation under the law of that country or place or under this Act and to give notice of the election, and if the election is not made and notice given it shall be presumed that they have elected not to claim compensation under this Act.

(2) Notice of the election shall be given to the board within three months after the happening of the accident, or if it results in death, within three months after the death or within such longer period as either before or after the expiration of such three months the board may allow.

1955, c.64, s.33; 1959, c.103, s.3; R.S.S. 1965, c.284, s.33.

Dependants not resident in Canada

34(1) Where a dependant is not a resident of Canada; he shall not be entitled to compensation unless by the law of the place or country in which he resides the dependants of a workman to whom an accident happens in that place or country, if resident in Canada, would be entitled to compensation, and where such dependants would be entitled to compensation under that law, the compensation to which the non-resident dependant shall be entitled under this Act shall not be greater than the compensation payable in the like case under that law.
(2) Notwithstanding subsection (1), the board may award such compensation or sum in lieu of compensation to any such non-resident dependant as it deems proper and may pay the compensation or sum out of the accident fund.

1955, c.64, s.34; R.S.S. 1965, c.284, s.34.

Where workmen entitled to action against person other than employer, action may be brought

35(1) Where an accident happens to a workman in the course of his employment under such circumstances as entitle him or his dependants to an action against some person other than his employer, the workman or his dependants if entitled to compensation under this Act may claim such compensation or may bring such action.

Workman entitled to difference between compensation under Act and amount collected

(2) If an action is brought and less is recovered and collected than the amount of the compensation to which the workman or his dependants are entitled under this Act, the difference between the amount recovered and collected and the amount of the compensation shall be payable as compensation to the workman or his dependants.

Subrogation of board to rights of workmen

(3) If the workman or his dependants elect to claim compensation under this Act the board shall be subrogated to the right of the workman or his dependants and may maintain an action in his or their names or in the name of the board against the person against whom the action lies and any sum recovered from him by the board shall form part of the accident fund.

How election to be made

(4) The election shall be made and notice of it shall be given within the time and in the manner provided by section 33.

Compromises approved by board

(5) A compromise settlement of any such action or cause of action by the workman or his dependants at an amount less than the compensation provided for herein shall be made only with the written approval of the board.

Election for minor

(6) If a person required to make an election under this section is under the age of twenty-one years, the board may make the election for him without the necessity of applying to any court or judge for directions with respect thereto.

Board may file claim for injured man

(7) Where an injured workman with right of election hereunder is deemed in need of immediate special care or operation, the board, even though the injured workman has not filed a claim or made election, may direct the same to be given or done, and the cost thereof shall be a first charge against any sum recovered by the injured workman in any action brought by him.

1955, c.64, s.35; R.S.S. 1965, c.284, s.35.
Right of action declared to be taken away as against employer in schedule I

36 No employer in schedule I and no workman of an employer in schedule I or dependant of such workman shall have a right of action against an employer in schedule I or against a workman of an employer in schedule I in any case within the provisions of subsection (1) of section 35, but where it appears to the satisfaction of the board that a workman of an employer in any class in schedule I is injured or killed owing to the negligence of an employer or a workman of an employer in another class in schedule I, the compensation awarded in that case shall be charged in whole or in part against the class to which the last mentioned employer belongs, as the board may determine.

1955, c.64, s. 36; R.S.S. 1965, c.284, s.36.

Member of family of employer employed as workman

37(1) A member of the family of an employer residing with the employer, or the dependants of such member, shall not be entitled to compensation unless the member was at the time of the accident carried on the pay roll of the employer and his wages were included in the then last statement furnished to the board under section 95 or in a supplementary statement furnished to the board and the employer indicated in the statement or supplementary statement that he desired that such member of the family be included as a workman.

(2) The wages of a workman who is a member of the family of his employer but who is not residing with him shall be included in the statement to be furnished to the board under section 95.

1956, c.53, s.3; R.S.S. 1965, c.284, s.37.

Where employer carried on pay roll he and dependants entitled to compensation

38 Where an employer carries himself on his pay roll, or an executive officer of a corporation is carried on the pay roll of the corporation, at a salary or wage that the board deems reasonable, but not exceeding the rate of $6,000 per annum, and it is stated in the pay roll statement furnished to the board under section 95 that it is desired that the employer or executive officer shall be included as a workman, and the amount of his salary or wages is shown in the said statement and included in the estimate for the year, the employer or executive officer shall be deemed to be a workman, and he or his dependants shall be entitled to compensation accordingly, but for the purpose of determining the compensation his earnings shall not be taken to be more than the amount of his salary or wages as shown by such pay roll and statement.

1955, c.64, s.38; 1956, c.53, s.4; 1960, c.84, s.3; R.S.S. 1965, c.284, s.38.

Compensation to workman residing outside Saskatchewan

39 If a workman suffering from disability caused by injury that entitles him to compensation ceases to reside in Saskatchewan, the board may direct that compensation be not awarded or, if compensation has been awarded, that it be terminated or, in the discretion of the board, that it be discontinued until such time as the workman returns to the province or submits himself to such medical examination as the board may direct.

1955, c.64, s.39; R.S.S. 1965, c.284, s.39.
DUTIES OF INJURED WORKMAN OR DEPENDANT

Notice of accident

40(1) Subject to subsection (5), compensation shall not be payable unless notice of the accident is given to the employer and the board as soon as practicable after it happens and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation is made within six months from the happening of the accident or, in the case of death, within six months from the time of death.

(2) The notice shall give the name and address of the workman and shall be sufficient if it states in ordinary language the cause of the injury and where the accident happened.

(3) The notice may be given to the employer by delivering it at or sending it by registered post addressed to the place of business or the residence of the employer, or where the employer is a body of persons, corporate or unincorporate, by delivering it at or sending it by registered post addressed to the employer at the office or, if there are more offices than one, at any of the offices of the body of persons.

(4) The notice may be given to the board by delivering it to or sending it by registered post addressed to the board.

(5) Failure to give the prescribed notice or to make such claims, or any defect or inaccuracy in a notice, does not bar the right to compensation if the board is of opinion that the claim for compensation is a just one and ought to be allowed.

1955, c.64, s.40; R.S.S. 1965, c.284, s.40.

Application for compensation

41 Where a workman or dependant is entitled to compensation under this Act he shall file with the board an application for the compensation, together with a certificate of the physician, if any, who attended the workman, in the form prescribed by the board for that purpose, and such further or other proofs of his claim as may be required by the board.

1955, c.64, s.41; R.S.S. 1965, c.284, s.41.

DUTIES OF EMPLOYER

Employers to give notice of accidents

42(1) Every employer shall within three days after the happening of an accident to a workman in his employment by which the workman is disabled from earning full wages, or which necessitates medical aid, notify the board in writing of the:

(a) happening of the accident and the nature of it;
(b) time of its occurrence;
(c) name and address of the workman;
(d) place where the accident happened;
(e) name and address of the physician or surgeon, if any, by whom the workman was or is attended for the injury;

and shall in any case furnish such further details and particulars respecting any accident or claim to compensation as the board may require.
(2) For every contravention of subsection (1) the employer, unless excused by
the board, is guilty of an offence and liable on summary conviction to a fine not
exceeding $50.

(3) Every employer who makes default in reporting or furnishing particulars of any
accident or claim shall, in addition to any other penalty or liability, pay to the board,
if so ordered by the board, the amount of compensation and medical aid awarded
in respect of the accident or claim in accordance with the evidence or information
otherwise obtained by the board.

1955, c.64, s.42; R.S.S. 1965, c.284, s.42.

DUTIES OF PHYSICIANS, SURGEONS AND HOSPITALS

Duty of attending physician

43(1) Every physician attending or consulted upon any case of injury to a workman
by accident in any industry within the scope of this Act shall:

(a) furnish from time to time such reports in respect of the injury in such
form as may be required by the board; and

(b) give all reasonable and necessary information, advice and assistance to the
injured workman and his dependants in making application for compensation,
and in furnishing in connection therewith such certificates and proofs as may
be required.

(2) Every physician who fails to make a report required by this Act, unless excused
by the board, is guilty of an offence and liable on summary conviction to a fine not
exceeding $50.

1955, c.64, s.43; R.S.S. 1965, c.284, s.43.

Reports of medical men and hospital officials

44 Every physician, surgeon and hospital official attending, consulted respecting, or
having the care of a workman shall furnish to the board, without additional charge,
such reports as may be required by the board in respect of the workman.

1955, c.64, s.44; R.S.S. 1965, c.284, s.44.

MEDICAL EXAMINATION

Workman to submit to examination

45 A workman who claims compensation or to whom compensation is payable
under this Act shall, if so required by the board, submit himself for examination by
a medical referee.

1955, c.64, s.45; R.S.S. 1965, c.284, s.45.

Failure to submit to or obstructing examination

46 If a workman does not submit himself for examination when required to do so
under section 45 or in any way obstructs an examination, his right to compensation
or, if he is in receipt of a weekly or other periodical payment, his right to it may be
suspended until such examination has taken place.

1955, c.64, s.46; R.S.S. 1965, c.284, s.46.
Certificate of medical referee, when conclusive

47 The medical referee who has examined the workman by the direction of the board under section 45 shall certify to the board as to the condition of the workman and his fitness for employment, specifying where necessary the kind of employment and if unfit the cause of the unfitness, and his certificate unless the board otherwise directs shall be conclusive as to the matters certified.

1955, c.64, s.47; R.S.S. 1965, c.284, s.47.

Examination of workman by specialist and review of claim for compensation

48(1) Notwithstanding section 47, a workman who has claimed compensation under this Act and who has represented to the board:

(a) that he suffered a greater disability than that found by the board; or
(b) that he ought to be granted compensation for a longer period than that allowed by the board; or
(c) that the board’s decision was based on a physician’s report that was erroneous or incomplete;

may in writing request the board to make provision for his examination by a specialist.

(2) A request under subsection (1) shall be accompanied by a certificate of a physician setting forth that in his opinion there is a bona fide medical question to be determined and giving sufficient particulars of the question to define the matter at issue.

(3) Upon receipt of the request the board shall forthwith prepare a list of three persons who are specialists in the class of injury or ailment in respect of which the workman has claimed compensation and by notice, which shall be accompanied by the list, require the workman to nominate, within eighteen days after the receipt by him of the notice, one of the specialists named in the list, and the board shall, within eighteen days after the receipt of notice of the nomination, if the specialist nominated has agreed to examine the workman, appoint such specialist to examine the workman.

(4) The specialist shall examine the workman at a time and place agreed to by the board, and shall certify to the board as to:

(a) the condition of the workman;
(b) his fitness for employment;
(c) the cause of unfitness if the workman is unfit for employment;
(d) the extent of his temporary or permanent disability by reason of the injury or ailment in respect of which he has claimed compensation; and
(e) such other matters as may, in his opinion, or in the opinion of the board as stated to him, be pertinent to the claim.

(5) Within ten days after the receipt of the specialist’s certificate, the board shall review the claim and give the workman written notice of its decision with respect to the matters set forth in the certificate.

(6) The cost of examinations pursuant to this section shall be paid out of the accident fund as part of the expenses of administration of this Act.

1959, c.103, s.4; R.S.S. 1965, c.284, s.48.
Power to vary or cancel compensation

49 Any weekly or other periodical payment to a workman payable out of the accident fund may be reviewed by the board’s own motion or at the request of the workman or employer, and on such review the board may put an end to or diminish the payment or may increase the payment to a sum not beyond the maximum hereinafter prescribed.

1955, c.64, s.49; R.S.S. 1965, c.284, s.49.

Increase of compensation to workman under 21

50 Where the workman was at the date of the accident under twenty-one years of age and the review takes place more than six months after the accident, the amount of a weekly payment may be increased to the sum to which he would have been entitled if his average earnings had at the date of the accident been equal to what, if he had not been injured, he would probably have been earning at the date of the review.

1955, c.64, s.50; R.S.S. 1965, c.284, s.50.

Provisions for funds to pay increased compensation

51 The additional moneys necessary to provide for increases of compensation as herein provided in respect of accidents previously happening may be levied and collected by the board from the employers carrying on industries under this Act in such manner and at such time or times as the board may deem most equitable and most in accordance with the general principles and provisions of this Act. Such levy and collection may be by way of addition to the usual assessment or by levy of special or additional assessment or assessments.

