The Workers’ Compensation Act

being

Chapter W-17 of The Revised Statutes of Saskatchewan, 1978 (effective February 26, 1979).

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 W-17
An Act to provide for Compensation for Workers for injuries sustained in the course of their Employment

Short title
1 This Act may be cited as The Workers’ Compensation Act.
R.S.S. 1978, c.W-17, s.1.

INTERPRETATION

Interpretation
2 In this Act:

“accident”
(a) “accident” includes:
(i) a wilful and intentional act, not being the act of the worker;
(ii) a chance event occasioned by a physical or natural cause; and
(iii) disablement arising out of and in the course of the employment, and, where the disablement is caused by disease, the date of the accident shall be deemed to be the date of the disablement;

“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 Workers’ Compensation Board;

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

“dependants”
(e) “dependants” means members of the family of a worker wholly or partly dependent upon his or her earnings at the time of his or her death or injury 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 worker 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 insofar 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 worker are temporarily let or hired to another person by the person with whom the worker has entered into such a contract, the latter shall be deemed to continue to be the employer of the worker while he is working for that other person;
“employment”

(g) “employment” includes employment in an industry or any part, branch or department of an industry, irrespective of whether the worker'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 a person physically or mentally restricted in his ability to earn a livelihood;

“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;

“maximum wage rate”

(m) “maximum wage rate” means $8,400 per annum up to and including the 30th of June, 1974, and on and after the first day of July, 1974, means $10,000 per annum or whatever amount the board may order pursuant to section 39;

“medical aid”

(n) “medical aid” means the medical and surgical aid and hospital and skilled nursing services and chiropractic and other treatment and artifical member or members and apparatus, and the repair, maintenance and renewal mentioned in subsection (1) of section 87, and includes expenses of transportation and sustenance furnished by the board to an injured worker;

“medical referee”

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

“member of the family”

(p) “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 worker or to whom the worker stood in loco parentis, whether related to him by consanguinity or not so related and, where the worker is the parent or grandparent of an illegitimate child, includes that child and, where the worker is an illegitimate child, includes his parents and grandparents;

“outworker”

(q) “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”
(r) “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”
(s) “teaming” includes all kinds of work done by workers with teams, carts, including hand carts, drays, trucks, cabs, carriages, automobiles and other vehicles;

“worker”
(t) “worker” 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 includes a learner, a member of a municipal volunteer fire brigade and, after the first day of January, 1975, an executive officer of a corporate or other employer, where the executive officer is carried on the pay roll and includes any other person not otherwise coming within this definition who under this Act or under any direction or order of the board is deemed to be a worker; but does not include a school teacher.

1973-74, c.127, s.2; 1974-75, c.49, s.15; R.S.S. 1978, c.W-17, s.2.

PART I
Scope
APPLICATION OF ACT

Certain industries

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

1973-74, c.127, s.3; R.S.S. 1978, c.W-17, s.3.

Municipal corporations, etc.

4 The exercise and performance of the powers and 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;
(e) The University of Saskatchewan;
(f) the Wascana Centre Authority;
(g) a community college board;
(h) The University of Regina;

shall for the purposes of this Act be deemed the trade or business of the corporation, commission, board, school board, university, community college board or Authority and an industry.

1973-74, c.127, s.4; 1976-77, c.102, s.2; R.S.S. 1978, c.W-17, s.4.

Rural municipalities, etc.

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

(2) The reeve, councillors and secretary treasurer of a rural municipality shall for the purposes of this Act be deemed employees of the municipality.

(3) The members of a district committee of a local improvement district shall for the purposes of this Act be deemed employees of the Minister of Municipal Affairs.

(4) The annual earnings of any reeve, councillor or member of a district committee shall for the purposes of this Act be deemed to be such amount as may be determined by the Lieutenant Governor in Council.

(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.

1973-74, c.127, s.5; R.S.S. 1978, c.W-17, s.5.

Certain officers of urban municipalities, corporations, etc., may be brought under Act

6(1) The council of a city, town or village or the governing body of a corporation, organization or association, the powers and duties of which are exercised and performed for the benefit of the public and not for any private profit, may apply to the board to have the mayor and the other members of the council of the city, town or village or the members of the governing body of the corporation, organization or association, as the case may be, brought within the scope of this Act.

(2) The board may, after consideration of an application under subsection (1), by order bring the members of the council or the members of the governing body of the corporation, organization or association, as the case may be, within the scope of this Act.

(3) Where the board makes an order under subsection (2), the mayor and other members of the council or the members of the governing body, as the case may be, in respect of whom the application under subsection (1) was made shall, for the purposes of this Act, be deemed to be the workers of the applicant while the members are engaged in the carrying out of their duties and the applicant shall, for the same purposes, be deemed to be their employer.

1973-74, c.127, s.6; R.S.S. 1978, c.W-17, s.6.
(4) The board may at any time revoke an order made under subsection (2) and where the board does so the applicant and the persons in respect of whom the order was made cease to be within the scope of this Act from the date the revocation was made or on such later date as the board may specify in the order of revocation.

(5) Where the board revokes an order made under subsection (2), it shall send notice of the revocation by registered mail to the applicant who obtained the order.

(6) The annual earnings of the mayor and other members of the council of any municipality brought within the scope of this Act and of the members of the governing body of any other corporation, organization or association brought within the scope of this Act shall for the purposes of this Act be deemed to be such amount as may be determined by the Lieutenant Governor in Council.

1973-74, c.127, s.6; R.S.S. 1978, c.W-17, s.6.

Certain contractors

7(1) In this section “equipment” includes trucks, bulldozers, draglines and power-shovels 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;
(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 worker 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 by 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.

1973-74, c.127, s.7; R.S.S. 1978, c.W-17, s.7.

NON-APPLICATION OF ACT

Casual nature, etc.

8 Subject to any order under section 9 or 10, this Act does not apply to the following:

(i) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer’s trade or business;
EXTENSION OF ACT

When industry may be brought within scope of Act
9 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 on and from 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.

1973-74, c.127, s.9; R.S.S. 1978, c.W-17, s.9.

Admission on Application
10(1) Subject to subsection (2) an industry or worker not within the scope of this Act may, upon the application of the employer, 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 that industry or worker shall be deemed to be within the scope of this Act.

(2) Where a union represents the worker or workers in the industry mentioned in subsection (1), the employer shall submit such application only with the consent of the union.

1973-74, c.127, s.10; R.S.S. 1978, c.W-17, s.10.

PART II

The Workers' Compensation Board

CONSTITUTION

Board continued
11(1) The Workers' Compensation Board, consisting of three members to be appointed by the Lieutenant Governor in Council, is continued a body corporate.

(2) The board shall administer this Act.

1973-74, c.127, s.11; R.S.S. 1978, c.W-17, 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.

1973-74, c.127, s.12; R.S.S. 1978, c.W-17, 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.

1973-74, c.127, s.13; R.S.S. 1978, c.W-17, s.13.

Presumption where member has acted

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.


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.

1973-74, c.127, s.15; R.S.S. 1978, c.W-17, s.15.

Reappointment

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

1973-74, c.127, s.16; R.S.S. 1978, c.W-17, s.16.

Chairman to devote whole time to duties

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

1973-74, c.127, s.17; R.S.S. 1978, c.W-17, s.17.

Salaries of members

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

1973-74, c.127, s.18; R.S.S. 1978, c.W-17, s.18.

Quorum

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

1973-74, c.127, s.19; R.S.S. 1978, c.W-17, s.19.
Vacancy does not impair authority to act

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

1973-74, c.127, s.20; R.S.S. 1978, c.W-17, 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.

1973-74, c.127, s.21; R.S.S. 1978, c.W-17, s.21.

Head office, etc.

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 considers most convenient for the proper conduct of its business and affairs.

1973-74, c.127, s.22; R.S.S. 1978, c.W-17, s.22.

Appointment of officers

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 considers 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.

1973-74, c.127, s.23; R.S.S. 1978, c.W-17, s.23.

JURISDICTION

Jurisdiction of board

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), the exclusive jurisdiction of
     the board 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) 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 worker;
(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 worker 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.

1973-74, c.127, s.24; R.S.S. 1978, c.W-17, 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.

1973-74, c.127, s.25; R.S.S. 1978, c.W-17, 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.


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 follow strict legal precedent.

1973-74, c.127, s.27; R.S.S. 1978, c.W-17, s.27.
Decision of board final

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

1973-74, c.127, s.28; R.S.S. 1978, c.W-17, s.28.

Immunity

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.

1973-74, c.127, s.29; R.S.S. 1978, c.W-17, s.29.

Board may act upon report of officers

30(1) The board may act upon the report of any of its officers, and any inquiry that the board considers 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.

1973-74, c.127, s.30; R.S.S. 1978, c.W-17, s.30.

PART III

Compensation

PERSONS ENTITLED TO COMPENSATION

Workers

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 worker, 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 worker is found dead at a place where the worker 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 worker 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 worker longer than the day of the accident, no compensation other than medical aid shall be paid, but if the injury disables the worker 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 worker 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.

1973-74, c.127, s.31; R.S.S. 1978, c.W-17, s.31.