1955, c.64, s.50; R.S.S. 1965, c.284, s.51.

Compensation not payable during suspension

52 Where a right to compensation is suspended under the provisions of this Act no compensation shall be payable in respect of the period of suspension.

1955, c.64, s.51; R.S.S. 1965, c.284, s.52.

Advances on account of compensation

53 The board may, where in its opinion the interest or pressing need of the workman or dependant warrants it, advance or pay to or for the workman or dependant such lump sum as the circumstances warrant and as the board may determine.

1955, c.64, s.52; R.S.S. 1965, c.284, s.53.
CERTAIN INDUSTRIAL DISEASES TO BE DEEMED ACCIDENTS

54(1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed, or where his death is caused by an industrial disease and the disease is due to the nature of an employment in any of the industries set forth in schedule I, whether under one or more employments, the workman or his dependants shall be entitled to compensation as if the disease were a personal injury by accident and the disablement were the happening of the accident, subject to the modifications hereinafter mentioned, unless at the time of entering into the employment he had wilfully and falsely represented himself in writing as not having previously suffered from the disease.

RIGHTS IN RESPECT OF CERTAIN OTHER DISEASES NOT AFFECTED

2(2) Nothing in this section affects the right of a workman to compensation in respect of a disease to which this section does not apply, if the disease is the result of an injury in respect of which he is entitled to compensation under this Act.

HOW COMPENSATION TO BE FIXED

3(3) The amount of the compensation shall be fixed with reference to the earnings of the workman under the employer by whom the workman was employed when the disease was contracted and the notice provided for by section 40 shall be given to the employer who last employed the workman, in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left the employment.

CHARGING COMPENSATION TO PARTICULAR CLASSES

4(4) Where the compensation is payable out of the accident fund, the board shall make such investigation as it deems necessary to ascertain the class or classes against which the compensation should be charged and shall charge or apportion the compensation accordingly and for this purpose the board may require every physician treating a patient who is suffering from any industrial disease to give to the board such information relating thereto as it may require.

PRESUMPTIONS AS TO DISEASE BEING DUE TO NATURE OF EMPLOYMENT

5(5) If the workman, at or immediately before the date to disease of the disablement, was employed in any process mentioned to nature or in the second column of schedule II and the disease contracted employment is the disease in the first column of the schedule set opposite to the description of the process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

“Silicosis”

6(6) “Silicosis” for the purposes of this Act means silicosis of the lungs, a fibroid condition of the lungs caused by the inhalation of silica dust.

WHEN PERSON TO BE DEEMED AFFECTED BY SILICOSIS

7(7) A person shall for the purposes of this Act be deemed to have or to have had silicosis:

(a) in the ante-primary stage, when it is found by the board that the earliest detectable specific physical signs of silicosis are or have been present, whether or not capacity for work is or has been impaired by such silicosis;

(b) in the primary stage, when it is found by the board that definite and specific physical signs of silicosis are or have been present, and that capacity for work is or has been impaired by that disease, though not seriously and permanently;
(c) in the secondary stage, when it is found by the board that definite and specific physical signs of silicosis are or have been present, and that capacity for work is or has been seriously and permanently impaired by that disease, or when it is found by the board that tuberculosis with silicosis is or has been present.

“Tuberculosis”

(8) “Tuberculosis” for the purpose of this Act means tuberculosis of the respiratory organs when on examination of any person it is found that:

(a) such person expectorates the tubercle bacillus;

(b) such person has closed tuberculosis to such a degree as to seriously impair his working capacity and to render prohibition of his working underground advisable in the interests of his health.

Condition upon which compensation granted

(9) Nothing in this Act entitles a workman or his dependants to compensation, medical aid or payment of burial expenses for disability or death from silicosis unless the workman has been actually exposed to silica dust in his employment in Saskatchewan for periods amounting in all to at least three years preceding his disablement.

1955, c.64, s.53; 1959, c.103, s.5; 1962, c.45, s.6; R.S.S. 1965, c.284, s.54.

Power of board to enter into certain agreements with boards of other provinces

55 The board may enter into an agreement with the Workmen’s Compensation Board of any other province of Canada with respect to compensation for any industrial diseases of workmen where the work incidental to their employment is performed partly in Saskatchewan and partly in that other province to the end that all workmen or their dependants intended to be compensated by reason of any such disease shall receive compensation either in accordance with this Act or in accordance with the Act in force in the other province relating to workmen’s compensation.

1965, c.53, s.2; R.S.S. 1965, c.284, s.55.

HERNIA

Compensation for hernia

56(1) No compensation shall be payable in respect of hernia, unless:

(a) it is clinical hernia of a disabling character; and

(b) the onset thereof can be shown to have been immediately preceded by a strain or other accident; and

(c) the workmen reported his condition to his employer within such time following the occurrence of the strain or other accident as is deemed by the board to be reasonable having regard to all the circumstances.

(2) If the workman does not submit himself to be operated on for radical cure within two weeks of the occurrence, compensation shall cease to be payable upon the expiry of such two weeks; provided that the board may for good cause extend the period for such submission.

(3) If the workman does submit to an operation, the period of disability shall be deemed to cease upon the expiry of fifty-six days from the day of the operation:
Provided that the said period of fifty-six days may be extended by the board, if satisfied that complications have arisen from the operation or if in the opinion of the board other circumstances warrant such extension.

1955, c.64, s.55; R.S.S. 1965, c.284, s.56.

**RECIPROCAL ARRANGEMENTS WITH OTHER PROVINCES**

**Powers**

57 The board may enter into an agreement with the Workmen’s Compensation Board of any other province of Canada providing for the payment of compensation for injuries to workmen where the work incidental to their employment is performed partly in Saskatchewan and partly in that other province to the end that such workmen or their dependants shall receive compensation either in accordance with this Act or in accordance with the Act in force in the other province relating to workmen’s compensation.

1965, c.53, s.3; R.S.S. 1965, c.284, s.57.

**WAIVER AND ALIENATION FORBIDDEN**

**Right to compensation not to be waived**

58 No workman shall agree with his employer to waive or to forego any of the benefits to which he or his dependants are or may become entitled under this Act, and every agreement to that end shall be absolutely void.

1955, c.64, s.57; R.S.S. 1965, c.284, s.58.

**Deduction not to be made from wages**

59(1) Except as provided in this Act, no employer shall, either directly or indirectly, deduct from the wages of any of his workmen any part of any sum that the employer is or may become liable to pay into the accident fund or otherwise under this Act, or require or permit any of his workmen to contribute in any manner towards indemnifying the employer against any liability that he has incurred or may incur under this Act.

(2) Every person who contravenes any of the provisions of subsection (1) is for every such contravention guilty of an offence and liable on summary conviction to a fine not exceeding $50 and is also liable to repay to the workman any sum that has been so deducted from his wages or that he has been required or permitted to pay in contravention of subsection (1).

1955, c.64, s.58; R.S.S. 1965, c.284, s.59.

**Compensation not assignable or liable to attachment**

60 Unless with the approval of the board, no sum payable as compensation or by way of commutation of any weekly or other periodical payment in respect of it shall be capable of being assigned, charged or attached, nor shall it pass by operation of law except to a personal representative nor shall any claim be set off against it.

1955, c.64, s.59; R.S.S. 1965, c.284, s.60.
ABOLITION OF COURT ACTIONS

No action to be brought to recover compensation

61 No action lies for the recovery of the compensation, but all claims for compensation shall be heard and determined by the board.

1955, c.64, s.60; R.S.S. 1965, c.284, s.61.

Provisions of Act in lieu of all rights of action against employer

62 The right to compensation provided by this Act shall be in lieu of all rights and rights of action, statutory or otherwise, to which a workman or his dependants are or may be entitled against the employer of the workman for or by reason of any accident happening to him while in the employment of the employer, and no action in respect thereof lies.

1955, c.64, s.61; R.S.S. 1965, c.284, s.62.

Determination of workman’s right to bring action

63 Any party to an action may apply to the board for adjudication and determination of the question of the plaintiff’s right to compensation under this Act, or as to whether the action is one the right to bring which is taken away by this Act, and such adjudication and determination shall be final and conclusive.

1955, c.64, s.62; R.S.S. 1965, c.284, s.63.

SCALE OF COMPENSATION

Compensation in case of death

64(1) Where death results from an injury the amount of the compensation shall be:

(a) the necessary expenses of the burial of the workman not exceeding $250 exclusive of the cost of the burial plot, and the amount paid for the burial plot not exceeding $50;

(b) where the death of the workman occurred away from his usual place of residence and in the opinion of the board transportation of the body is desirable, the necessary expenses of such transportation;

(c) where the widow or an invalid husband is the sole dependant, a monthly payment of $110 until the widow or invalid husband attains the age of seventy years and a monthly payment of $75 thereafter;

(d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of $110 until the widow or husband attains the age of seventy years and a monthly payment of $75 thereafter, with an additional payment of $45, to be increased upon the death of the widow or invalid husband to $60, for each child under the age of sixteen years;

(e) where the dependants are children, a monthly payment of $60 to each child under the age of sixteen years;

(f) where the dependants are children both of whose parents are deceased, in the discretion of the board, to each child under the age of sixteen years, in addition to any other sum payable to the child, such sum not exceeding $50 as the board may determine;
(g) where in the opinion of the board it is advisable to furnish further or better education to a child approaching the age of sixteen years, the board may in its discretion extend the period for which compensation shall be paid in respect of the child, but in no case beyond the age of nineteen years. The board shall not make any levy or assessment or order any deposit to be made in any such case until the child is approaching the age of sixteen years and the board has decided that further or better education should be furnished to the child;

(h) where a dependant child of a deceased workman is beyond the age of sixteen years, and where in the opinion of the board it is advisable to furnish further or better education to the child, the board may in its discretion provide that compensation shall be paid in respect of the child, but in no case beyond the age of nineteen years;

(i) where the dependants are persons other than those mentioned in the foregoing clauses, a sum reasonable and proportionate to the pecuniary loss or loss of valuable services to those dependants occasioned by the death, to be determined by the board;

(j) where the dependants are aliens residing outside Canada, and entitled to compensation under clause (a), (c), (d), (e) or (i), the board may, in lieu of awarding those dependants compensation on the scale provided by clause (a), (c), (d), (e) or (i), award such lesser sum by way of compensation as, according to the conditions and cost of living in the place of residence of those dependants, will in the opinion of the board, maintain them in a like degree of comfort as dependants of the same class, residing in Canada and receiving the full compensation authorized by this Act, would enjoy.

Payment of monthly allowance to foster mother

(2) Where the workman leaves no widow or the widow subsequently dies, and it seems desirable to continue the existing household and an aunt, sister or other suitable person acts as foster mother in keeping up that household and maintaining and taking care of the children entitled to compensation in a manner that the board deems satisfactory, the foster mother while doing so shall be entitled to receive the same monthly payments of compensation for herself and the children as if she were the widow of the deceased, and in such case the children’s part of the payments shall be in lieu of the monthly payments that they would otherwise have been entitled to receive.

Lump sum payment

(3) In addition to any other compensation provided for, the widow, or where the workman leaves no widow, the foster mother, as in subsection (2) described, shall be entitled to a lump sum of $300.

Duration of payments under clause (i) of subsection (1)

(4) In the case provided for by clause (i) of subsection (1), the payments shall continue only so long as in the opinion of the board it might reasonably have been expected that had the workman lived he would have continued to contribute to the support of the dependants, and in any case under the said clause compensation may be made wholly or partly in a lump sum or by such form of payment as the board in the circumstances deems most suitable.

Dependants to whom workman stood in loco parentis

(5) A dependant to whom the workman stood in loco parentis or a dependant who stood in loco parentis to the workman shall be entitled, as the board may determine, to share in or receive compensation under clause (d), clause (e) or clause (i) of subsection (1).
Compensation to invalid child
(6) Compensation shall be payable to an invalid child without regard to the age of the child.

Compensation to dependants
(7) Where there are both total and partial dependants the compensation may be allotted partly to the total and partly to the partial dependants.

Board may apply payment for benefit of children
(8) Where the board is of opinion that for any reason it is necessary or desirable that a payment in respect of a child should not be made directly to his parent, the board may direct that the payment be made to such person or be applied in such manner as the board deems most for the advantage of the child.