Employment within and without the province

32 Subject to the provisions of an agreement entered into under section 59, where:

(a) a worker is a resident of Saskatchewan or the usual place of his employment is in Saskatchewan and the nature of his employment requires the performance of his work both within and outside of Saskatchewan; and

(b) the worker is injured by an accident that occurs while he is performing work outside of Saskatchewan;

the worker or his dependants are entitled to be paid compensation under this Act in the same manner and to the same extent as if the accident had occurred in Saskatchewan.

1973-74, c.127, s.32; R.S.S. 1978, c.W-17, s.32.

Election by worker where compensation payable under foreign law

33(1) Subject to any arrangements made under section 59, where, by the law of the country or place in which the accident occurs, the worker 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 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.

1973-74, c.127, s.33; R.S.S. 1978, c.W-17, 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 worker 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 considers proper and may pay the compensation or sum out of the accident fund.

1973-74, c.127, s.34; R.S.S. 1978, c.W-17, s.34.
Where worker entitled to action against person other than employer, action may be brought

35(1) Where an accident happens to a worker in the course of the worker’s employment under such circumstances as entitle the worker or the worker’s dependants to a legal action against some person other than the employer of the worker, the worker, or the worker’s dependants if entitled to compensation under this Act shall receive such compensation and may bring such legal action.

(2) Where a worker, or the dependants of a worker, who is or are entitled to compensation as a result of an accident happening to a worker, receives compensation under this Act in respect of the accident, the board shall, upon making or assuming liability for the payment of compensation under this Act, be deemed an assignee and be subrogated to any and all rights of recovery of the person to or in respect of whom or for whose benefit the payment of compensation is made or the liability therefore is incurred to the extent of the compensation payable in respect of the accident and may:

(a) bring a separate action in its own name to recover the amount of the compensation payable; or

(b) join with the person to or in respect of whom or for whose benefit the compensation is payable to bring one action in the name of that person for recovery of the damages resulting from the injury or death.

(3) When an action is brought and compensation is claimed, any sum recovered in the action shall be applied firstly to defray the costs of the action, secondly to defray the costs of the board for the payment of the compensation to which the claimant is entitled under this Act and the excess, if any, shall be payable to the worker or to the worker’s dependants, as the case requires.

(4) Where a worker or dependant of a worker, intends to maintain an action, he shall give notice in writing of his intention to do so to the board, and where the board intends to maintain an action, it shall give notice in writing of its intention to do so to the worker or his dependant, as the case requires but in no case shall the failure to give notice as required by this subsection affect the claim as against the defendant.

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

1973-74, c.127, s.35; R.S.S. 1978, c.W-17, s.35.

Right of action taken away in certain cases

36 No employer in schedule I and no worker of an employer in schedule I and no dependant of such worker shall have a right of action against an employer in schedule I or against a worker 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 worker of an employer in any class in schedule I, is injured or killed owing to the negligence of an employer or a worker 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, and the board may enter the charging of the compensation in the individual accident cost record of the last mentioned employer which record may be established and kept by the board in such manner as the board considers advisable.

1973-74, c.127, s.36; R.S.S. 1978, c.W-17, s.36.
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Where employer carried on pay roll

37 Where an employer carries himself on his pay roll at a salary or wage that the board considers reasonable, but not exceeding the maximum wage rate, and it is stated in the pay roll statement furnished to the board under section 101 that it is desired that the employer shall be included as a worker and the amount of his salary or wages is shown in the statement and included in the estimate for the year, the employer shall be deemed to be a worker and he or his dependants shall be entitled to compensation accordingly, but for the purpose of determining the compensation his earning shall not be taken to be more than the amount of his salary or wages as shown by such pay roll and statement.

1973-74, c.127, s.37; R.S.S. 1978, c.W-17, s.37.

Compensation to workers residing without Saskatchewan

38 When a worker who is suffering from a disability caused by an injury that entitles him to compensation ceases to reside in Saskatchewan, the board may direct the worker to attend periodically to the authority administering the payment of compensation in respect of the injury or death of workers in the jurisdiction in which the worker is residing or to some other authority or institution for an assessment of his claim and may require the worker to complete such documents as the board considers necessary for such purpose and may suspend the payment of compensation to the worker until such time as the board’s directions and requirements are complied with.

1973-74, c.127, s.38; R.S.S. 1978, c.W-17, s.38.

Yearly review of salaries of certain workers

39 Annually the board shall as soon as practical after the thirtieth day of September review the wages and salaries earned by workers who suffered injury and to whom compensation was paid during the period of one year immediately preceding the thirtieth day of September of the year of the review, and whenever such review reveals that ten per cent or more of such workers were earning in excess of the maximum wage rate at the time of such review, the board shall by order increase such maximum wage rate for accidents occurring on and after the first day of the succeeding calendar year by the appropriate number of increments of $1,000 as is sufficient to reduce the number of workers whose salaries exceed the maximum wage rate below ten per cent of the workers who suffered injury and to whom compensation was paid during the period of review.

1973-74, c.127, s.39; R.S.S. 1978, c.W-17, s.39.

PRINCIPLES REGARDING THE DETERMINATION OF CLAIMS

Board to provide decisions, etc.

40 The board shall, in those cases in which it is unable to determine an issue in favour of the person claiming compensation, provide that person with reasons in writing for its decision.

1973-74, c.127, s.40; R.S.S. 1978, c.W-17, s.40.
Pre-existing conditions, effect on compensation

Subject to the other provisions of this Act, the board shall not reject the claim of a worker for compensation under this Act, or reduce the amount of compensation to him under this Act, by reason of a physical condition of the worker that was existing at the time of the injury in respect of which compensation is claimed if the condition had not prior to that injury resulted in any physical disability to the worker and had not affected the worker’s ability to do his work.

1973-74, c.127, s.41; R.S.S. 1978, c.W-17, s.41.

Increase in compensation for workers in training at time of injury

Where a worker suffers an injury for which permanent disability compensation is payable under this Act and the worker was, at or about the time of the injury, undergoing training or instruction of a kind satisfactory to the board, the board may review the amount of compensation payable to the worker and may increase the compensation to an amount that fairly represents the amount that the board estimates the worker would have been earning upon the completion of the training or instruction.

1973-74, c.127, s.42; R.S.S. 1978, c.W-17, s.42.

DUTIES OF INJURED WORKER OR DEPENDANT

Employee to give notice of accident

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 worker 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.

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

The notice may be given to the employer by delivering it at or sending it by registered mail 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 mail 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.

The notice may be given to the board by delivering it to or sending it by registered mail addressed to the board.

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.

1973-74, c.127, s.43; R.S.S. 1978, c.W-17, s.43.
Application for compensation

44 Where a worker 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 worker, 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.

1973-74, c.127, s.44; R.S.S. 1978, c.W-17, s.44.

DUTIES OF EMPLOYER

Employer to give notice of accident

45(1) Every employer shall within three days after the happening of an accident to a worker in his employment by which the worker 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 worker;
(d) place where the accident happened;
(e) name and address of the physician or surgeon, if any, by whom the worker 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, or any portion thereof, in respect of the accident or claim in accordance with the evidence or information otherwise obtained by the board.

1973-74, c.127, s.45; R.S.S. 1978, c.W-17, s.45.

DUTIES OF PHYSICIANS, SURGEONS AND HOSPITALS

Duties of attending physicians

46(1) Every physician attending or consulted upon any case of injury to a worker 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 worker 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.

1973-74, c.127, s.46; R.S.S. 1978, c.W-17, s.46.

Reports of medical persons and hospital officials

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

1973-74, c.127, s.47; R.S.S. 1978, c.W-17, s.47.

MEDICAL EXAMINATION

Worker to submit to medical examination

48 A worker 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.

1973-74, c.127, s.48; R.S.S. 1978, c.W-17, s.48.

Failure, etc., to submit to examination

49 If a worker does not submit himself for examination when required to do so under section 48 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.

1973-74, c.127, s.49; R.S.S. 1978, c.W-17, s.49.

Certificate of medical referee

50 The medical referee who has examined the worker by the direction of the board under section 48 shall certify to the board as to the condition of the worker 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.

1973-74, c.127, s.50; R.S.S. 1978, c.W-17, s.50.

Request for examination

51(1) Notwithstanding section 50, a worker 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;
(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 medical review panel at Regina or Saskatoon, which place shall be specified in the request.
(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.

1973-74, c.127, s.51; R.S.S. 1978, c.W-17, s.51.

**MEDICAL REVIEW PANEL**

Medical review panel

52(1) The board shall, in consultation with the Saskatchewan Medical Association:

(a) appoint a resident of Regina, who is a duly qualified medical practitioner engaged in general practice, as the chairman of the medical review panel when a medical review panel is established under this section at Regina; and

(b) appoint a resident of Saskatoon, who is a duly qualified medical practitioner engaged in general practice, as the chairman of the medical review panel when a medical review panel is established under this section at Saskatoon.

(2) The persons appointed under subsection (1) shall be appointed for terms of three years each and are eligible for reappointment.

(3) Where a chairman of a medical review panel is for any reason unable or unwilling to act, the board shall, in consultation with the Saskatchewan Medical Association, appoint another person who is qualified under subsection (1) to act as the chairman and when so appointed that person has all the powers of the chairman.