Reduction where compensation exceeds average monthly earnings
(9) Exclusive of the expenses of burial of the workman the compensation payable as provided by subsection (1) shall not in any case exceed the average monthly earnings of the workman mentioned in section 68, and if the compensation payable under that subsection would in any case exceed the said average monthly earnings it shall be reduced accordingly, and where several persons are entitled to monthly payments the payments shall be reduced proportionately, but this subsection shall not operate to reduce the total monthly compensation below:

(a) $110, where the widow or an invalid husband is the sole dependant and is under the age of seventy years, or $75, where the widow or an invalid husband is the sole dependant and is over the age of seventy years;

(b) $155, where the dependants are a widow or an invalid husband under the age of seventy years and one child, or $110, where the dependants are a widow or an invalid husband over the age of seventy years and one child;

(c) $200, where the dependants are a widow or an invalid husband under the age of seventy years and two children, and $20 for each additional child, or $145, where the dependants are a widow or an invalid husband over the age of seventy years and two children, and $20 for each additional child.

Recalculation
(10) Where the compensation payable to the dependants has been reduced by the operation of subsection (9) and where one or more of the said dependants ceases to be a dependant, the compensation thereafter payable shall be recalculated having regard only to the remaining dependants.

Autopsy
(11) If an autopsy is deemed by the board necessary to enable it to determine the cause of any death, the board may direct that the autopsy be made within a time to be fixed by the board and, if the dependant or dependants refuse to permit the autopsy, the board may reject any claim for compensation under this Act. The expenses of the autopsy shall be paid out of the accident fund.
Common law wife

(12) Where a workman for the five years preceding his death maintained a common law wife, or where a workman for three years preceding his death maintained a common law wife by whom he had one or more children, and leaves no dependant widow, the compensation to which a dependant widow would have been entitled under this Act may in the discretion of the board be paid to the common law wife, whether or not such child or children are living at the time of the death of the workman or compensation is payable in respect of them under this Act. In this subsection “common law wife” includes a woman who although not legally married to him lived and cohabited with a man as his wife and was known as such in the community in which they lived.

1955, c.64, s.63; 1956, c.53, s.5; 1957, c.72, s.2; 1959, c.103, s.6; 1960, c.84, s.4; 1962, c.45, s.7; 1965, c.53, s.4; R.S.S. 1965, c.284, s.64.

Proof of condition of dependants

65 The board may require such proof of the necessities, dependant condition and existence of any dependants in receipt of compensation payments as may be deemed necessary by the board and pending the receipt of such proof may withhold further payments.

1955, c.64, s.64; R.S.S. 1965, c.284, s.65.

Marriage of widow

66(1) If a dependant widow marries, the monthly payments to her shall cease, but she shall be entitled in lieu of them to a lump sum equal to the monthly payments for two years or a lump sum of $2,000, whichever is the lesser and such lump sum shall be payable within one month after the day of her marriage.

(2) Subsection (1) does not apply to payments to a widow in respect of a child.

1955, c.64, s.65; 1960, c.84, s.5; R.S.S. 1965, c.284, s.66.

When payments to child cease

67 Subject to clause (g) of subsection (1) of section 64 and subsection (6) of section 64, a monthly payment in respect of a child shall cease when the child attains the age of sixteen years or dies.

1955, c.64, s.66; R.S.S. 1965, c.284, s.67.

Compensation in case of permanent total disability

68(1) Where permanent total disability results from the injury, the amount of the compensation shall be a weekly payment during the life of the workman equal to seventy-five per cent of his average weekly earnings.

(2) Subject to subsections (3), (4), (5) and (6), for the purpose of subsection (1) “average weekly earnings” means one fifty-second of the amount earned in the period of twelve months immediately preceding the injury.

(3) Where the employer was accustomed to pay the workman a sum to cover any special expenses imposed on him by the nature of his employment, that sum shall not be reckoned as part of his earnings.
(4) Where it is shown to the satisfaction of the board that it would be to the advantage of the workman to do so, one fifty-second of the amount earned by the workman in any specified period of twelve consecutive months during the period of thirty-six months immediately preceding the injury shall be deemed for the purpose of subsection (1) to be the workman’s average weekly earnings.

(5) Where the workman was not available for employment for a full period of twelve months immediately preceding the injury or for a period of twelve consecutive months during the period of thirty-six months immediately preceding the injury, or where owing to the casual nature or the terms of the employment of the workman it is impracticable to compute the workman’s average weekly earnings in accordance with subsection (2) or (4), the board shall for the purpose of subsection (1) determine the workman’s average weekly earnings, having regard to the average weekly earnings of other workmen engaged during the period of twelve months immediately preceding the injury in the same or similar work in the same or a similar locality and to such other circumstances as it considers to be relevant to the matter.

(6) Where the workman’s average weekly earnings exceed $115.38 they shall for the purpose of subsection (1) be deemed to be $115.38 6/13.

1962, c.45, s.8; R.S.S. 1965, c.284, s.68.

Permanent partial disability

69(1) Subject to the following subsections, where permanent partial disability results from the injury, the board shall estimate the impairment of earning capacity from the nature and degree of the disability resulting from the injury and the compensation shall be a weekly payment during the life of the workman of such percentage of the amount of compensation prescribed by section 68 as is proportionate to such impairment.

(2) The board may compile a rating schedule of percentages of impairment of earning capacity for specified injuries or mutilations, which may be used as a guide in determining the compensation payable in permanent partial disability cases.

(3) Where the impairment of the earning capacity of the workman does not exceed ten per cent of his earning capacity, the board shall, unless in its opinion it would not be to the advantage of the workman to do so, direct that, instead of the weekly payment prescribed by subsection (1), such lump sum as the board deems to be the equivalent shall be paid to the workman.

(4) Where the board deems it more equitable, it may award compensation for permanent partial disability having regard to the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable occupation after the accident, and the compensation may be a weekly payment of seventy-five per cent of such difference, and regard shall be had as to the workman’s fitness to continue in the employment in which he was injured or to adapt himself to some other suitable occupation.

(5) Where a workman has been seriously and permanently disfigured about the face or head or otherwise permanently injured, the board may recognize an impairment of earning capacity, whether or not there has in fact been such impairment, and may allow a lump sum or weekly payments or both as compensation.

1955, c.64, s.68; R.S.S. 1965, c.284, s.69.
Temporary total disability

70(1) Where temporary total disability results from the injury the amount of the compensation shall be a weekly payment of seventy-five per cent of the rate of the workman’s remuneration at the time of the injury or seventy-five per cent of the workman’s average weekly earnings determined in accordance with section 68, whichever is the greater, but the compensation shall be payable only so long as the disability lasts.

(2) Where the workman’s rate of remuneration or average weekly earnings exceed $115.38 they shall for the purpose of subsection (I) be deemed to be $115.38 6/13.

1962, c.45, s.9; R.S.S. 1965, c.284, s.70.

Temporary partial disability

71 Where temporary partial disability results from the injury the board shall estimate the impairment of earning capacity from the nature and degree of the disability resulting from the injury and the compensation shall be a weekly payment of such percentage of the amount of compensation prescribed by section 70 as is proportionate to the impairment.

1962, c.45, s.10; R.S.S. 1965, c.284, s.71.

Recurrence of disability

72 Where an injured workman has returned to employment and thereafter suffers a temporary recurrence of his disability, the compensation payable shall be based on his weekly earnings at the time of the injury or on his average weekly earnings during the twelve months preceding the recurrence of his disability, whichever are the greater.

1955, c.64, s.71; R.S.S. 1965, c.284, s.72.

Minimum amount of compensation for disability

73(1) The amount of compensation to which an injured workman shall be entitled for permanent total disability under this Act shall not be less than $32.50 per week, and for permanent partial disability a corresponding amount in proportion to the impairment of earning capacity.

(2) The amount of compensation to which an injured workman shall be entitled for temporary total disability under this Act shall not be less than $32.50 per week, or where his average earnings are less than $32.50 per week, the amount of those earnings, and for temporary partial disability a corresponding amount in proportion to the impairment of earning capacity.

1955, c.64, s.72; 1959, c.103, s.7; 1965, c.53, s.5; R.S.S. 1965, c.284, s.73.

Matters to be considered in fixing payments

74(1) In fixing the amount of compensation to be paid to a workman or his dependants, regard shall be had to any payment, allowance or benefit paid to them by the workman’s employer in respect of the workman’s accident, including any gratuity or other allowance provided wholly at the expense of the employer.

(2) Where the compensation is payable out of the accident fund, any sum deducted from the compensation under subsection (1) may be paid to the employer out of the accident fund.

1955, c.64, s.74; R.S.S. 1965, c.284, s.74.
Clothing allowance in case of amputation of limb
75 Where compensation is being paid in respect of the amputation of a limb and the board has provided an artificial limb the board may, in its discretion, in addition to any other compensation provided for, pay to the workman a clothing allowance not exceeding $96 in the case of a lower limb amputation and not exceeding $42 in the case of an upper limb amputation in any one year.

1962, c.45, s.12; R.S.S. 1965, c.284, s.75.

Provision for fortnightly or monthly payments
76 The board may, when it is deemed advisable, provide that the payments of compensation may be made fortnightly or monthly instead of weekly, or, where the workman or dependant is not a resident of Saskatchewan or ceases to reside therein, may otherwise fix the periods of payment or commute the compensation as the board deems proper.

1955, c.64, s.75; R.S.S. 1965, c.284, s.76.

Commuting compensation for lump sum
77 The board may, in any case where it deems proper and at any time or times, make or direct partial commutation or lump sum payment of compensation, or otherwise alter the form of payment, as in the circumstances the board deems most for the advantage of the workman or dependant.

1955, c.64, s.76; R.S.S. 1965, c.284, s.77.

Power of board to divert infant dependants’ compensation
78 Where it is found that a widow to whom compensation has been awarded is neglecting the infant dependants of the deceased workman, the board may divert the infant dependants’ compensation to or for their benefit.

1955, c.64, s.77; R.S.S. 1965, c.284, s.78.

Diversion of compensation
79 Where a workman is entitled to compensation and it is made to appear to the board:

Where workman has left Saskatchewan
(a) that the workman is no longer residing in Saskatchewan but that his wife or child or children under sixteen years of age are still residing therein without adequate means of support and are, or are apt to become, a charge upon the municipality where they reside, or upon private charity; or

Where workman has deserted wife or children
(b) that the workman although still residing in Saskatchewan is not supporting his wife and children as aforesaid, and an order has been made against him by a court of competent jurisdiction for the support or the board may divert compensation in whole or in part from the workman for the benefit of his wife or children.

1955, c.64, s.78; R.S.S. 1965, c.284, s.79.

Payments in case of infant
80 Where a workman or a dependant is under the age of twenty-one years or under any other legal disability, the compensation to which he is entitled may be paid to such person or be applied in such manner as the board deems most for his advantage.

1955, c.64, s.79; R.S.S. 1965, c.284, s.80.
MEDICAL AID

Medical and surgical aid during disability
31(1) Every workman entitled to compensation under this Act, or who would have been so entitled had he been disabled longer than the day of the accident, shall be entitled to such medical and surgical aid and hospital and skilled nursing services as may be necessary as a result of the injury, and to such other treatment, by any person registered or licensed to practise any of the healing arts under any Act of the Legislature, as may be approved in advance in writing by the board, and shall be entitled to such artificial member or members and apparatus as may be necessary as a result of the injury, and to have artificial limbs and eyes and surgical appliances such as belts, braces, supports, and orthopaedic shoes, whether provided before or after the enactment of this subsection, repaired, maintained and renewed when they become in need of repair, maintenance and renewal by reason of accident, ordinary wear and tear, and through no misconduct on the part of the workman.

“Medical aid”
(2) In this Act “medical aid” means the medical and surgical aid and hospital and skilled nursing services and other treatment and artificial member or members and apparatus, and the repair, maintenance and renewal mentioned in subsection (1), and includes expenses of transportation and sustenance furnished by the board to an injured workman.

Payment for medical aid in industries under schedule I
(3) In the industries included in this Act such medical aid shall be furnished or arranged for by the board or as it may direct or approve, and shall be paid for by the board out of the accident fund, and the necessary amount shall be included in the assessments levied upon the employers.