(4) Where a worker makes a request for an examination in accordance with section 51, the board shall forthwith mail or deliver to the worker a list of all physicians and surgeons who practise at the place specified in the request and who are specialists in the class of injury or ailment in respect of which the worker has claimed compensation; and the worker shall select two specialists from the list and promptly advise the board in writing of the names of the specialists selected by him.

(5) When the board receives the names of the specialists selected by the worker, the board forthwith forward the names of those specialists to the chairman of the medical review panel at the place specified in the request of the worker under section 51.

(6) The two specialists selected by the worker and the chairman appointed by the board at the place specified in the request of the worker shall constitute the medical review panel for the purpose of the examination of the worker; and as soon as practicable after the receipt by the chairman of the names of the specialists forwarded to him pursuant to subsection (5), the chairman shall make arrangements for the examination of the worker by the medical review panel.

(7) The medical review panel may determine its own procedure.

(8) The medical review panel may invite the physician who certified that there was a *bona fide* medical question to be determined in respect of an injured worker to make such representations to the medical review panel as the physician sees fit.

(9) The decision of the majority of the members of the medical review panel is the decision of the panel and is binding upon the board and the worker.
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(10) The chairman shall, as soon as practicable after the examination of the worker by the medical review panel, certify in writing to the board the decision of the panel and the certificate shall set forth:

(a) the condition of the worker;
(b) the fitness of the worker for employment;
(c) if the worker is found unfit for employment, the cause of the unfitness;
(d) the extent of any permanent or temporary disability of the worker by reason of the injury or ailment in respect of which he claimed compensation; and
(e) such further medical matters as, in the opinion of the medical review panel or any member thereof, may be pertinent to the claim.

(11) Within ten days after the receipt of the certificate of the medical review panel, the board shall review the claim and give the worker written notice of its decision with respect to the matters set forth in the certificate.

(12) The costs of an examination by a medical review panel pursuant to this section shall be paid out of the accident fund as part of the expenses of administration of this Act.

1973-74, c.127, s.52; R.S.S. 1978, c.W-17, s.52.

REVIEW OF COMPENSATION

Power to vary or cancel compensation

53  Any weekly or other periodical payment to a worker payable out of the accident fund may be reviewed on the board’s own motion or at the request of the worker 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.

1973-74, c.127, s.53; R.S.S. 1978, c.W-17, s.53.

Funds for increased compensation

54  The additional moneys necessary to provide for increases of compensation as herein provided in respect of accidents that have previously happened 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 consider most equitable and most in accordance with the general principles and provisions of this Act and such levy and collection may be by way of addition to the usual assessment or by levy of special or additional assessment or assessments.

1973-74, c.127, s.54; R.S.S. 1978, c.W-17, s.54.

Compensation not payable during suspension

55  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.

1973-74, c.127, s.55; R.S.S. 1978, c.W-17, s.55.
ADVANCES

On account of compensation

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

1973-74, c.127, s.56; R.S.S. 1978, c.W-17, s.56.

INDUSTRIAL DISEASES

Certain industrial diseases to be deemed accidents, exceptions, compensations, etc.

57(1) Where a worker suffers from an industrial disease and is thereby disabled 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 worker 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.

(2) Nothing in this section affects the right of a worker 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.

(3) The amount of the compensation shall be fixed with reference to the earnings of the worker under the employer by whom the worker was employed when the disease was contracted and the notice provided for by section 43 shall be given to the employer who last employed the worker in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the worker has voluntarily left the employment.

(4) Where the compensation is payable out of the accident fund, the board shall make such investigation as it considers 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.

(5) If the worker, at or immediately before the date of the disablement, was employed in any process mentioned in the second column of schedule II and the disease contracted 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.

(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.

(7) “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.
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(8) Nothing in this Act entitles a worker or his dependants to compensation, medical aid or payment of burial expenses for disability or death from silicosis unless the worker 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.

(9) The provisions of subsection (8) do not prevent allowances by the board of any claim due to silicosis that the board considers is entirely due to employment in Saskatchewan.

(10) The provisions of section 43 do not apply to this section.

1973-74, c.127, s.57; R.S.S. 1978, c.W-17, s.57.

RECIROCAL ARRANGEMENTS WITH OTHER PROVINCES OR TERRITORIES

Respecting compensation

58 The board may enter into an agreement with the Workmen’s Compensation Board of any other province of Canada or of any territory of Canada with respect to compensation for any industrial diseases of workers where the work incidental to their employment is performed partly in Saskatchewan and partly in that other province or territory to the end that all workers or their dependents 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 or territory relating to workers’ compensation.

1973-74, c.127, s.58; R.S.S. 1978, c.W-17, s.58.

Same

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

1973-74, c.127, s.59; R.S.S. 1978, c.W-17, s.59.

WAIVER AND ALIENATION FORBIDDEN

Right to compensation not to be waived

60 No worker 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 void.

1973-74, c.127, s.60; R.S.S. 1978, c.W-17, s.60.
Deduction not to be made from wages

61(1) Except as provided in this Act, no employer shall, either directly or indirectly, deduct from the wages of any of his workers 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 workers 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 worker 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).

1973-74, c.127, s.61; R.S.S. 1978, c.W-17, s.61.

Compensation not assignable

62 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.

1973-74, c.127, s.62; R.S.S. 1978, c.W-17, s.62.

ABOLITION OF COURT ACTIONS

No action to be brought to recover compensation

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

1973-74, c.127, s.63; R.S.S. 1978, c.W-17, s.63.

Act to be in lieu of rights, etc., against employer

64 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 worker or his dependants are or may be entitled against the employer of the worker for or by reason of any accident happening to him while in the employment of the employer, and no action in respect thereof lies.

1973-74, c.127, s.64; R.S.S. 1978, c.W-17, s.64.

Determination of worker’s right to bring action

65 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.

1973-74, c.127, s.65; R.S.S. 1978, c.W-17, s.65.
Compensation in case of death

66(1) Where death results from an injury the amount of the compensation shall be:

(a) the necessary expenses of the burial of the worker not exceeding $400 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 worker 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 surviving spouse is the sole dependant, a monthly payment of $325;

(d) where the dependants are a surviving spouse and one or more children, a monthly payment of $325 and an additional payment of $85 per month, to be increased upon the death of the spouse to $110 per month, for each child under the age of sixteen years;

(e) where the dependants are children, a monthly payment of $110 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 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 the board may pay compensation in respect of the child, for the period that the child is receiving such education, but in no case shall compensation be paid beyond the age of twenty-one years or the end of the school term in which that age is reached, whichever is later;

(h) 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;

(i) where the dependants are aliens residing outside Canada, and entitled to compensation under clause (a), (c), (d), (e) or (h), the board may, in lieu of awarding those dependants compensation on the scale provided by clause (a), (c), (d), (e) or (h), 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.

(2) Where the worker leaves no surviving spouse or the surviving spouse subsequently dies, and it deems desirable to continue the existing household and a suitable person acts as foster parent in keeping up that household and maintaining and taking care of the children entitled to compensation in a manner that the board considers satisfactory, the foster parent while doing so shall be entitled to receive the same monthly payments of compensation for himself and the children as if he were the surviving spouse 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.
(3) In addition to any other compensation provided for, the surviving spouse, or where the worker leaves no surviving spouse, the foster parent, as in subsection (2) described, shall be entitled to a lump sum of $500.

(4) In the case provided for by clause (h) 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 worker lived he would have continued to contribute to the support of the dependants, and in any case under that clause compensation may be made wholly or partly in a lump sum or by such form of payment as the board in the circumstances considers most suitable.

(5) A dependant to whom the worker stood *in loco parentis* or a dependant who stood *in loco parentis* to the worker shall be entitled, as the board may determine, to share in or receive compensation under clause (d), (e) or (h) of subsection (1).

(6) Compensation shall be payable to an invalid child without regard to the age of the child.

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

(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 considers most for the advantage of the child.

(9) If an autopsy is considered 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 and the expenses of the autopsy shall be paid out of the accident fund.

(10) Where a worker for two years preceding the death of the worker maintained a common law spouse and leaves no dependent spouse, the compensation to which a dependent spouse would have been entitled under this Act may in the discretion of the board be paid to the common law spouse.

(11) In this section "common law spouse" includes a person who although not legally married to the worker lived and cohabited with the worker as the spouse of the worker and was known as such in the community in which they lived.

1973-74, c.127, s.66; 1976-77, c.102, s.3; R.S.S. 1978, c.W-17, s.66.

**Proof of condition of dependants**

67 The board may require such proof of the necessities, 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.

1973-74, c.127, s.67; R.S.S. 1978, c.W-17, s.67.

**Marriage of surviving spouse**

68(1) If a surviving dependant spouse marries, the monthly payments to the spouse shall cease but the spouse shall be entitled in lieu of them to a lump sum equal to the monthly payments for two years.

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

1973-74, c.127, s.68; R.S.S. 1978, c.W-17, s.68.
Compensation in case of permanent total disability

69(1) Where permanent total disability results from the injury, the amount of the compensation shall be a weekly payment during the life of the worker equal to seventy-five per cent of his average weekly earnings.