Questions to be determined by board
(4) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the board.

Amount of charges
(5) The fees or charges for medical aid shall not be more than would be properly and reasonably charged to the workman if he were paying the account, and the amount thereof shall be fixed and determined by the board, and no action for any amount larger than that fixed by the board shall lie in respect of any medical aid herein provided for.

Contributions from employees forbidden
(6) No employer shall, directly or indirectly, collect or receive or retain from any workman any contribution toward the expense of medical aid, and every person contravening this provision is for every such contravention guilty of an offence and liable on summary conviction to a fine not exceeding $50, and is also liable, upon the order of the board, to reimburse the workman treble the amount of any sum so collected, received or retained.

Duty of employer under The Public Health Act
(7) Nothing in this Act affects any obligation upon the employer under The Public Health Act or any regulation made thereunder, but notwithstanding anything contained therein the employer shall not, save as hereinbefore stated, be entitled, directly or indirectly, to collect, receive or retain from any workman any contribution toward the expense of medical aid.
Power of board to require maintenance of first aid appliances

(8) Employers in any industries in which it is deemed proper may be required by the board to maintain such first aid appliances and service as the board may direct, and the board may make such order respecting the expense thereof as it deems just.

Duty of employer as to furnishing injured workmen with transportation

(9) Every employer shall furnish to any workman injured in his employment, who is in need of it, immediate conveyance and transportation to a hospital, or to a physician, or to the workman’s home, and an employer failing to do so shall, if the board so orders, be liable to pay for such conveyance and transportation as may be procured by the workman or by anyone for him, or as may be provided by the board.

Further medical service

(10) Where, in conjunction with or apart from the medical aid to which workmen are to be entitled free of charge, further or other service or benefit is, or is proposed to be, given or arranged for, any question arising as to whether or to what extent any contribution from a workman is or would be one prohibited by this Act shall be determined by the board.

Broken dentures, artificial limbs, etc.

(11) Notwithstanding anything contained herein the board may, in addition to the other compensation provided by this Act, assume the expense of:

(a) replacement and repair of broken dentures, eye glasses, artificial eyes or artificial limbs when breakage is occasioned by an accident in which the workman is injured sufficiently to require medical attention for which the board accepts responsibility;

(b) the removal of infected teeth or tonsils where the infected teeth or tonsils can be assumed to hinder the recovery of an injured workman.

Medical accounts

(12) The board, with the approval of the Lieutenant Governor in Council, may make regulations governing the payment of medical accounts and the assessment of penalties for the late filing of such accounts.

1955, c.64, s.80; R.S.S. 1965, c.284, s.81.

Special medical treatment in certain cases

82 Where, in the opinion of the board, it will be in the interest of the accident fund to provide a special surgical operation or other special medical treatment for a workman, and the furnishing thereof by the board is, in the opinion of the board, the only means of avoiding heavy payment for permanent disability, the expense of such operation or treatment may be paid out of the accident fund.

1955, c.64, s.81; R.S.S. 1965, c.284, s.82.

REHABILITATION

Aid to injured workmen

83 To aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries, the board may take such measures and make such expenditures as it deems necessary or expedient.

1955, c.64, s.82; R.S.S. 1965, c.284, s.83.
PART IV

Accident Fund

FORMATION AND USE OF FUND

How accident fund to be provided

84 An accident fund shall be provided by contributions to be made in the manner hereinafter provided, by the employers in the classes or groups of industries for the time being included in schedule I.

1955, c.64, s.83; R.S.S. 1965, c.284, s.84.

Compensation payable out of fund

85 Compensation payable pursuant to this Act shall be paid out of the accident fund.

1955, c.64, s.84; R.S.S. 1965, c.284, s.85.

Payment of compensation out of reserves or consolidated fund

86 Where at any time there is not money available for payment of the compensation that has become due without resorting to the reserves, the board may pay such compensation out of the reserves and shall make good the amount withdrawn by making a special assessment upon the employers liable to provide the compensation or by including it in a subsequent annual assessment, or where it is for any reason deemed inexpedient to withdraw the amount required from the reserves, the Lieutenant Governor in Council may direct that the amount be advanced out of the consolidated fund, and in that case the amount advanced shall be collected by a special assessment and when collected shall be paid over to the Provincial Treasurer.

1955, c.64, s.85; R.S.S. 1965, c.284, s.86.

Power of board to borrow

87 Subject to the approval of the Treasury Board, the board may borrow, upon such security as the lender may require, such sums of money as the board deems requisite for the purposes of this Act, provided that the aggregate of the sums borrowed shall not at any time exceed $200,000.

1955, c.64, s.86; R.S.S. 1965, c.284, s.87.

Sufficiency of accident fund to be maintained

88 The board shall at all times maintain the accident fund so that with the reserves, exclusive of the special reserve, it shall be sufficient to meet all the payments to be made out of the fund in respect of compensation as they become payable and so as not unduly or unfairly to burden the employers in any class in future years with payments that are to be made in those years in respect of accidents that have previously happened.

1955, c.64, s.87; R.S.S. 1965, c.284, s.88.

Reserve fund

89 It shall not be necessary that the reserve fund, provided for by subsection (1) of section 102, shall be uniform as to all classes but subject to sections 88 and 111 it shall be discretionary with the board to provide for a larger reserve fund in one or more of the classes than in another or others of them.

1955, c.64, s.88; R.S.S. 1965, c.284, s.89.
Jurisdiction of board as to rearrangement of classes

90(1) The board may by order:

(a) rearrange any of the classes for the time being included in schedule I, and withdraw from any class any industry included in it and transfer it wholly or partly to any other class or form it into a separate class, or exclude it from the operation of this Act;

Establishing other classes

(b) establish other classes including any not included in any of the classes in schedule I;

Adding to classes

(c) add to any of the classes for the time being included in schedule I any industry that is not included in any of those classes.

Apportionment of burden of assessment according to hazard of business, etc.

(2) Where in the opinion of the board the hazard to workmen in any of the industries embraced in a class is less than that in another or others of those industries, or where for any other reason it is deemed proper to do so, the board may subdivide the class into subclasses and if that is done the board shall fix the percentages or proportions of the contributions to the accident fund that are to be payable by the employers in each subclass.

Separate accounts to be kept for each class and subclass

(3) Separate accounts shall be kept of the amounts collected and expended in respect of every class and subclass, but for the purpose of paying compensation the accident fund shall nevertheless be deemed one and indivisible.

Power to increase assessments in certain cases

(4) Where in the opinion of the board sufficient precautions have not been taken for the prevention of accidents to workmen in the employment of an employer or the working conditions are not safe for workmen, the board may add to the amount of any contribution to the accident fund for which the employer is liable such a percentage thereof as the board deems just and may assess and levy the percentage upon the employer.

Collection and application of additional percentage

(5) Any additional percentage levied and collected under subsection (4) shall be added to the accident fund or applied in reduction of the assessment upon the other employers in the class or subclass to which the employer from whom it is collected belongs, as the board may determine.

1955, c.64, s.89; R.S.S. 1965, c.284, s.90.

Power to withdraw small industries from classes

91(1) The board may, in the exercise of the powers conferred by section 90 withdraw or exclude from a class industries in which not more than a stated number of workmen are usually employed and may afterwards add them to the class or classes from which they have been withdrawn or excluded, and an industry so withdrawn or excluded shall not thereafter be deemed to be included in schedule I.
(2) Where industries are withdrawn or excluded from a class under the authority of subsection (1), an employer in any of them may make application to the board to become a member of the class to which but for the withdrawal or exclusion he would have belonged, and if the board approves of his application he shall, at such time and upon such terms and conditions as may be prescribed by the board, become a member of that class and as such liable to contribute to the accident fund, and his industry shall be deemed to be embraced in schedule I for such period as the board may determine or until the industry is again withdrawn or excluded under the authority of subsection (1).

(3) A workman in an industry withdrawn or excluded under the authority of subsection (1) may make application to the board to have that industry included in schedule I and if the board approves of his application the industry shall be deemed to be embraced in schedule I, at such time and upon such terms and conditions as may be prescribed by the board, and for such period as the board may determine or until the industry is again withdrawn or excluded under the authority of subsection (1).

1955, c.64, s.90; R.S.S. 1965, c.284, s.91.

Powers may be exercised as occasion requires

92 The powers conferred by sections 90 and 91 may be exercised from time to time and as often as in the opinion of the board occasion requires.

1955, c.64, s.91; R.S.S. 1965, c.284, s.92.

Additions to schedule I

93 The board may in its discretion by order, upon the application of an employer, add to or withdraw from schedule I, for such time and upon such terms and conditions as the board may determine, any industry or part of an industry, or department of work or service, of the employer.

1955, c.64, s.92; R.S.S. 1965, c.284, s.93.

When orders become effective

94 An order made by the board under clause (a) or (b) of subsection (1) of section 90 shall not have any force or effect unless approved by the Lieutenant Governor in Council, and when so approved it shall be published in The Saskatchewan Gazette and shall have force and effect on and after the date of such publication or on and after the date specified for the purpose in the order or in the order in council approving the order.

1955, c.64, s.93; R.S.S. 1965, c.284, s.94.
c. 284  WORKMEN’S COMPENSATION  
(ACCIDENT FUND)

STATEMENTS TO BE FURNISHED BY EMPLOYERS AND MUNICIPAL 
OFFICIALS

Statements to be furnished by employers

95(1) Subject to the regulations, every employer shall yearly on or before a date 
to be prescribed by the board and at such other time or times as the board may by 
order require, prepare and transmit to the board a statement of the amount of the 
wages earned by all his employees during the year then last past or any part thereof 
specified by the board, and of the amount that he estimates he will expend for wages 
during the then current year or any part thereof specified by the board, and such 
additional information as the board may require, both certified by the employer or 
the manager of the business, or, where the employer is a corporation, by an officer 
of the corporation having a personal knowledge of the matters certified, to be true, 
correct and complete in every respect.

Employer to keep account of wages paid

(2) Every employer shall keep, in such form and with such detail as the board may 
require, a careful and accurate account of all wages paid to his employees and the 
account shall be kept within the province and shall be produced to the board and 
it officers upon request.

Separate statements as to branches, etc.

(3) Where the business of the employer embraces more than one branch of business 
or class of industry, the board may require separate statements to be made as to 
each branch or class of industry, and such statements shall be made, verified, and 
transmitted as provided by subsection (1).

Failure to furnish statements

(4) If an employer does not make and transmit to the board the prescribed statement 
within the prescribed time, the board may base any assessment or supplementary 
assessment thereafter made upon him on such sum as in its opinion is the probable 
amount of the pay roll of the employer, and the employer shall be bound thereby, but, 
if it is afterwards ascertained that such amount is less than the actual amount of 
the payroll, the employer shall be liable to pay to the board the difference between 
the amount for which he was assessed and the amount for which he would have 
been assessed on the basis of his pay roll.

Consequences of default in furnishing statements

(5) If an employer does not comply with subsection (1), subsection (2) or subsection 
(3), or if a statement made pursuant to their provisions is not a true and accurate 
statement of any of the matters required to be set forth therein, the employer for 
every such non-compliance and for every such statement is guilty of an offence and 
liable on summary conviction to a fine not exceeding $500, and default or delay in 
 furnishing any such statement or insufficiency of estimate of expenditure for wages 
shall also render the employer liable to pay an additional percentage of assessment 
or to pay interest, as fixed by the board.

Municipal assessors to make returns

96 Every assessor of a town, village or rural municipality shall yearly, on or 
before the last day for completing his assessment roll, make a return to the board 
upon forms provided by it for the purpose showing the names, addresses, nature of 
business and usual number of employees, of all employers of labour carrying on in 
the municipality any industry or business other than farming or ranching.

1955, c.64, s.94; 1962, c.45, s.13; R.S.S. 1965, 
c.284, s.95.
Notice to board of building permits

97 Within three days after the granting of a building permit in a city, town, village or rural municipality, notice thereof, together with such particulars as the board may require, shall be given to the board by the person whose duty it is to keep a record of such permits.

1955, c.64, s.96; R.S.S. 1965, c.284, s.97.