(2) Subject to subsections (3) and (4), 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 or the rate of daily or weekly or monthly or other regular remuneration that the worker was receiving at the time of the injury, whichever is the greater.

(3) Where the employer was accustomed to pay the worker 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 the worker was not available for employment for the full period of twelve months immediately preceding the accident and owing to the casual nature or the terms of his employment it is inequitable to compute the average weekly earnings of an injured worker in the manner described in subsection (2), regard shall be given to the average earnings as determined by the board that were earned by a person regularly employed in the same grade of employment.

(5) For the purposes of this section “average weekly earnings” shall be deemed not to exceed one fifty-second of the maximum wage rate in effect at the time of the injury.

1973-74, c.127, s.69; R.S.S. 1978, c.W-17, s.69.

Permanent partial disability

70(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 worker of such percentage of the amount of compensation prescribed by section 69 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 board considers it more equitable, it may award compensation for permanent partial disability having regard to the difference between the average weekly earnings of the worker 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 worker’s fitness to continue in the employment in which he was injured or to adapt himself to some other suitable occupation.

(4) Where a worker 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.

1973-74, c.127, s.70; 1976-77, c.102, s.4; R.S.S. 1978, c.W-17, s.70.
Certain compensation increased

71(1) Subject to subsections (2) and (3), the compensation payable to a worker under section 69 or 70 shall, on and after the first day of April, 1971, be increased by the addition thereto of an amount determined on the basis of the commencement of the payment of the compensation according to the following table:

TABLE OF INCREASED COMPENSATION

<table>
<thead>
<tr>
<th>Date of commencement of compensation pursuant to section 69 or 70.</th>
<th>Percentage increase of compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1, 1948 but before January 1, 1953</td>
<td>9%</td>
</tr>
<tr>
<td>January 1, 1953 but before January 1, 1958</td>
<td>7%</td>
</tr>
<tr>
<td>January 1, 1958 but before January 1, 1963</td>
<td>5%</td>
</tr>
<tr>
<td>January 1, 1963 but before January 1, 1969</td>
<td>3%</td>
</tr>
</tbody>
</table>

(2) The amount of compensation payable to a worker pursuant to section 69 or 70 shall not be increased under subsection (1) in excess of the maximum amount payable to a worker for temporary total disability under section 73 or temporary partial disability under section 74.

(3) Where, under section 78, the percentage increase in the compensation to which an injured worker is entitled by virtue of the increase that the worker will be entitled to under that section on and from the first day of April, 1971:

(a) is equal to or greater than the percentage increase provided for that worker under subsection (1) of this section, the worker is not entitled to an increase under subsection (1); or

(b) is less than the percentage increase provided for that worker under subsection (1) of this section, the worker is entitled to an increase under subsection (1) but is not entitled to any increase under section 78.

1973-74, c.127, s.71; R.S.S. 1978, c.W-17, s.71.

Same

72(1) Subject to subsection (2), the compensation payable to a worker under section 69 or 70 together with any additional amount payable to the worker under section 71 shall be increased by an amount equal to five per cent of the compensation payable to the worker under section 69 or 70.

(2) The increase provided for by subsection (1) applies in respect of:

(a) a worker to whom payments of compensation under section 69 or 70 commenced prior to the first day of July, 1972; and

(b) compensation under section 69 or 70 payable to a worker on or after the first day of January, 1972.

1973-74, c.127, s.72; R.S.S. 1978, c.W-17, s.72.
Temporary total disability

73(1) Where temporary total disability results from the injury, the amount of compensation shall be a weekly payment so long as the disability lasts equal to seventy-five per cent of the worker’s average weekly earnings computed in accordance with section 69.

(2) For the purposes of this section “average weekly earnings” shall be deemed not to exceed one fifty-second of the maximum wage rate in effect at the time of the injury.

1973-74, c.127, s.73; R.S.S. 1978, c.W-17, s.73.

Temporary partial disability

74 Where temporary partial disability results from the injury and a worker thereby suffers a reduction in earnings, compensation shall be payable in an amount determined pursuant to section 70 but shall be payable only so long as the disability lasts.

1973-74, c.127, s.74; R.S.S. 1978, c.W-17, s.74.

Increase in certain compensation

75(1) Subject to subsections (2) and (3), the amount of compensation to which an injured worker shall be entitled for permanent disability under this Act shall, effective on and after the first day of January, 1974, be increased two per cent for every year that the compensation has been payable.

(2) Subsection (1) applies only to compensation for injuries from accidents which occurred prior to January 1, 1973.

(3) Subsection (1) does not apply where the increase in compensation to which a worker will be entitled on and after January 1, 1974, under subsection (1) of section 78 is equal to or greater than that provided by this subsection.

1973-74, c.127, s.75; R.S.S. 1978, c.W-17, s.75.

Increase in certain compensation

76(1) Subject to subsections (2) and (3), the monthly amount of compensation to which an injured worker shall be entitled for permanent disability under this Act shall, effective on and after the first day of April, 1977, be increased according to the following formula:

\[
\text{Percentage degree of impairment} \times 80.
\]

(2) Subsection (1) applies only to compensation for injuries from accidents which occurred prior to the first day of January, 1976.

(3) Where the increase in compensation to which an injured worker is entitled under subsection (1) of section 78 from the first day of April, 1977:

(a) is equal to or greater than the increase provided for the worker under subsection (1) of this section, the worker is not entitled to an increase under subsection (1); or

(b) is less than the increase provided for the worker under subsection (1) of this section, the worker is entitled to an increase under subsection (1) but is not entitled to any increase under section 78.

1976-77, c.102, s.5; R.S.S. 1978, c.W-17, s.76.
Same
77(1) Where an injured worker 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 original injury or on his average weekly earnings, calculated in accordance with section 69 and 70, at the time of the recurrence, whichever is greater.

(2) Where the disability of a worker who is in receipt of compensation increases the compensation payable in respect of the additional percentage of disability shall be based on the worker's earnings at the time of the original injury and the amount of such compensation shall be increased pursuant to sections 71, 72 and 75 and as if the increased compensation had been payable at the date of the original injury.

1973-74, c.127, s.76; R.S.S. 1978, c.W-17, s.77.

Minimum amount of compensation for disability
78(1) The amount of compensation to which an injured worker shall be entitled for permanent total disability under this Act shall not be less than $405 per month, 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 worker shall be entitled for temporary total disability under this Act shall not be less than $405 per month, or where his average earnings are less than $405 per month, the amount of those earnings, and for temporary partial disability a corresponding amount in proportion to the impairment of earning capacity.

1973-74, c.127, s.77; 1976-77, c.102, s.6; R.S.S. 1978, c.W-17, s.78.

Certain payments to dependants
79 On the death of a worker who was in receipt of compensation under subsection (1) of section 69 or subsection (1) of section 70 the board shall, where no compensation is payable under section 66, pay to his dependent spouse or, if the worker died leaving no dependent spouse, to his dependent children in such shares as the board may determine, an amount equal to the compensation the worker received in respect of a period of three months.

1973-74, c.127, s.78; R.S.S. 1978, c.W-17, s.79.

Matters to be considered in fixing payments
80(1) In fixing the amount of compensation to be paid to a worker or his dependants, regard shall be had to any payment, allowance or benefit paid to them by the worker's employer in respect of the worker'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.

1973-74, c.127, s.79; R.S.S. 1978, c.W-17, s.80.
Clothing allowance

81 The board may in its discretion pay to a worker an allowance of such amount as the board considers appropriate for the replacement or repair of clothing worn or damaged by reason of the wearing of an artificial limb or appliance supplied by the board.

1976-77, c.102, s.7; R.S.S. 1978, c.W-17, s.81.

Provision for fortnight or monthly payments

82 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 worker or dependant is not a resident of Saskatchewan or ceases to reside therein, may otherwise fix the periods of payment to commute the compensation as the board considers proper.

1973-74, c.127, s.81; R.S.S. 1978, c.W-17, s.82.

Commuting compensation for lump sum

83 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 worker or dependant.

1973-74, c.127, s.82; R.S.S. 1978, c.W-17, s.83.

Board may pay infants compensation to persons other than parent, etc.

84(1) Where compensation has been awarded to a surviving spouse for the spouse and the infant dependants of the deceased worker and in the opinion of the board the spouse is neglecting or has abandoned the infant dependants or one or more of them, the board may pay the compensation awarded for the infant dependants or one or more of them to a person other than the spouse for the benefit of the infant dependants.

(2) Where compensation has been awarded:
   (a) to the surviving spouse of a deceased worker; or
   (b) pursuant to subsection (10) of section 66 to a person who was the common law spouse of a worker who is deceased;

and in the opinion of the board the surviving spouse or common law spouse is living and cohabiting with a person to whom the person is not legally married, the board may suspend for such time as the board deems advisable or discontinue the compensation awarded to the surviving spouse or common law spouse.

1973-74, c.127, s.83; R.S.S. 1978, c.W-17, s.84.

Diversion of compensation

85 Where a worker is entitled to compensation and it is made to appear to the board:

(a) that the worker is no longer residing in Saskatchewan but that the worker’s spouse 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
(b) that the worker although still residing in Saskatchewan is not supporting the spouse and children as mentioned in clause (a), and an order has been made against him by a court of competent jurisdiction for the support or maintenance of such spouse or children, or for alimony;

the board may divert compensation in whole or in part from the worker for the benefit of the spouse or children.

1973-74, c.127, s.84; R.S.S. 1978, c.W-17, s.85.

Payments in case of infant

86 Where a worker or a dependant is under the age of eighteen 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 considers most for his advantage.

1973-74, c.127, s.85; R.S.S. 1978, c.W-17, s.86.

MEDICAL AID

Medical and surgical aid, etc.

87(1) Every worker 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 aid 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 worker.

(2) In the industries included in this Act 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.

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

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

(5) No employer shall, directly or indirectly, collect, receive or retain from any worker 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 worker treble the amount of any sum so collected, received or retained.
c. W-17 WORKERS’ COMPENSATION

(6) 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 considers just.

(7) Every employer shall furnish to any worker injured in his employment, who is in need of it, immediate conveyance and transportation to a hospital, or to a physician, or to the worker’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 worker or by anyone for him, or as may be provided by the board.

(8) Where, in conjunction with or apart from the medical aid to which workers 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 worker is or would be one prohibited by this Act shall be determined by the board.

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

(a) replacement or repair of broken dentures, eye glasses, artificial eyes or artificial limbs when breakage is occasioned by an accident in the course of the worker’s employment;

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

(10) 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.

1973-74, c.127, s.86; R.S.S. 1978, c.W-17, s.87.

Special medical treatment in certain cases

88 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 worker 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.

1973-74, c.127, s.87; R.S.S. 1978, c.W-17, s.88.

REHABILITATION

Aid to injured workers

89 To aid in getting injured workers back to work or to assist in lessening or removing any handicap resulting from their injuries or to encourage dependent spouses of deceased workers to become self-sufficient the board may take such measures and make such expenditures as it considers necessary or expedient.

1973-74, c.127, s.88; R.S.S. 1978, c.W-17, s.89.
PART IV

Accident Fund

FUND CONTINUED

Fund continued

The accident fund 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 is continued.

1973-74, c.127, s.89; R.S.S. 1978, c.W-17, s.90.

USE OF FUND

Payment of costs from fund

The cost of the administration of the industrial safety program under The Occupational Health and Safety Act, and compensation payable pursuant to this Act shall be paid out of the accident fund.

1973-74, c.127, s.90; R.S.S. 1978, c.W-17, s.91.

Additional assessment in event of deficiency

Where at any time there is not money available for payment of the cost of the administration of the industrial safety program under The Occupational Health and Safety Act, and for payment of compensation that has become due without resorting to the reserves, the board may pay such costs and compensation out of reserves and shall make good the amounts withdrawn by making a special assessment upon the employers liable to provide the costs or compensation or by including it in a subsequent annual assessment, or where it is for any reason considered inexpedient to withdraw the amounts required from the reserves, the Lieutenant Governor in Council may direct that the amounts be advanced out of the consolidated fund, and in that case the amounts advanced shall be collected by a special assessment and when collected shall be paid to the Minister of Finance.

1973-74, c.127, s.91; R.S.S. 1978, c.W-17, s.92.

Power of board to borrow

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 considers requisite for the purposes of this Act, provided that the aggregate of the sums borrowed shall not at any time exceed $200,000.

1973-74, c.127, s.92; R.S.S. 1978, c.W-17, s.93.

Accident fund to be maintained to meet payments

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 the cost of the administration of the industrial safety program under The Occupational Health and Safety Act, and compensation as they become payable and so as not unduly or unfairly to burden the employers in any class in future years with payments to be made in those years in respect of such costs and accidents that have previously occurred.

1973-74, c.127, s.93; R.S.S. 1978, c.W-17, s.94.
RESERVE FUND

95 It shall not be necessary that the reserve fund, provided for by subsection (1) of section 108 shall be uniform as to all classes but subject to sections 94 and 117 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.

1973-74, c.127, s.94; R.S.S. 1978, c.W-17, s.95.

REARRANGEMENT OF CLASSES, INCREASED ASSESSMENT, ETC.

96(1) The board may by order:

(a) rearrange any of the classes 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;

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

(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 or exclude any industry or classes of industries from the operation of this Act.

(2) Where in the opinion of the board the hazard to workers 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.

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

(4) Where the total cost to the fund of accidents to the workers of any employer in an industry is consistently greater than the average of the cost to the fund of accidents to the workers of employers engaged in the same or similar industries, the board may add to the amount of any contribution to the accident fund for which the employer is liable such additional amount as the board considers just and may levy and assess such additional amount upon the employer.

(5) Any additional amount 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.

1973-74, c.127, s.95; R.S.S. 1978, c.W-17, s.96.

WITHDRAWAL, ETC., OF CERTAIN INDUSTRIES

97(1) The board may, in the exercise of the powers conferred by section 96 withdraw or exclude from a class, industries in which not more than a stated number of workers 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 worker 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).

1973-74, c.127, s.96; R.S.S. 1978, c.W-17, s.97.

Exercise of certain powers

98 The powers conferred by sections 96 and 97 may be exercised from time to time and as often as in the opinion of the board occasion requires.

1973-74, c.127, s.97; R.S.S. 1978, c.W-17, s.98.

Addition to or withdrawal from schedule I

99(1) Subject to subsection (2), 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.

(2) Where a union represents the worker or workers in the industry mentioned in subsection (1), the employer shall submit such application only with the consent of the union.

1973-74, c.127, s.98; R.S.S. 1978, c.W-17, s.99.

Orders to be approved, publication of orders

100(1) An order made by the board under clause (c) of subsection (1) of section 96 shall not have any force or effect unless approved by the Lieutenant Governor in Council;

(2) Orders made by the board under subsection (1) of section 96 shall be published in The Saskatchewan Gazette and shall have force and effect on and from the date of such publication or on and from the date specified for the purpose in the order or in the Order in Council approving the order.

1973-74, c.127, s.99; R.S.S. 1978, c.W-17, s.100.
STATEMENTS TO BE FURNISHED BY EMPLOYERS AND MUNICIPAL OFFICIALS

Statements to be furnished by employers

101(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.

(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 its officers upon request.

(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).

(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 pay roll, 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.

(5) If an employer does not comply with subsection (1), (2) or (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.

1973-74, c.l27, s.100; R.S.S. 1978, c.W-17, s.101.

Assessors to provide returns

102 Every assessor of a city, town, village or rural municipality shall, when required to do so by the board, provide a return showing the names, addresses, nature of business and usual number of employees of all employers of labour carrying on in the municipality farming or ranching or any industry or business.

1976-77, c.102, s.8; R.S.S. 1978, c.W-17, s.102.
Notice to board of building permits

103 Every person authorized by any Act, or by or under any bylaw, order or regulation made under any Act, to issue a permit or other approval authorizing:

(a) the construction, improvement or alteration of any building or other structure;
(b) the moving of any building or other structure from land on which it is situated;
(c) the destruction of any building or other structure;
(d) the moving of powers lines or telephone lines where the moving is directly or indirectly connected with the moving or destruction of a building or other structure; or
(e) the use of a highway or municipal road, street or lane in connection with the removal of any building or other structure;

shall, within three days after the issue of the permit or other approval, notify the board in writing setting forth the name and address of the person to whom the permit or other approval is issued.

1973-74, c.127, s.102; R.S.S. 1978, c.W-17, s.103.

INSPECTIONS AND INQUIRIES

Right of entry to and inspection of premises

104(1) Any member of the board or other person authorized by it for the purpose shall, for any purpose that the board considers 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.

1973-74, c.127, s.103; R.S.S. 1978, c.W-17, s.104.

Inspection of accounts and books of employer

105(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 considers necessary for the purpose of ascertaining whether any statement furnished to the board under section 101 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.

1973-74, c.127, s.104; R.S.S. 1978, c.W-17, s.105.
Assessment may be made to correspond with pay rolls

106(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, or, if an 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.

1973-74, c.127, s.105; R.S.S. 1978, c.W-17, s.106.

EMPLOYERS, PRINCIPALS AND CONTRACTORS

Responsibility

107(1) The worker 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 worker 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 workers for the benefits provided for by this Act.

(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.

(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.

(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.

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

1973-74, c.127, s.106; R.S.S. 1978, c.W-17, s.107.
PARTY

Assessments

LEVY AND COLLECTION

Levy

108(1) The board shall in every year assess and levy upon the employers in each of the classes such percentage of pay roll or other rate or such specific sum as, allowing for any surplus or deficit in the class, it considers sufficient to pay the compensation during the current year in respect of injuries to workers in the industries within the class, and to pay the expenses of the administration of this Act and the cost of the administration of the industrial safety program under *The Occupational Health and Safety 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 of accidents occurring in that year and to pay the cost of the administration of the industrial safety program in future years, of amounts that the board considers 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 occurred and in respect of such costs.

(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 sees fit, be divided into instalments.

1973-74, c.127, s.107; R.S.S. 1978, c.W-17, s.108.

Deduction from pay roll

109(1) Where the assessment is based on the pay roll of the employer and there is included in it the wages or salary of a worker who has been paid more that the maximum wage rate, the excess shall be deducted from the amount of the pay roll and the assessment shall be based on the amount of it as so reduced.