INSPECTIONS AND INQUIRIES

Right of entry to and inspection of premises

98(1) Any member of the board or other person authorized by it for the purpose shall, for any purpose that the board deems necessary for its administration of this Act, have the right at all reasonable hours to enter into and inspect the establishment, and the premises connected with the establishment and every part of it, of any employer or any other person who, in the opinion of the board, is or may be an employer.

(2) Any person who obstructs or hinders an entry or inspection mentioned in subsection (1), or refuses to permit it to be made, is guilty of an offence and liable on summary conviction to a fine not exceeding $500.

1955, c.64, s.97; R.S.S. 1965, c.284, s.98.

Inspection of accounts and books of employer

99(1) Any member of the board or other person authorized by it for the purpose shall have the right to inspect the books and accounts of the employer and to make such other inquiry as the board deems necessary for the purpose of ascertaining whether any statement furnished to the board under section 95 is an accurate statement of the matters required to be stated therein, or of ascertaining the amount of the pay roll of any employer or ascertaining whether any industry or person is under or outside the operation of this Act, and for the purpose of such inspection and inquiry the person making the same shall have all the powers conferred on commissioners appointed under The Public Inquiries Act.

(2) Every person who obstructs or hinders the making of an inspection or inquiry mentioned in subsection (1), or refuses to permit it to be made, is guilty of an offence and liable on summary conviction to a fine not exceeding $500.

1955, c.64, s.98; R.S.S. 1965, c.284, s.99.

Assessment may be made to correspond with pay rolls

100(1) If a statement is found to be inaccurate the assessment shall be made on the true amount of the pay roll as ascertained by such inspection or inquiry, and, if an additional assessment has been made against the employer on the basis of his pay roll being as shown by the statement, the employer shall pay to the board the difference between the amount for which he was assessed and the amount for which he would have been assessed if the amount of the pay roll had been truly stated, and by way of penalty a sum equal to such difference.

(2) The board, if satisfied that the inaccuracy of the statement was not intentional and that the employer honestly desired to furnish an accurate statement, may relieve him from payment of the penalty provided for by subsection (1) or any part thereof.

1955, c.64, s.99; R.S.S. 1965, c.284, s.100.
EMployers, Principals and Contractors

Responsibility

101 (1) The workmen of a contractor or subcontractor executing any work in or for the purposes of an industry under this Act, carried on by another person, in this subsection and in subsection (2) referred to as the principal, shall be deemed to be the workmen of the principal unless the contractor or subcontractor is, in respect of such work, assessed, or added and assessed, as the case may be, as an employer in schedule I, or, where the contractor or subcontractor is, in respect of such work, individually liable for payment of compensation, unless the board finds and declares that the responsibility of the contractor or subcontractor is sufficient protection to his workmen for the benefits provided for by this Act.

Right of principal employer to reimbursement from contractor

(2) Where a principal has made payment of assessment or compensation or furnished medical aid that but for subsection (1) he would not have been liable to pay or furnish, he shall be entitled to reimbursement from the contractor or subcontractor to such extent as the board finds the contractor or subcontractor would have been liable.

Liability of principal to pay assessments

(3) Where a person, whether carrying on an industry included in schedule I or not, in this subsection and in subsection (4) referred to as the principal, contracts with any other person, in this section referred to as the contractor, for the execution by or under the contractor of the whole or any part of any work for the principal, it shall be the duty of the principal to see that any sum that the contractor or any subcontractor is liable to contribute to the accident fund is paid, and if the principal fails to do so he shall be personally liable to pay it to the board, and the board shall have the like powers and be entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of an assessment.

Right of indemnity

(4) Where the principal is liable to make payment to the board under subsection (3) he shall be entitled to be indemnified by any person who should have made the payment and shall be entitled to withhold out of any indebtedness due to that person a sufficient amount to answer the same, and all questions as to the right to and the amount of such indemnity shall be determined by the board.

Liability of contractor or subcontractor to contribute

(5) Nothing in this section prevents a workman from claiming compensation or the board from collecting contributions to the accident fund from the contractor or any subcontractor instead of the principal.

1955, c.64, s.100; R.S.S. 1965, c.284, s.101.
WORKMEN'S COMPENSATION
(ACCIDENT FUND)

PART V
Assessments
LEYV AND COLLECTION

Levy

102(1) The board shall in every year assess and levy upon the employers in each of the classes such percentage of pay roll or such other rate or such specific sum as, allowing for any surplus or deficit in the class, it deems sufficient to pay the compensation during the current year in respect of injuries to workmen in the industries within the class, and to pay the expenses of the administration of this Act for that year, and also to maintain a reserve fund to pay the compensation payable in future years in respect of claims in that class for accidents happening in that year, of such an amount as the board deems necessary to prevent the employers in future years from being unduly or unfairly burdened with payments that are to be made in those years in respect of accidents that have previously happened.

Provisional levy

(2) Such assessments may, if the board sees fit, be levied provisionally upon the estimate of pay roll given by the employer or upon an estimate fixed by the board and, after the actual pay roll has been ascertained, adjusted to the correct amount, and the payment of assessments may, if the board deems fit, be divided into instalments.

Deduction from pay roll of proportion of wages

103(l) Where the assessment is based on the pay roll of the employer and there is included in it the wages or salary of a workman who has been paid more than at the rate of $6,000 per annum, the excess shall be deducted from the amount of the payroll and the assessment shall be based on the amount of it as so reduced.

Assessments need not be uniform

(2) It shall not be necessary that the assessment upon the employers in a class or subclass shall be uniform, but they may be fixed or graded in relation to the hazard of each or of any of the industries included in the class or subclass.

Merit rating in making assessment

(3) A system of merit rating may, if deemed proper, be adopted.

Rate of assessment fixed by the board

104(1) The board shall determine and fix the percentage, rate or sum for which each employer is assessed under section 102 or 103, or the provisional amount thereof, and such employer shall pay to the board the amount or provisional amount of his assessment within one month, or such other time as the board may fix, after notice of the assessment and of such amount has been given to him, or where payment is to be made by instalments he shall pay the first instalment within such time and the remaining instalment or instalments at the time or times specified in the notice.

How notice served

(2) The notice may be sent by post to the employer and shall be deemed to have been given to him on the day on which the notice was posted.
Revision of assessments

(3) Where at any time it appears that a statement or estimate of pay roll upon which an assessment or provisional amount of assessment is based is too low, the employer shall upon demand pay to the board such sum, to be fixed by the board, as shall be sufficient to bring the payment of assessment up to the proper amount; and payment of such sum may be enforced in the same manner as the payment of any assessment may be enforced.

1955, c.64, s.103; R.S.S. 1965, c.284, s.104.

Insufficient assessment to be made up by supplementary assessments

105 If the amount realized from an assessment is insufficient for the purpose for which the assessment was made, the board may make supplementary assessments to make up the deficiency and section 104 shall apply to such assessments, but the board may defer assessing for such deficiency until the next annual assessment is made and then include it in that assessment.

1955, c.64, s.104; R.S.S. 1965, c.284, s.105.

All classes may be assessed for deficiency in any of them

106 Where any deficiency in the amount realized from an assessment in any class is caused by the failure of some of the employers in that class to pay their share of the assessment, or by any disaster or other circumstance that in the opinion of the board would unfairly burden the employers in that class, the deficiency or loss shall be made up by supplementary assessments upon the employers in all the classes and section 104 shall apply to such assessments, but the board may defer assessing for the deficiency or loss until the next annual assessment is made and then include it in that assessment.

1955, c.64, s.105; R.S.S. 1965, c.284, s.106.

Special fund

107 The board, where it deems proper, may add to the assessment for any class or classes, or for all the classes in schedule I, a percentage or sum for the purpose of raising a special fund to be laid aside and used to meet the loss arising from any disaster or other circumstance that in the opinion of the board would unfairly burden the employers in any class.

1955, c.64, s.106; R.S.S. 1965, c.284, s.107.

Where deficiency made good by employer, mode of application of payment

108 If and so far as any deficiency mentioned in sections 105 and 106 is afterwards made good wholly or partly by the defaulting employer, the amount that has been made good shall be apportioned between the other employers, in the proportions in which the deficiency was made up by them by the payment of supplementary assessments, and shall be credited to them in making the next assessment.

1955, c.64, s.107; R.S.S. 1965, c.284, s.108.

Employer not assessed liable to pay amount for which he should have been assessed

109(1) If for any reason an employer liable to assessment is not assessed in any year he shall nevertheless be liable to pay to the board the amount for which he should have been assessed, and payment of that amount may be enforced in the same manner as the payment of an assessment may be enforced.
Amount collected to be taken into account in making subsequent assessment

(2) Any sum collected from an employer under subsection (1) shall be taken into account by the board in making an assessment in a subsequent year on the employers in the class or subclass to which the employer belonged.

1955, c.64, s.108; R.S.S. 1965, c.284, s.109.

Employer liable to pay unpaid sums

110 Notwithstanding that the deficiency arising from a default in the payment of the whole or part of an assessment has been made up by a special assessment, a defaulting employer shall continue liable to pay to the board the amount of every assessment made upon him or so much of it as remains unpaid.

1955, c.64, s.109; R.S.S. 1965, c.284, s.110.

Lieutenant Governor in Council may require supplementary assessments to be made

111 When the Lieutenant Governor in Council is of opinion that the condition of the accident fund is such that with the reserves, exclusive of the special reserve, it is not sufficient to meet all the payments to be made in respect of compensation as they become payable and so as not unduly or unfairly to burden the employers in any class in future years with payments that are to be made in those years in respect of accidents that have happened in previous years, he may require the board to make a supplementary assessment of such sum as in his opinion is necessary to be added to the fund, and when such a requirement is made the board shall forthwith make such supplementary assessment and it shall be made in like manner as is hereinbefore provided as to other special assessments and all the provisions of this Act as to special assessments shall apply to it.

1955, c.64, s.110; R.S.S. 1965, c.284, s.111.

Formation of reserves

112 In order to maintain the accident fund as required by section 88 the board may include in any sum to be assessed upon the employers and may collect from them such sums as the board deems necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities in which a trustee may by law invest trust moneys.

1955, c.64, s.111; R.S.S. 1965, c.284, s.112.

Penalty for non-payment of assessment

113 If an assessment or a special assessment is not paid at the time when it becomes payable, the defaulting employer shall be liable to pay and shall pay as penalty for his default such a percentage upon the amount unpaid as may be prescribed by the regulations.

1955, c.64, s.112; R.S.S. 1965, c.284, s.113.
Failure to make return or pay assessment

114 (1) An employer who fails to make or transmit any pay roll, return or other statement required to be furnished by him under section 95 or 118, or who fails to pay any assessment or special or supplementary assessment or the provisional amount of any assessment, or any instalment or part thereof, shall, in addition to any penalty or other liability to which he may be subject, pay to the board the full amount or capitalized value, as determined by the board, of the compensation and the full amount of medical aid payable in respect of any accident to a workman in his employ that happens during the period of the default, and the payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced.

(2) The board, if satisfied that the default was excusable, may in any case relieve the employer in whole or in part from liability under this section.

(3) Where an employer makes default in payment of an assessment, and a writ of execution issued upon a judgment entered with respect to the assessment is returned with a certificate from a sheriff or his deputy that he was unable to satisfy the judgment in whole, and where the judgment debtor continues to carry on an industry within the scope of this Act in which workmen are employed, a judge of the Court of Queen’s Bench, upon an application made on behalf of the board by motion in chambers, without the issue of a writ or the commencement of an action, may restrain the judgment debtor from carrying on any industry within the scope of this Act until the amount due on the execution and all assessments made by the board and the costs of the application are paid.

1955, c.64, s.113; R.S.S. 1965, c.284, s.114.

Collection of unpaid assessments

115 Where default is made in the payment of any assessment, or special assessment, or any part of it, the board may issue its certificate stating that the assessment was made, the amount remaining unpaid on account of it and the person by whom it was payable, and such certificate or a copy of it certified by the executive secretary to be a true copy may be filed at any judicial centre with the local registrar of the Court of Queen’s Bench or with the local clerk of the district court, according to the amount remaining unpaid, and when so filed shall become an order of that court and may be enforced as a judgment of the court against that person for the amount mentioned in the certificate.

1955, c.64, s.114; 1960, c.84, s.8; R.S.S. 1965, c.284, s.115.

Duty of purchaser of business, industry, stock or equipment

116 (1) In the event of the sale of any business or any industry to which this Act applies, or of the stock or equipment in bulk used in connection with such business or industry, the purchaser shall, before paying to the vendor the purchase price or any part thereof or giving him any security therefor, demand and secure from the vendor, and it shall be the duty of the vendor to furnish to the purchaser, a certificate by the board that it has no claim in respect of the business or industry or stock or equipment in bulk.

(2) If the vendor has not furnished such certificate, the purchaser of the business or industry or stock or equipment shall be liable to the board in and indebted to it for a sum equal to the moneys due it by the vendor.

1955, c.64, s.115; R.S.S. 1965, c.284, s.116.
Collection of assessment through municipal collectors

117(1) If an assessment or a special assessment, or any part of it, remains unpaid for thirty days after it has become payable, the board, in lieu of or in addition to proceedings as provided by section 115, may issue its certificate stating the name and residence of the defaulting employer, the amount unpaid on the assessment, and the establishment in respect of which it is payable, and, upon the delivery of the certificate to the clerk of the municipality in which the establishment is situated, he shall cause the amount so remaining unpaid as stated in the certificate to be entered upon the collector’s roll as if it were taxes due by the defaulting employer in respect of the establishment, and it shall be collected in like manner as taxes are levied and collected and the amount when collected shall be paid over by the collector to the board.

(2) The collector shall be entitled to add five per cent thereof to the amount to be collected and to retain that percentage for his services in making the collection.

1955, c.64, s.116; R.S.S. 1965, c.284, s.117.

Industries established after assessment made

118(1) Where an industry coming within any of the classes for the time being included in schedule I is established or commenced after an assessment has been made, the employer shall forthwith notify the board of the fact and furnish to the board an estimate of the probable amount of his pay roll for the remainder of the year, certified to be true, correct and complete in every respect, and shall pay to the board a sum equal to that for which he would have been liable if his industry had been established or commenced before the assessment was made or so much thereof as the board may deem reasonable.

(2) The board shall have the like powers and be entitled to the like remedies for enforcing payment of the sum payable by the employer under subsection (1) as it possesses or is entitled to in respect of assessments.

(3) For default in complying with subsection (1) the employer shall incur the like fine and liability as are provided with respect to defaults by section 95.

1955, c.64, s.117; 1962, c.45, s.14; R.S.S. 1965, c.284, s.118.

Industry temporarily carried on

119(1) Where an employer engages in any of the industries for the time being included in schedule I and has not been assessed in respect of it, the board, if it is of opinion that the industry is to be carried on only temporarily, may order the employer to pay or to give security for the payment to the board of a sum sufficient to pay the assessment for which the employer would have been liable if the industry had been in existence when the next preceding assessment was made.

(2) The board shall have the like powers and be entitled to the like remedies for enforcing payment of any such sum as it possesses or is entitled to in respect of assessments.

(3) An employer who makes default in complying with an order made under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding $200 and an additional fine not exceeding $20 per day for every day on which the default continues.

1955, c.64, s.118; R.S.S. 1965, c.284, s.119.
Liability of owner under The Mechanics’ Lien Act

120 In the case of a work or service performed by an employer in any of the industries for the time being included in schedule I for which the employer would be entitled to a lien under The Mechanics’ Lien Act, the owner, as defined by that Act, shall see that any sum that the employer is liable to contribute to the accident fund is paid, and if any such owner fails to do so he shall be personally liable to pay it to the board, and the board shall have the like powers and be entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of an assessment.

1955, c.64, s.119; R.S.S. 1965, c.284, s.120.

PRIORITIES

Priority of assessments and compensation in distribution of assets

121(1) There shall be included among the debts that, under the Bankruptcy Act (Canada), The Trustee Act and The Companies Winding Up Act, are, in the distribution of the property in the case of an assignment or receiving order or death or in the distribution of the assets of a company being wound up, to be paid under the said Acts respectively in priority to all other debts, the amount of any assessment or compensation the liability wherefor accrued before the date of the assignment or death or before the date of the commencement of the winding up, and the said Acts shall have effect accordingly.

(2) When the compensation is a periodical payment, the liability in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum, to be detained by the board, for which the periodical payments may be commuted.

(3) Priority in respect of any individual claim for compensation shall not exceed $500.

1955, c.64, s.120; R.S.S. 1965, c.284, s.121.

PART VI

Accident Prevention

Powers of board

122(1) The board shall have power:

(a) to investigate employments and places of employment within the province, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all employments or places of employment;

(b) to determine what suitable devices or other reasonable means or requirements for the prevention of industrial diseases shall be adopted or followed in any or all employments or places of employment;

(c) to make regulations, whether of general or special application and which may apply to both employers and workmen, for the prevention of accidents and the prevention of industrial diseases in employments or places of employment;
(d) to establish and maintain museums in which shall be exhibited safety devices, safeguards and other means and methods for the protection of the life, health and safety of workmen, and to publish and distribute bulletins on any phase of the subject of accident prevention;

(e) to cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of employers and their workmen and the general public with regard to the causes and prevention of industrial accidents, industrial diseases and related subjects;

(f) to appoint advisory committees, on which employers and workmen shall be represented, to assist the board in establishing reasonable standards of safety in employments and to recommend regulations;

(g) to take such measures and make such expenditures as the board deems necessary or expedient for the prevention of accidents to workmen.

(2) Before making any regulation under clause (c) of subsection (1) the board may hold a conference with a committee of not more than five employers representative of the industries that would be affected by the regulation and a committee of an equal number of workmen engaged in the said industries, to consider the advisability of adopting such regulation.

1955, c.64, s.121; 1957, c.72, s.3; R.S.S. 1965, c.284, s.122.

Inspection of premises

123 (1) Any member of the board or other person authorized by it for the purpose may at all reasonable hours enter into the establishment of an employer who is liable to contribute to the accident fund and the premises connected with it, and every part of them, for the purpose of ascertaining whether the ways, works, machinery or appliances therein are safe, adequate and sufficient, and whether all proper precautions are taken for the prevention of accidents to the workmen employed in or about the establishment or premises and whether the safety appliances or safeguards prescribed by law are used and employed therein, or for any other purpose that the board may deem necessary, including the purpose of determining the proportion in which the employer should contribute to the accident fund.

(2) Every person who obstructs or interferes with any person in the exercise of the rights conferred by subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding $500.

1955, c.64, s.122; R.S.S. 1965, c.284, s.123.

Power of board to order installation of safety devices

124 Where in any employment or place of employment safety devices or appliances are in the opinion of the board necessary for the prevention of accidents or of industrial diseases, the board may order the installation or adoption of such devices and appliances, and may fix a reasonable time within which they shall be installed or adopted, and the board shall give notice thereof to the employer.

1955, c.64, s.123; R.S.S. 1965, c.284, s.124.
Power of board to order industry closed down

125(1) Where safety devices or appliances are, by order of the board under section 124, required to be installed or adopted, or are prescribed by the regulations, and the employer fails to install and adopt such safety devices or appliances in any employment or place of employment in accordance with the terms of the order or regulations and to the satisfaction of the board, or where under the circumstances the board is of the opinion that conditions of immediate danger exist in any employment or place of employment that would otherwise be likely to result in loss of life or serious injury to the workmen employed therein, the board may, in its discretion, order the employer to close down forthwith the whole or any part of such employment or place of employment and the industry carried on therein and the board shall notify the employer of the order.

(2) Every employer who fails to comply with an order made by the board under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding $500, and each day's continuance of the failure shall constitute a new and distinct offence.

1955, c.64, s.124; R.S.S. 1965, c.284, s.125.

Leave required for operation of plan which has been closed down

126(1) No employer shall, for the purpose of any industry within the scope of this Act, commence the operation which of or operate or carry on any mine, plant or establishment that has not been in operation for the period of seven months last preceding, and in which power-driven machinery is used, until leave therefor is obtained from the board as provided in this section.

(2) Application for leave shall be made to the board in writing, signed by the employer, and stating that the plant or establishment is ready for operation. Upon receipt of the application, a member of the board, or any other person appointed by the board, shall make an inspection of the plant or establishment and, if on such inspection the plant or establishment is found to be reasonably free from danger to persons employed therein, the board shall grant leave for the operation of the plant or establishment. Pending inspection, the board may, by a temporary permit, grant leave to the employer for the operation of the plant or establishment.

(3) Every person who operates or carries on any plant or establishment in contravention of this section is guilty of an offence and liable on summary conviction to a fine of not less than $50 nor more than $200 for each day on which the plant or establishment is so operated or carried on.

1955, c.64, s.125; R.S.S. 1965, c.284, s.126.

Power to form associations of employers and workmen

127(1) The employers and workmen in any of the classes for the time being included in schedule I may form themselves into an association for accident prevention and may make rules for that purpose.

Rules of associations if approved to be binding on the members

(2) If the board is of opinion that an association so formed if approved sufficiently represents the employers and workmen in the to be binding on the industries included in the class, the board may approve such rules, and when approved by the board and by the Lieutenant Governor in Council they shall be binding on all the employers and workmen in industries included in the class.
Payment of salary of inspector or expert out of accident fund

(3) Where an association under the authority of its rules as approved by the board appoints an inspector, engineer or expert for the purpose of accident prevention, the board may pay the whole or any part of the salary or remuneration of the inspector, engineer or expert out of the accident fund or out of that part of it that it is at the credit of any one or more of the classes as the board deems just.

Grant to expenses of association

(4) The board may, in any case where it deems proper, make a grant toward the expenses of any such association.

Grant added to assessment

(5) Any money paid by the board under this section shall be charged against the class represented by such association and levied as part of the assessment against that class.

“Class”

(6) In this section “class” includes subclass or such part of a class, or such number of classes or parts of classes, in schedule I as may be approved by the board.

1955, c.64, s.126; R.S.S. 1965, c.284, s.127.

PART VII

Review of Act

Committees of review

128(1) The Lieutenant Governor in Council shall at least once every four years appoint a committee, consisting of five or more members as may be determined by the Lieutenant Governor in Council, to review and report upon all matters concerning this Act, the regulations made thereunder and the administration thereof which may be specified by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint the members of the committee, shall designate one of the members as chairman and one as acting chairman and shall specify the number of members which shall constitute a quorum.

(3) The membership of the committee shall include equal representation of employers and organized employees.

(4) The members of the committee, other than those whose full time is at the disposal of the Government, shall be paid such compensation for their services and expenses as may be determined by the Lieutenant Governor in Council, and the Minister of Labour shall provide such technical, clerical and other assistance as the committee may require.

(5) The compensation and expenses of the members of the committee and the cost of technical, clerical and other assistance provided by the Minister of Labour shall be paid by the board out of the accident fund.

(6) The chairman or in his absence the acting chairman shall have the powers of a commissioner under The Public Inquiries Act and the committee may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it deems fit and proper.

1955, c.64, s.127; 1958, c.83, s.1; R.S.S. 1965, c.284, s.128.
PART VIII

Regulations

Powers of board

129(1) Subject to the approval of the Lieutenant Governor in Council, the board may make such regulations as may be deemed expedient for carrying out the provisions of this Act, and to meet cases not specially provided for by this Act.

(2) It may be declared by such regulations that any disease not mentioned in schedule II is an industrial disease.

1955, c.64, s.128; R.S.S. 1965, c.284, s.129.

Publication and effective date of regulations

130 Every regulation made pursuant to section 129 shall be published in the *Gazette* and shall have force and effect on and after the date of such publication or on and after the date specified for the purpose in the regulation or in the order in council approving the regulation.

1955, c.64, s.129; R.S.S. 1965, c.284, s.130.

PART IX

Regulations

Expenses of administration

131 The expenses of administration of this Act, including salaries and other remuneration, shall be payable out of the accident fund.

1955, c.64, s.130; R.S.S. 1965, c.284, s.131.

Enforcement of orders of board

132 Any order of the board for the payment of money made under the authority of this Act, or a copy of such order certified by the executive secretary to be a true copy, may be filed at any judicial centre with the local registrar of the Court of Queen’s Bench or with the local clerk of the district court and when so filed shall become an order of that court and may be enforced as a judgment of the court.

1955, c.64, s.131; 1960, c.84, s.9; R.S.S. 1965, c.284, s.132.