(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.

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


Rate of assessment fixed by board

110(1) The board shall determine and fix the percentage, rate or sum for which each employer is assessed under section 108 or 109, or the provisional amount thereof, and such employers 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.

(2) The notice may be sent by mail to the employer and shall be deemed to have been given to him on the day on which the notice was mailed.
(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.

1973-74, c.127, s.109; R.S.S. 1978, c.W-17, s.110.

Insufficient assessment to be made up

111 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 110 applies 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.

1973-74, c.127, s.110; R.S.S. 1978, c.W-17, s.111.

Assessment for deficiency, etc.

112 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 110 applies 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.

1973-74, c.127, s.111; R.S.S. 1978, c.W-17, s.112.

Special fund

113 The board, where it considers it 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.

1973-74, c.127, s.112; R.S.S. 1978, c.W-17, s.113.

Where deficiency made up mode of application of amount

114 If and so far as any deficiency mentioned in sections 111 and 112 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.

1973-74, c.127, s.113; R.S.S. 1978, c.W-17, s.114.

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

115(1) If for any reason any 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 ought to have been assessed, and payment of that amount may be enforced in the same manner as the payment of an assessment may be enforced.
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.

1973-74, c.127, s.114; R.S.S. 1978, c.W-17, s.115.

**Employer liable for unpaid amounts**

116 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.

1973-74, c.127, s.115; R.S.S. 1978, c.W-17, s.116.

**Supplementary assessment when required**

117 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.

1973-74, c.127, s.116; R.S.S. 1978, c.W-17, s.117.

**Formation of reserves**

118 In order to maintain the accident fund as required by section 94 the board may include in any sum to be assessed upon the employers, and may collect from them, such sums as the board considers necessary for that purpose and the sums so collected shall form a reserve fund.

1973-74, c.127, s.117; R.S.S. 1978, c.W-17, s.118.

**Investments**

119(1) The board shall invest any part of the moneys standing to the credit of the reserve fund in any of the following classes of securities:

(a) securities authorized for investment or loan of a company’s funds under subsections (1), (2) and (6) of section 63 of the Canadian and British Insurance Companies Act (Canada) subject to the restrictions and limitations contained in that section;

(b) any other securities authorized for investment of moneys in the consolidated fund under section 36 of The Department of Finance Act;

(c) bonds, debentures, notes or other evidences of indebtedness issued by a corporation created under The Crown Corporations Act or a corporation established by an Act of the Legislature and that is an agent of the Crown or responsible to the Legislature.

(2) The board may dispose of any securities in which any part of the reserve fund has been invested pursuant to subsection (1) in such manner and on such terms as the board considers expedient.
(3) The board shall each year include with the report made by it pursuant to section 140 a statement of all securities in which moneys of the reserve fund have been invested pursuant to this section, a statement of such securities that have been so acquired during the next preceding calendar year and a statement of all dispositions of such securities during that period.

1973-74, c.127, s.118; R.S.S. 1978, c.W-17, s.119.

Penalty for non-payment of assessment

120 If any 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.

1973-74, c.127, s.119; R.S.S. 1978, c.W-17, s.120.

Failure to make return, etc.

121(1) An employer who fails to make or transmit any pay roll, return or other statement required to be furnished by him under section 101 or 125, 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 a 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 worker 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 workers 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.

1973-74, c.127, s.120; R.S.S. 1978, c.W-17, s.121.

Collection of unpaid assessments

122 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 may be enforced as a judgment of the court against that person for the amount mentioned in the certificate.

1973-74, c.127, s.121; R.S.S. 1978, c.W-17, s.122.
Duty of purchaser of any business, etc.

123(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.

1973-74, c.127, s.122; R.S.S. 1978, c.W-17, s.123.

Collection of assessment through municipal tax collectors

124(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 122 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, the clerk 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.

1973-74, c.127, s.123; R.S.S. 1978, c.W-17, s.124.

Industries established after assessment made

125(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 consider 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 101.

1973-74, c.127, s.124; R.S.S. 1978, c.W-17, s.125.
Industry temporarily carried on

126(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.

1973-74, c.127, s.125; R.S.S. 1978, c.W-17, s.126.

Liability of owner under Mechanics’ Lien Act

127 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.

1973-74, c.127, s.126; R.S.S. 1978, c.W-17, s.127.

PRIORITIES

Of assessments and compensation in distribution of assets

128(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 those 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 those 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.

1973-74, c.127, s.127; R.S.S. 1978, c.W-17, s.128.
WORKER'S ADVOCATE

Worker's advocate

129(1) The Lieutenant Governor in Council may appoint one or more persons, each to be known as a Worker's Advocate, who shall be paid such remuneration for his or their services and allowance for travelling and other expenses as the Lieutenant Governor in Council may determine with such payment being made from the accident fund.

(2) A person appointed under subsection (1) becomes an officer of the Department of Labour upon such appointment.

(3) A Worker’s Advocate may assist any worker, or the dependants of any worker, in respect of any claim being advanced by the worker or the dependants for compensation under this Act.

(4) A Worker’s Advocate shall consider claims that are brought to him for his assistance but may decline to provide his services in respect of any claim where he is of the opinion that the claimant does not have grounds for the compensation sought or has failed to pursue his claim for an undue length of time having regard to the circumstances of the case.

(5) A Worker's Advocate may examine all the files, records and other material of the board relating to the injury or death out of which the claim in respect of which he is providing his assistance arose.

(6) The Minister of Labour shall provide such technical, clerical and other assistance as a Worker's Advocate may require in carrying out his duties under this section.

1973-74, c.127, s 128; R.S.S. 1978, c.W-17, s.129.

PART VI

REVIEW OF ACT

Committees of review

130(1) Effective January 1, 1974, the Lieutenant Governor in Council shall at least once every four years thereafter 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 considers fit and proper.

1973-74, c.127, s.129; R.S.S. 1978, c.W-17, s.130.

PART VII
REGULATIONS

Power of board to make

131(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 this Act, and to meet cases not specially provided for by this Act.

(2) The board may by regulation declare that any disease not mentioned in schedule II is an industrial disease.

1973-74, c.127, s.130; R.S.S. 1978, c.W-17, s.131.

Publication of regulations

132 Every regulation made pursuant to section 131 shall be published in the Gazette and shall have force and effect on and from 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.

1973-74, c.127, s.131; R.S.S. 1978, c.W-17, s.132.

PART VIII
GENERAL

Expenses of administration

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

1973-74, c.127, s.132; R.S.S. 1978, c.W-17, s.133.
Enforcement of orders of board

134 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 may be enforced as a judgement of the court.

1973-74, c.127, s.133; R.S.S. 1978, c.W-17, s.134.

Fees of court officials

135 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 mail without the necessity of personal attendance at any office.

1973-74, c.127, s.134; R.S.S. 1978, c.W-17, s.135.

Information obtained not to be divulged

136 (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.

1973-74, c.127, s.135; R.S.S. 1978, c.W-17, s.136.

Officers of board authorized to take declarations

137 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.

1973-74, c.127, s.136; R.S.S. 1978, c.W-17, s.137.

Evidence

138 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.

1973-74, c.127, s.137; R.S.S. 1978, c.W-17, s.138.

Audit of accounts

139 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.

1973-74, c.127, s.138; R.S.S. 1978, c.W-17, s.139.
Annual report

140 (1) The board shall, in accordance with The Tabling of Documents Act, make and submit an annual 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 laid before the Legislative Assembly in accordance with The Tabling of Documents Act.

1973-74, c.127, s.139; R.S.S. 1978, c.W-17, s.140.

Office accommodation

141 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.

1973-74, c.l27, s.140; R.S.S. 1978, c.W-17, s.141.

Offence and penalty

142 Every person who contravenes any regulation is 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.

1973-74, c.127, s.141; R.S.S. 1978, c.W-17, s.142.

Recovery and application of penalties

143 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.

1973-74, c.127, s.142; R.S.S. 1978, c.W-17, s.143.

Additional duties

144 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.

1973-74, c.127, s.143; R.S.S. 1978, c.W-17, s.144.

Preservation of rights in certain cases, exception

145 (1) In all industries, employers and workers 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 workers, both at common law and under The Workmen’s Compensation Act, as if this Act had not been passed.

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

1973-74, c.127, s.144; R.S.S. 1978, c.W-17, s.145.
Transitional

146(1) The provisions of any previous Workmen’s Compensation (Accident Fund) Act shall be deemed to be of full force and effect insofar as they relate to any benefits provided or any right to the provision of benefits granted thereunder except to the extent that those benefits or rights are expressly modified or revoked by a subsequent Workmen’s Compensation (Accident Fund) Act, The Workers’ Compensation Act, 1974, or amendments thereto or by this Act.

(2) Claims in respect of accidents occurring prior to the coming into force of this Act shall be administered under and in accordance with the law in effect at the time the accident occurred.

1973-74, c.127, s.145; R.S.S. 1978, c.W-17, s.146.

SCHEDULE I

(Sections 3, 24(2), 36, 57(1), 90, 96(1), 97(1), (2), (3), 99(1), 107(1), (3), 113, 125, 126 and 127)

Class A

Group A01 —

Group A02 —
Grain or mixed farming (by application), ranching (by application), dairy farming (by application), grazing co-operatives (by application).