Fees of court officials

133 For the duties performed by him in connection with the filing of an order or certificate of the board pursuant to this Act, such local registrar or local clerk shall be entitled to a fee of $1, and, notwithstanding any other provision or rule, any proceeding provided for by this Act may be carried on by the board by post without the necessity of personal attendance at any office.

1955, c.64, s.132; 1960, c.84, s.10; R.S.S. 1965, c.284, s.133.
Information obtained not to be divulged

134(1) No officer of the board and no person authorized to make an inspection or inquiry under this Act shall divulge or allow to be divulged, except in the performance of his duties or under the authority of the board, any information obtained by him or that has come to his knowledge in making or in connection with an inspection or inquiry under this Act.

(2) Every person who contravenes any of the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding $50.

1955, c.64, s.133; R.S.S. 1965, c.284, s.134.

Officers of board authorized to take declarations

135 Every member of the board and other person authorized by it to make an inspection or inquiry under this Act shall have power and authority to require and take affidavits, affirmations or declarations as to any matter of the inspection or inquiry and to take statutory declarations required under this Act, and in all such cases to administer oaths, affirmations and declarations and certify them as having been made.

1955, c.64, s.134; R.S.S. 1965, c.284, s.135.

Certificate of secretary as evidence

136 Every copy of or extract from an entry in a book or record of the board, and of any document filed with the board, certified by the executive secretary of the board to be a true copy or extract, shall be received in any court as prima facie evidence of the matter so certified without proof of the executive secretary's appointment, authority or signature.

1955, c.64, s.135; 1960, c.84, s.11; R.S.S. 1965, c.284, s.136.

Audit of accounts

137 The accounts of the board shall be audited by the Provincial Auditor or by an auditor appointed by the Lieutenant Governor in Council for that purpose, and the salary or remuneration of the auditor shall be paid by the board.

1955, c.64, s.136; R.S.S. 1965, c.284, s.137.

Annual report

138(1) The board shall, on or before the last day of February in each year, make a report to the Lieutenant Governor of its transactions during the next preceding calendar year, and such report shall contain such particulars as the Lieutenant Governor in Council may prescribe.

(2) Every report shall be forthwith laid before the Legislative Assembly if then in session and, if it is not then in session, within fifteen days after the opening of the next session.

1955, c.64, s.137; R.S.S. 1965, c.284, s.138.
Office accommodation

Subject to the approval of the Lieutenant Governor in Council, the board may lease or purchase real property and construct or alter buildings required for the offices of the board, and where, in order to obtain office accommodation, the board finds it necessary to lease or purchase real property having more accommodation than is necessary for its offices, the board may, subject to such approval, lease or purchase such property and lease or otherwise dispose of the surplus accommodation.

Penalties

Every person who contravenes any regulation, or any rule of an association formed as provided by section 127 which has been approved and ratified as provided by that section, is for every contravention guilty of an offence and liable on summary conviction to a fine not exceeding $50, but no prosecution for such contravention shall be taken without leave of the board.

Recovery and application of penalties

The penalties imposed by or under the authority of this Act shall be recoverable upon summary conviction, and when collected shall be paid over to the board and shall form part of the accident fund.

Additional duties of board

The board shall, in addition to administering this Act, perform such other duties as may be assigned to it by the Lieutenant Governor in Council.

Application of existing law to certain employers, etc.

In all industries, employers and workmen and their dependants, not included in this Act or excluded by order of the board from the operation of this Act, shall have the same rights and obligations, with respect to compensation for injuries to workmen, both at common law and under The Workmen’s Compensation Act, as if this Act had not been passed.

Subject to subsection (1), all rights of action against employers for injuries to workmen, either at common law or under The Workmen’s Compensation Act, are hereby abolished.

SCHEDULE I

(Sections 3 and 90)

CLASS I

Group 0  Canadian Pacific Railway  Canadian Pacific Express Company
Arrow Airways Limited. Canadian Airways Limited.
Wings Limited.

CLASS 2

Group 0 The Grand Truck Pacific Railway Company. The Canadian Northern Railway Company.
The Canadian National Telegraph Company. Trans Canada Airlines.

CLASS 3

Group 0 The Crown in right of Saskatchewan.

CLASS 4

Group 0 The Crown in right of Canada.

CLASS 5

Group 0 The City of Regina.
Group 1 The City of Saskatoon.
Group 2 The City of Moose Jaw.
Group 3 Hospitals, nursing homes, rest homes, homes for care of the aged, sick, disabled or indigent; Children's Aid Societies, undertaking, funeral directing and ambulance service, business offices N.O.S. (by application).

CLASS 6

Group 0 The Cities of Prince Albert, Weyburn, Swift Current, North Battleford and Yorkton.
Group 1 All towns and villages.
Group 2 All rural municipalities.
Group 3 All school boards.
Group 4 All public utilities commissions or boards and any other commission or board having management and conduct of any work or service owned by or operated for a municipal corporation or a board of school trustees, or by or for the Province of Saskatchewan.
c. 284  WORKMEN'S COMPENSATION  
(ACCIDENT FUND)

CLASS 7

Group 0  Forest operations which shall include lumbering, logging, river driving, rafting, booming, the operation of sawmills, shingle mills, planing mills, and lath mills, cutting, hewing or manufacture of ties, pulpwood, boxwood, fuelwood, powerline poles, telephone poles, fence posts, and 10r logs, props and all forest operations similar to and incidental thereto.

Group 1  Pulp mills, pulp and paper mills and paper mills.

CLASS 8

Group 0  Sash and door factories and delivery of lumber carried on in connection therewith; builders' supplies, manufacture of furniture, interior woodwork, canoes, small boats, coffins, mattresses, bedsprings, cabinet work, organs, piano actions, pianos, wickerware, rattan ware, artificial limbs, cork amicles, cork-carpets, linoleum, upholstering, picture framing, wood and corrugated paper boxes, cheese boxes, mouldings, window and door screens, window shades, wooden toys, articles and wares or baskets, matches, shade rollers, cooperage not including the making of staves or headings (which is included in Class 7, Group 0).

Group 2  Retail lumber yards (no mill or factory in connection).

CLASS 9

Group 0  Mining—coal.

Group 1  Mining—(other than coal) reduction of ore, smelting, preparation of metals or minerals.

Group 3  Boring and drilling (including sinking of artesian wells) except when done by an employer coming under Class 10, Groups 0, 1 and 2 of this schedule.

Group 4  Many facture of calcium carbide, carborundum or alundum.

CLASS 10

Group 0  Sand, shale, clay or gravel pits, quarries and stone crushing.

Group 1  Marble works, stone cutting or dressing and manufacture of paving or concrete blocks.

Group 2  Manufacture of brick, tile, terra cotta, fire proofing, sewer pipe, roof tile, plaster blocks or boards, slate and artificial stone, lime kilns and manufacture of cement (no quarry), glass, glass products, glassware, porcelain or pottery.
CLASS 11

Group 0 Iron, steel or metal foundries, rolling mills, manufacture of castings large and small, forgings large and small, engines, locomotives, machinery, safes, anchors, cables, rails, shaftings, wires, tubing pipes, shot, sheet metal, boilers, furnaces, stoves, structural steel, iron or metal, dry batteries for auto and lighting plants, blacksmith and machine shops, manufacture of threshing machines, traction engines and windmills, manufacture of agricultural implements, wagons, carriages, sleighs and vehicles.

Group 1 Metal wares, utensils and articles, hardware, nails, wire goods, screens, bolts, metal beds, sanitary water, gas or electric fixtures, light machines, typewriters, cash registers, adding machines, carriage mountings, bicycles, metal toys, tools, cutlery, instruments, small sheet metal products, buttons of metal, ivory, pearl or horn, cameras, sporting goods, firearms, ivory articles, rubber stamps, pads, or stencils, manufacture of toy wagons, toy sleighs, baby carriages, gold and silver ware, plateware, watches, watch cases, clocks, jewellery or musical instruments, sales and service of radio and household appliances, dental laboratories.

Group 3 Car shops, auto garages, including sale of gas and storage of cars, tire repairing and vulcanizing, the operation of battery service stations. Manufacture and assembly of automobiles and motor trucks, auto body shops. Manufacture, overhaul, and repair of aeroplanes and hydroplanes, including test flying (by application).

Group 5 Wholesale and retail implement dealers.

CLASS 12

Group 0 Manufacture of gasoline, petroleum products, gas and charcoal. Maintenance and operation of oil pipe lines.

Group 2 Manufacture of artificial ice, including handling and delivery and cutting, storing, handling and delivery of natural ice.

Group 3 Manufacture of wood alcohol, celluloid articles, manufacture, transmission and distribution of natural or artificial gas and operations connected therewith, manufacture of chemicals, corrosive acids, salts, ammonia.

Group 4 Manufacture of fireworks, gun powder, ammunition, nitroglycerine, dynamite, gun cotton or other high explosives.

Group 5 Manufacture of paint, colour, varnish, oil, japans, turpentine, printing ink, printers' rollers, tar, tarred, pitched or asphalted paper, non-hazardous chemicals, drugs, medicines, dyes, extracts, pharmaceutical or toilet preparations, soaps, candles, perfumes, non-corrosive acids, or chemical preparations; shoe blacking or polish, yeast, baking powder or mucilage.

CLASS 13

Group 0 Distilleries, breweries, bottling works, manufacture of spirituous or malt liquors, malt, alcohol, wine, vinegar, cider, mineral water, soda water or methylated spirits. Canning or preparation of fruit, vegetables, fish or foodstuffs, pickle factories.

Group 1 Sugar refineries.
Group 2  Tanneries.
Group 4  Manufacture of tobacco, cigars, cigarettes or tobacco products.
Group 5  Warehousing of products under Groups 0-4 or warehousing N.O.S.

CLASS 14

Group 0  Milling, manufacture of cereals or cattle foods.
Group 1  Operation of grain elevators, line, terminal or hospital, and any other elevators, warehousing or handling of grain.

CLASS 15

Group 0  Manufacture or preparation and wholesale distribution of meats or meat products, packing homes, abattoirs, cold storage warehouses, manufacture of fertilizers, glue, and all work incidental thereto (not incidental to any other industry); and the operation of stock yard with railway entry.

CLASS 16

Group 0  Manufacture of dairy products, butter, dicese, condensed milk or cream, biscuits, confectionery, spices, condiments.
Group 1  Salt, no mining or well sinking, starch, any kind of glucose.
Group 2  Bakeries.
Group 3  Hotels and restaurants.

CLASS 17

Group 0  Manufacture of leather goods and products, belting, whips, saddlery, harness, trunks, valises, trusses, boots, shoes, gloves, umbrellas, rubber goods, rubber shoes, tubing, tires or hose, textiles or fabrics, spinning, weaving, knitting manufactories, yarn, thread, hosiery, cloth, blankets, carpets, canvas bag, felt, haircloth, other hair goods, and articles not otherwise specified made from fabrics or cordage, manufacture of men’s and women’s clothing, whitewear, shirts, collars, corsets, hats, caps, furs, robes, feathers, artificial flowers, printing, photo engraving, lithographing, bookbinding, embossing. Manufacture of stationery, paper, cardboard boxes, bags, wallpaper or papier-mache. Commercial photography.
Group 1  Power laundries (with guards), dyeing, cleaning, bleaching (rate for power laundries without guards). Operation of flax mills, manufacture of cordage, ropes, fibre, brooms, brushes, asbestos goods, work in manilla or hemp, manufacture of awnings and tents, including erection thereof.
CLASS 18

Group 0  Heavy teaming or cartage, safe moving or moving of boilers, heavy machinery, building stone and the like, all other teaming and cartage not otherwise specified and including the hauling for hire by means of any vehicle howsoever drawn or propelled of any commodity or material, scavenging, street cleaning or removal of snow or ice, fuel dealers, cool, wood, operation of coaling plants and stations; warehousing and storage.

Group I  Road making or repair of road with machinery, making and repairing of roads of all kinds not included elsewhere, including bridge approaches, manufacture of asphalt material and paving material.

Group 3  Operation of street railways operated by electric or other motive power, and the construction or operation of car-shops, machine shops, steam and power plants and other works for the purpose of any such railway or used or to be used in connection with it not included in Classes 1 and 2. The operation as an industry (otherwise than on tracks) on streets, highways or elsewhere of buses, cars, trucks, wagons or other vehicles and rollers and engines propelled by steam, gas, gasoline, electrical, mechanical or other power or drawn by horses or mules and not otherwise described.

Group 4  The operation of the business of an express company which operates on or in conjunction with a railway, or of sleeping, parlour or dining or boarding cars whether operated by the railway company or by an express, sleeping, dining, parlour or boarding car company not included in Class 1, Canadian Pacific Railway Company, or Class 2, Government railways.

Group 5  Wholesale establishments, wholesale distribution of newsprint and periodicals.

Group 6  Retail mercantile business, mail order houses, departmental stores, retail stores except where a retail store is included in another group as part of another industry, furriers, milliners, making up or repairing fabrics in any form of clothing, shoe and harness repairing.

Group 7  All co-operative purchasing associations and all wholesale distributors who are commission men or commission agents engaged in the distribution of gasoline, oils, greases and other petroleum products.

CLASS 19

Group 0  Steel building, all bridge construction, installation of fire escapes, erection of lightning rods, erection of windmills, sheet metal roofing (including painting on all such work), and all window cleaning (see Regulation 15 (q) as to window cleaning). Installation of oil derricks, refinery equipment (all operations) and other like structures.

Group 1  Installation of boilers, engines or heavy machinery.

Group 2  Plumbing, sanitary or heating engineering, gas and steamfitting, sheet metal work other than roofing, and plastering.
Group 3 Sewer construction (all work), tunnelling, shaft sinking, well digging, excavation work for cellars, foundations and canals, trenching for gas pipes, water pipes or wire conduits, and all other excavation work and all construction work, maintenance and operation of a waterworks system and house wrecking and moving, natural and artificial gas and oil pipeline construction, maintenance and repair.

Group 4 Painting, decorating or renovating, glazing: way from shop (except high structures).

Group 5 Operation of theatre, stage or moving pictures.

Group 6 General construction of grain elevators and of all buildings over three storeys and basement N.O.S. Installation of elevator, (passenger and freight).

Group 7 General construction N.O.S. bricklaying, masonwork, stonesetting, concrete work, carpentry, lathing, installation of pipe organs, erection of billboards and bill posting, roofing other than sheet metal.

Group 8 Elevator operators, passenger, or freight, the maintenance or operation of apartment blocks, office buildings, or buildings used for industrial or commercial purposes, educational institutions in all cities and towns, park board employees, cemetery employees.

CLASS 20

Group 0 Construction, installation or operation of electric power lines or appliances, power transmission lines, electric light systems, electric light works.

Group 1 Work under water, including diving and caisson work, and building of clams, dredging, pile driving and stevedoring.

Group 2 Electric wiring of building and installation of lighting fixtures, the construction, maintenance or repair of telephone lines, works, and systems, whether by a person, firm or corporation (other than a rural telephone company) or by the Government of Saskatchewan for the purpose of the business of a telephone company or enterprise, or used or to be used in connection with such business or enterprise, the construction, maintenance or repair of telegraph line and works for the purposes of the business of a telegraph company or used or to be used in connection with its business. (Telegraph and telephone operators expressly excluded.)

Group 2(a) The construction, maintenance or repair of telephone lines, works and systems by rural telephone companies.

Group 3 If not included elsewhere, any trade or business connected with the industries of lumbering, mining, quarrying, fishing, manufacturing, building, construction, engineering, transportation, operation of electric power lines, waterworks and other public utilities, navigation, operation of boats, ships, tugs and dredges, operation of grain elevators and warehouses, teaming, scavenging and street cleaning, painting, decorating and renovating, dyeing and cleaning or any occupation incidental thereto or immediately connected therewith, and any trade or business within the scope of Schedule 1 but not specifically enumerated herein, cinder removal on railway right of way, destruction of weeds by chemical process on railway right of way.

Group 4 Railroad construction. All operations except bridge building or the laying, relaying of tracks, or the construction of elevated railroads, and including drivers, chauffeurs and their helpers and all clerical help.
Group 5  Railroad construction. Laying and relaying of tracks, including the
placing of ties and other timbers and including ballasting, and including all drivers,
chauffeurs and their helpers and all clerical help.

Group 6  Construction of grain elevators or other buildings, erections or structures
not otherwise specified and classified where the construction is in the main of
concrete.

CLASS 21

Group 0  Saskatchewan Anti-Tuberculosis League.

Note.

By order of the board under subsection (I) of section 90 certain industries were
excluded from the operation of the Act. See Order in Council No. 1439/55, dated

Note.

Classes 5 and 21 of Schedule I were by order of the board under clause (a) of
subsection (1) of section 90 rearranged, effective on and after January 1, 1960, by
including Class 21 in Class 5, Group 3. See Order in Council No. 1835/59, dated

Note.

Surveyors and consulting engineers and their employees were added to Class 19,
Group 7, effective on and after January 1, 1960, by order of the board under clause
(c) of subsection (1) of section 90, See Order in Council No. 2051/59, dated December

SCHEDULE II

(Section 2 (h) and section 129 (2))

<table>
<thead>
<tr>
<th>Description of Disease</th>
<th>Description of Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthrax.</td>
<td>Handling of wool, hair, bristles, hides and skins.</td>
</tr>
<tr>
<td>Dermatitis (venenata).</td>
<td>Any process involving the use of or direct contact with any substance capable of causing dermatitis (venenata).</td>
</tr>
<tr>
<td>Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye due to tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of these substances.</td>
<td>Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound, products or residue of any of these substances.</td>
</tr>
<tr>
<td>Infected blisters.</td>
<td>Any process involving continuous friction, rubbing or vibration causing blisters or abrasions.</td>
</tr>
<tr>
<td>Description of Disease</td>
<td>Description of Process</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bursitis.</td>
<td>Any process involving continuous rubbing, pressure or vibration causing blisters or abrasions.</td>
</tr>
<tr>
<td>Tenosynovitis of the wrist.</td>
<td>Arising out of and in the course of the employment.</td>
</tr>
<tr>
<td>Vascular disturbances in the upper extremities due to continuous vibration from pneumatic or power drills, riveting machines or hammers.</td>
<td>Arising out of and in the course of the employment.</td>
</tr>
<tr>
<td>Conjunctivitis and retinitis due to electric or acetylene welding.</td>
<td>Arising out of and in the course of the employment.</td>
</tr>
<tr>
<td>Any disease or disability due to exposure to X-rays, radium or other radio-active substances.</td>
<td>Any process in the refining or handling of radium or other radio-active substances involving exposure to X-rays.</td>
</tr>
<tr>
<td>Ankylostomiasis.</td>
<td>Mining.</td>
</tr>
<tr>
<td>Miners’, stone workers’ or grinders’ phthisis.</td>
<td>Mining, quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal.</td>
</tr>
<tr>
<td>Pneumoconiosis, including silicosis.</td>
<td>Mining, quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal.</td>
</tr>
<tr>
<td>Respiratory, gastrointestinal or physiological nerve and eye disorders due to contact with petroleum products and their fumes.</td>
<td>Any process involving the use of or direct contact with petroleum or petroleum products and their fumes.</td>
</tr>
<tr>
<td>Ammonia poisoning or its sequelae.</td>
<td>Any process involving the use of ammonia or any preparation containing ammonia.</td>
</tr>
<tr>
<td>Arsenic poisoning or its sequelae.</td>
<td>Any process involving the use of arsenic or its preparations or compounds.</td>
</tr>
<tr>
<td>Benzol poisoning.</td>
<td>Any process involving the use of benzol or any preparation containing benzol.</td>
</tr>
<tr>
<td>Brass or zinc or nickel poisoning or its sequelae.</td>
<td>Any process involving the use of nickel or brass or melting or smelting of zinc.</td>
</tr>
<tr>
<td>Cadmium poisoning.</td>
<td>Any process involving the use of cadmium or its preparations or compounds.</td>
</tr>
<tr>
<td>Poisoning by carbon bisulphide or its sequelae.</td>
<td>Any process involving the use of carbon bisulphide or its preparations.</td>
</tr>
<tr>
<td>Carbon dioxide poisoning or its sequelae.</td>
<td>Any process involving the evolution of carbon dioxide</td>
</tr>
<tr>
<td>Carbon monoxide poisoning or its sequelae.</td>
<td>Any process involving the evolution of carbon monoxide.</td>
</tr>
<tr>
<td>Description of Disease</td>
<td>Description of Process</td>
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<tr>
<td>------------------------</td>
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</tr>
<tr>
<td>Poisoning by chlorine.</td>
<td>Any process involving the use or evolution of chlorine gas.</td>
</tr>
<tr>
<td>Chrome poisoning.</td>
<td>Any process involving the use of chromium or its compounds.</td>
</tr>
<tr>
<td>Cyanide poisoning.</td>
<td>Any process involving the use of or direct contact with hydrogen cyanide or materials containing cyanide compounds.</td>
</tr>
<tr>
<td>Poisoning by formaldehyde and its preparations.</td>
<td>Any process involving the use of or direct contact with formaldehyde and its preparations.</td>
</tr>
<tr>
<td>Poisoning by halogenated hydrocarbons (carbon tetrachloride, trichlorethylene, terachlorethane, methyl bromide, chlorinated naphthalenes and others) or the sequelae.</td>
<td>Any process in the manufacture or involving the use of these substances.</td>
</tr>
<tr>
<td>Lead poisoning or its sequelae.</td>
<td>Any process involving the use of lead or its preparations or compounds.</td>
</tr>
<tr>
<td>Mercury poisoning or its sequelae.</td>
<td>Any process involving the use of mercury or its preparations or compounds.</td>
</tr>
<tr>
<td>Poisoning by nitro- and amino-derivatives of benzene, phenol and their homologues, (trinitrotoluene, dinitrophenol, anilin and others) or the sequelae.</td>
<td>Handling any nitro- or amino-derivatives of benzene or phenol or any of their homologues, or any process in the manufacture or involving the use thereof.</td>
</tr>
<tr>
<td>Poisoning by nitrous fumes or its sequelae.</td>
<td>Any process in which nitrous fumes are evolved.</td>
</tr>
<tr>
<td>Phosphorous poisoning or its sequelae.</td>
<td>Any process involving the use of phosphorous or its preparations or compounds.</td>
</tr>
<tr>
<td>Poisoning by sulphuric, hydrochloric or hydrofluoric acid.</td>
<td>Any process involving the use of or direct contact with sulphuric, hydrochloric or hydrofluoric acids or their fumes.</td>
</tr>
<tr>
<td>Poisoning by wood alcohol.</td>
<td>Any process involving the use of wood alcohol or any preparation containing wood alcohol.</td>
</tr>
<tr>
<td>Poisoning due to any volatile solvent.</td>
<td>Any process involving the use of a volatile solvent in the assembling or repairing of motor vehicles, the making of paints, paint removers or waterproof fabrics, printing, dry cleaning, welding or gasoline blending.</td>
</tr>
<tr>
<td>Compressed air illness or caisson disease.</td>
<td>Any process carried on in compressed air.</td>
</tr>
<tr>
<td>Description of Disease</td>
<td>Description of Process</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bovine tuberculosis.</td>
<td>Care or handling of any animal suffering from tuberculosis or the carcass of any such animal. Any laboratory work in connection with the disease.</td>
</tr>
<tr>
<td>Brucellosis.</td>
<td>Care or handling of any animal suffering from brucellosis or the carcass of any such animal. Any laboratory work in connection with the disease.</td>
</tr>
<tr>
<td>Newcastle Disease.</td>
<td>Care or handling of any poultry suffering from Newcastle Disease or the carcass of any such poultry. Any laboratory work in connection with the disease.</td>
</tr>
<tr>
<td>Infectious hepatitis.</td>
<td>Arising out of and in the course of giving direct care to infected patients.</td>
</tr>
<tr>
<td>Beta haemolytic streptococcal infection.</td>
<td>Throat or skin infections arising out of and in the course of giving direct care to infected patients or in the preparation and study of cultures.</td>
</tr>
<tr>
<td>Staphlococcus aureus infections.</td>
<td>Throat of skin infections arising out of and in the course of giving direct care to infected patients or in the preparation and study of cultures.</td>
</tr>
</tbody>
</table>