Group A03 —
Grain elevators, inland terminals and all other functions incidental thereto.

Class B

Group B01 —
Plumbing, roto-rooter service, heating, dairy supplies and equipment installation including kitchen and cafeteria equipment, sprinkler installation, soft water service, air conditioning, gasfitting and steamfitting, painting, decorating, paper hanging, electrical work, alarm systems installation, x-ray installation, electronic installation, cable television installation, sheet metal work including eavestroughing and duct work, mechanical insulation, industrial maintenance, fumigating and exterminating, vegetation control, mosquito control, tree spraying, power vacuuming, chimney cleaning, steam cleaning of buildings, general mechanical contracting, refrigeration.
Group B02 —
Carpentry, renovations, fire escapes, iron stairs and miscellaneous metal installation, construction of filtration and sewage plants, pumping stations, compressor stations, refinery stations, treater houses; general commercial contracting (not otherwise specified). Window cleaning as a business. Industrial construction including boilers, conveyors, scales, mine buildings, oil derricks, silos, water towers and tank erection. Service station maintenance. Installation of lino and tile, acoustic ceilings and mosaic; flooring and carpeting. Plastering, stuccoing, lathing, gyproc, siding application. Insulation blown, rigid and rock wool. Bricklaying, masonry, sandblasting. Monument installation, marble and stone setting. Sub-contract labour. Aluminum and glass installation, glazing, building construction for self, concrete work and cement finishing, swimming pools, guniting, grouting, parleting, concrete reservoirs, pre-cast erection, television and radio aerial erection, sign erection, lightning rods, advertising display work and sign painting including erection (outdoor), general non-commercial building contracting and project management, drywall. Chimney stack and refractory work, grain elevators and inland terminals. Roofing and roof insulation. Placing of reinforcing steel, mesh and steel specialties; construction and installation (not otherwise specified), fence erection, elevator and escalator installation, overhead door installation, erection of steel buildings, bins, granaries. Framing, power and telephone line construction including maintenance other than the Government of Saskatchewan or the Saskatchewan Power Corporation. Servicing radar equipment.

Group B03 —
Structural steel, tower construction and maintenance other than water towers.

Class C

Group C01 —
Dry goods, clothing stores, milliners, wig shops. Sewing machine sales and service. Shoe stores (including repair). Safety supplies, tailoring and seamstresses, leather goods, stationery, book stores, jewellery, music stores, florists, picture framing, variety and hobby shops, photo and film stores, news vendors, coin operated amusements, vending machines, ice cream vending, hearing aids, drugs, business machines, office equipment, school supplies, tobacco stores, health foods, health aid vending, pawn shops, second-hand stores, antiques, gunsmiths, pool halls; fruit, vegetable and confectionery stores; optical outlets, paint and wallpaper, bowling alleys, miniature golf, lapidary work, Red Cross charity service, Salvation Army thrift stores, inventory work.

Group C02 —
Wholesale implements (including testing only) without servicing or overhaul.
Group C03 —
Grocery with meats, butcher shops and locker plants, meat markets, auto parts and accessories, tire sales (no servicing), greenhouses, draperies as a business including installation. Light appliance repair, vacuum cleaner sales and service, fire extinguisher sales and service, electric and gas fixture sales, service and repair. Barbering and cleaning supplies, monuments, auto electric parts, veterinary supplies; oilfield equipment and supplies (sales only). Plumbing and heating supplies, pet shops, garden and seed supplies, wholesale food establishments, craft manufacture and sale, taxidermy, carpeting and flooring, ice cube manufacture and distribution, departmentalized stores, chain store food outlets. Manufacture of clothing, banners and crests. Commercial hatcheries. Wholesaling and grading of eggs as a business. Furniture, hardware, locksmith, sporting goods, television and radio sales and service including antennae work in connection therewith; furs and furriers, mail order stores.

Group C04 —
Co-operative associations, northern co-operative trading services.

Group C05 —
Lumber yards and builders supplies, small equipment rental including sales and service, bit sales and service, upholstering; manufacture of mattresses, tents, awnings, caskets. Drapery installation only. Venetian blinds sales and installation.

Group C06 —
Service stations, garages, muffler shops, spring service, transmission shops, auto and farm implement dealerships, bulk oil, propane sales and distribution, auto body and paint shops, bumper electroplating, auto rust proofing, auto glass installation, auto vinyl roofing, fiberglassing boats and autos, car washing and cleaning, gas bars, auto glamorizing, retreading and vulcanizing, tire service, auto rental, auto electric shops, diesel injection service, small engine repair, used car lots, repair of aeroplanes and hydroplanes. Trailer sales and service, mobile homes sales and service, commercial parking lots with auto service. Industrial equipment sale and service only. Motorized sports equipment service including motorcycles. Frame and wheel alignment, automotive machining only, radiator repair, engine rebuilding, electric motor rewinding.

Class D

Group D01 —
Mining coal — open seam.

Group D02 —
Potash mining — conventional including exploration and development.

Group D03 —
Battery operating, pumping, mud service, pumpjack and meter service; electromagnetic and magnetometer surveys, dynamometer service. Chemical and hot oil service, cathodic protection service, de-waxing flowlines and tubing, gravity metering.
c. W-17 WORKERS’ COMPENSATION

Group D04 —
Rathole, seismic and shothole drilling down to 200 feet; servicing oil and gas wells other than with rigs, including logging; perforating and wireline work; oilfield salvaging, oilfield construction and maintenance, steam cleaning of oilwells, salt water disposal, geological work with exploration excluding aerial surveying, diamond coring, drill stem testing, crude oil hauling, water well drilling.

Group D05 —
Drilling for gas, oil or potash — rathole and seismic below 200 feet; service rigs for gas or oil wells; power tong service.

Group D06 —
Mining, smelting, ore reduction, surveying and engineering in connection with hardrock mining; geophysical work excluding aerial surveying, line cutting, prospecting, exploration and development in connection with hardrock mining, diamond drilling.

Group D07 —
Crosscutting, shaft sinking, drifting, grouting or cement work in mine shafts; installation of freezing units.

Class F

Group F01 — Logging.
Group F02 — Sawing.
Group F03 — Planing.
Group F04 — Pulpwood, fuelwood, veneer logs.
Group F05 — Ties, anchor logs, pilings, poles, mining timbers.
Group F06 — Posts, barn poles, rails.
Group F07 — Stud and chip mills.
Group F08 — Peeling and preserving, creosoting.
Group F09 — Pulp and paper mills.
Group F10 — Veneer, plywood and hardboard manufacturing.

Class G

Group G01 —
School boards, units and districts; universities, educational institutes including those with boarding schools; park boards and regional park authorities; churches — all operations (clergy — by application); housing authorities, Young Men’s Christian Association, Red Cross, Young Women’s Christian Association; mobile health services, Boy Scouts, Girl Guides, Corps of Commissionaires, Frontiersmen, auditoriums. Adult education, community colleges, Wascana Centre Authority, Victorian Order of Nurses.
Group G02 —
Hospitals, nursing homes, rest homes, homes for senior citizens, sanitaria, sheltered workshops, special care homes, day nurseries or creches; pre-school instruction, aid societies, rehabilitation services, social services, homemaker service, community service including counselling; animal clinics.

Group G03 —
Urban municipal government, Indian Bands, northern community areas.

Group G04 —
Rural municipalities, conservation and development areas, weed control units; agricultural consultant services, grass cutting; Saskatchewan Water Supply Board, watershed and water users associations, local improvement districts.

Group G05 —
The Crown in right of Saskatchewan.

Group G06 —
The Crown in right of Canada.

Class M

Group M01 —
Newspaper and other publishing, bookbinding, embossing, typesetting, silkscreening, printing, drafting; advertising display work and sign painting (shop); lithographing, photo engraving, blueprinting; electrical component assembly; manufacture of small articles, plastic items, pottery, ceramics, leather goods, harness, glassware and rubber stamps; sign manufacturing (electric and neon).

Group M02 —
Manufacture of alcoholic beverages; bottle exchanges.

Group M03 —
Manufacture of gasoline and petroleum products including emulsified asphalt; refineries including storage of refined products; manufacturing, transmission and distribution of natural and artificial gas including propane; operation of pipelines including safety maintenance; wholesale marketing of petroleum products.

Group M04 —
Bulk plant bakeries and bakeries not otherwise specified; dairy products; honey processing and apiaries; food preparation and packaging not otherwise specified including potatoes, sunflower seeds, sour cabbage; canning; manufacture of condiments, confectionery, vinegar, pickles, cider, soft drinks and soda water.

Group M05 —
Manufacture of chemicals, corrosive acids, fertilizers, salt, turpentine, paint, pharmaceutical preparations, dyes, bleach, soaps, extracts and mucilage. Manufacture of paper and cardboard products, cordage, ropes, fibres, brooms and brushes. Sodium sulphate production; manufacture of cement (no quarry) and aggregate; lime kilns; plastic piping and plastic related products; celluloid articles, candle manufacturing; solution potash mining including exploration and development.
Group M06 —
Flour milling; feed mills, seed plants including cleaning; manufacture of vegetable oils; mobile farm feed service (by application); flax processing including buying, trucking and stacking; alfalfa dehydrating — excluding harvesting.

Group M07 —
Meat processing, abattoirs, packing houses, custom slaughtering, poultry processing, fish processing, preparation of hides including curing and tanning; manufacturing of animal fertilizer and glue.

Group M08 —
Cabinetmaking, furniture manufacturing and refinishing, prefab manufacturing including sash and door, boat and canoe manufacturing, aluminum and glass shops including installation highly incidental thereto; construction and manufacture (not otherwise specified); manufacture of metal highway signs, licence plates and fibreglass products.

Group M09 —
Iron and steel fabrication including warehousing of raw and finished products; ornamental iron work, steel culverts, metal pipe, sewer pipe, agricultural equipment; boilers, furnaces; electric cables and wire blacksmith and machine shops, welding, marble works, stonework and dressing, sand screening; manufacture of concrete block, brick, artificial stone, rock wool insulation, plaster, block or board insulation, clay products, vermiculite, glass beads, roof tile and briquettes; tank car repair and maintenance, barrel and drum reconditioning; pipe coating and wrapping, industrial steam cleaning of oil and refinery tanks, ready-mix including delivery; trailer and mobile home manufacture, steel buildings, auto salvage (no scrap metal), medium equipment (not otherwise specified) including assembly.

Group M10 —
Iron and steel processing, scrap metal salvage including the loading, delivery and processing; junk dealers, auto wrecking.

Class R

Group RO1 —
Roadwork, sodium sulphate harvesting, earth moving, peat production and hauling owner-operators of hired equipment, miscellaneous caterpillar work (not otherwise specified); corral and feed lot cleaning as a business; parking lot maintenance, snow removal, right-of-way fencing, road marking, telephone line removal, manure spreading, sanding, equipment rental with operators including cranes; equipment maintenance; dam construction, dredging, breakwaters, excavating for cellars, basements, foundations, dugouts, lagoons; caisson work and pile driving; bridge approaches; underwater work in connection with an industry under the Act; marina construction, wharves, blasting, ice harvesting including delivery; gravel work, pits, crushing, hauling and stockpiling; asphalt manufacturing and hauling, clay pits, quarrying, landscaping, tree trimming, park development, stevedoring, barging, water transportation, airport runways, overpasses and underpasses, including related concrete work, railway construction, farm sewer and water installations, irrigation work, trenching for wire conduits, pipeline construction, gas lines including maintenance, repair, testing and stringing; land clearing, brushcutting and stumping (all by application except in connection with an industry under the Act); demolition, dismantling, building moving, bridge construction excluding structural steel work. Sewer and water trenching, tunnelling, canals.
Class S

Group S01 —
Employment service, business colleges, meterological stations, business offices (not otherwise specified); barbering, hairdressing, beauty parlors, unions, associations (not otherwise specified); union and association delegates; legal offices, medical offices and laboratories, physiotherapists, optometrists, radiologists, dental offices, denturists, library boards, theatres, bandmasters; photography (aerial excluded); film production, boards and commissions (not otherwise specified); real estate and farm management, financial institutions, credit unions, banks, collection agencies, brokerage offices, insurance adjusters, manufacturers agents, motor clubs, travel agencies, accounting offices, insurance offices, radio and television stations.

Group S02 —
Hotels and motels, hostels, restaurants, cafes, food concessions, industrial catering, canteens, auto and trailer courts, camps, lodges, resorts operated year round. Commercial laundries and dry cleaning, coin-operated laundries, towel and toilet supply, dyeing, carpet and upholstery cleaning, bleaching, protective services, fire inspections, detective services.

Group S03 —
Caretaking services in apartment and business blocks, elevator operators, building maintenance management, caretaking as a business, cemetery caretaking; administration and maintenance only of; sports clubs, curling and skating rinks, swimming pools, golf clubs, amusement parks and rinks (not otherwise specified); mine caretaking. Summer camps, resorts, tourist camps and lodges (all seasonally operated). Outfitters; Societies for the Prevention of Cruelty to Animals; kennels; government grant projects (not otherwise specified), service clubs, museums; operations not otherwise specified.

Group S04 —
Surveying (excluding in connection with hardrock mining), consulting engineers (excluding in connection with hardrock mining), architects; laboratory testing of soil and chemicals; core analysis including incidental field operations; x-ray and television inspection, metal work and pipe inspection, wooden pole and bridge inspection; appraisers; testing and inspection of building materials, corrosion preventative service. Marketing representatives where not part of a provincially based marketing outlet (by application).

Class T

Group T01 —
The conveying of passengers by bus and vehicle maintenance incidental thereto; undertaking and funeral directing; messenger services and express agents, bus depots and offices, advertising distribution, mobile escort service, school bus contractors (owner-operators), school bus operations and servicing in connection therewith, driver training, ambulance service, urban mail service.

Group T02 —
Taxicab business.

Group T03 —
Cold storage, forwarding companies and warehousing — all as a business.
c. W-17  WORKERS' COMPENSATION

Group T04 —
Interprovincial trucking, owner-operators of hired equipment, sundry trucking (not otherwise specified); manpower services, scavenging, towing, coal and wood dealers, cleaning of railway rolling stock, septic tank cleaning, water hauling, mail hauling — inter-urban; United States based trucking firms employing American nationals only (by application); local and provincial hauling.

Group T05 —
Canadian National Railways, Air Canada, Canadian Pacific Railway Company.

Class U

Group U01 —
Saskatchewan Government Telephones.

Group U02 —
Rural Telephone Companies.

Group U03 —
Power lines, electric light systems.

SCHEDULE II

(Section 2(h), 57(5) and 131 (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 any of these substances.</td>
<td>Handling of 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>Bursitis.</td>
<td>Any process involving continuous rubbing, pressure or vibration of the parts affected.</td>
</tr>
<tr>
<td>Tenosynovitis of the wrist.</td>
<td>Arising out of and in the course of the employment.</td>
</tr>
</tbody>
</table>
Vascular disturbances in the upper extremities due to continuous vibration from pneumatic or power drills, riveting machines or hammers.

Conjunctivitis and retinitis due to electric or acetylene welding.

Any disease or disability due to exposure to X-rays, radium or other radio-active substances.

Ankylostomiasis.

Miners', stone workers' or grinders' phthisis.

Pneumoconiosis, including silicosis.

Respiratory, gastro-intestinal or physiological nerve and eye disorders due to contact with petroleum products and their fumes.

Ammonia poisoning or its sequelae.

Arsenic poisoning or its sequelae.

Benzol poisoning.

Brass or zinc or nickel poisoning or its sequelae.

Cadmium poisoning.

Poisoning by carbon bisulphide or its sequelae.

Carbon dioxide poisoning or its sequelae.

Carbon monoxide poisoning or its sequelae.

Poisoning by chlorine.

Chrome poisoning.

Arising out of and in the course of the employment.

Arising out of and in the course of the employment.

Any process in the refining or handling of radium or other radio-active substances or involving exposure to X-rays.

Mining.

Mining, quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal.

Any process involving the use of or direct contact with petroleum or petroleum products and their fumes.

Any process involving the use of ammonia or any preparation containing ammonia.

Any process involving the use of arsenic or its preparations or compounds.

Any process involving the use of benzol or any preparation containing benzol.

Any process involving the use of nickel or brass or melting or smelting of zinc.

Any process involving the use of cadmium or its preparations or compounds.

Any process involving the use of carbon bisulphide or its preparations.

Any process involving the evolution of carbon dioxide.

Any process involving the evolution of carbon monoxide.

Any process involving the use or evolution of chlorine gas.

Any process involving the use of chromium or its compounds.
Cyanide poisoning.

Poisoning by formaldehyde and its preparations.

Poisoning by halogenated hydrocarbons (carbon tetrachloride, trichlorethylene, terachlorethane, methyl bromide, chlorinated naphthalenes and others) or the sequelae.

Lead poisoning or its sequelae.

Mercury poisoning or its sequelae.

Poisoning by nitro- and amino-derivatives of benzene, phenol and their homologues, (trinitrotoluene, dinitrophenol, anilin and others) or the sequelae.

Poisoning by nitrous fumes or its sequelae.

Phosphorous poisoning or its sequelae.

Poisoning by sulphuric, hydrochloric or hydrofluoric acid.

Poisoning by wood alcohol.

Poisoning due to any volatile solvent.

Compressed air illness or caisson disease.

Glanders.

Any process involving the use of or direct contact with hydrogen cyanide or materials containing cyanide compounds.

Any process involving the use of or direct contact with formaldehyde and its preparations.

Any process in the manufacture or involving the use of these substances.

Any process involving the use of lead or its preparations or compounds.

Any process involving the use of mercury or its preparations or compounds.

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.

Any process in which nitrous fumes are evolved.

Any process involving the use of phosphorous or its preparations or compounds.

Any process involving the use of or direct contact with sulphuric, hydrochloric or hydrofluoric acids or their fumes.

Any process involving the use of wood alcohol or any preparation containing wood alcohol.

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.

Any process carried on in compressed air.

Care or handling of any equine animal suffering from glanders or the carcass of any such animal.
<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<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 infections.</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 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>
</tbody>
</table>