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THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

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PROVINCE OF BRITISH COLUMBIA

REPORT

OF THE

ROYAL COMMISSION

ON

LABOUR

APPOINTED ON THE 4TH DAY OF DECEMBER, 1912, UNDER THE
"PUBLIC INQUIRIES ACT"

[Henry George Parson (Chairman),
Andrew Miller Harper,
John Armstrong McKelvie,
R.A. Stoney,
John Jardine]

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PRESERVATION OF HEALTH AND PREVENTION OF UNSANITARY CONDITIONS.

GENERAL CONDITION OF RAILWAY AND LOGGING CAMPS.

Your Commissioners inspected many railway-construction, lumber, and mining camps in different parts of the Province, and received much evidence of a contradictory nature. Many of the working-men employed in these various camps complained of poor ventilation or filth and dirt in the camps, and a total lack of control of sanitary conditions, while other workmen frankly admitted that part of the fault was due to the fact of the large proportion of foreigners, who were uncleanly in their mode of life. As a result of the inspection made and of the evidence your Commissioners have taken, we are of the opinion that, whilst some contractors are doing their utmost to properly control the sanitary conditions, others are extremely negligent. There was found to exist no general system of ventilation or construction. Some camps were properly heated and provided with windows and were not overcrowded. Other had neither heat nor windows, and too many men were allowed to sleep in the bunks.

Many of the difficulties in connection with the maintenance of railway-construction camps in proper sanitary condition and in making them habitable arise from the fact that these structures are merely temporary, and on account of being remote from towns and cities it is no easy matter to maintain them in a manner satisfactory to the workers. Your Commissioners noted that in several instances where the works carried on by the employer were more permanent the living conditions were much more satisfactory to the men employed; in some instances the buildings were much smaller in size and only four men were allowed to inhabit each building. Undoubtedly the improvement in living condition has a great influence on making the labourers more contented and, we believe, more efficient.

PROVINCIAL REGULATIONS GOVERNING CONSTRUCTION RECOMMENDED.

It is the opinion of your Commissioners that the "Health Act" requires more stringent enforcement and the employment of more Health Officers in the unorganized districts of the Province. Your Commissioners are convinced that the time has come when the Provincial Board of Health should exercise the powers given it by the "Health Act" and promulgate regulations for the sanitary control of all camps and industries carried on in unorganized districts, and would recommend that all employers of labour, whether in railway-construction, mining, or lumber camps, be required by Provincial regulations under the "Health Act" to observe the following:--

- (a.) Upon the establishment of each and every camp, the promoter to notify the Provincial Board of Health and thereafter to report, with such information as may be required. This, it is believed, would enable the Provincial Health Department to keep more in touch with such camps and enable supervision to be more thoroughly carried out:
- (b.) That no camp should be allowed to be erected nearer than 100 feet to any body of stagnant water, and that the location of any camp shall be promptly moved at the request of the Provincial Board of Health to a more suitable site when required by any Inspector.

In the construction of such camps, we would recommend that the following regulations be made compulsory:--

- (a.) Each camp, tent, or dwelling occupied by employees should contain at least 600 cubic feet of air-space for each occupant, and be further provided with sufficient means of ventilation.
- (b.) All bunks to be constructed parallel with the walls of the building to prevent overcrowding; the lower tier of bunks to be raised at least 1 foot from the floor; the floor to be constructed of boards or planks or other material equally suitable, and these boards or planks should extend completely to the walls.

We further recommend that Government Health Officers and Inspectors should be required to give special attention to the enforcement of these regulations and to the proper disposal of all kitchen waste and garbage, as well as to the location of closets at a safe and proper distance from all other buildings.

SYSTEM OF MEDICAL ATTENDANCE IN VOGUE.

Medical attention for injured workmen is usually provided by a contract with a physician, and the sum of \$1 per month generally deducted from the pay due each employee. In several instances your Commissioners found that hospitals controlled by physicians under these contracts were poorly managed and unsatisfactory in equipment. At Fort George witnesses were produced before the Commissioners who appeared to have been discharged from the hospital there in a weak physical condition, absolutely unfit to return to work. There is a prevailing opinion among the workmen that the provisions of the "Master and Servant Act," which requires the employer to pay the sum deducted from the wages to the physician, are not observed; and that in many cases the physician is merely himself a salaried employee, and that the employer is reaping a profit on the money so deducted. In all instances, however, both employers and physicians denied that such was the case. Probably through ignorance of the privilege granted by section 18 of the "Master and Servant Act" of inspecting and auditing the accounts which the employer is required to keep of all such moneys so deducted, your Commissioners found no instance in which workmen had availed themselves of the right of inspection and audit.

Recommendation.--To ensure that these moneys are all paid to the physician, your Commissioners would recommend that the employer, or his agent, should be required to forward semi-annually to the Provincial Board of Health a statement of all moneys deducted from wages for hospital dues, and showing to whom paid; such return to be verified by statutory declaration as to its correctness. We also recommend that the Provincial Health officials endeavour to obtain support from employers of labour for those hospitals in receipt of Government assistance by paying into such hospitals the monthly dues collected from their employees; further, that physicians so employed in connection with camps should be required semi-annually to report to the Provincial Board of Health all camps under their supervision, with a sketch or plan of each camp showing the location of the various buildings, with distance apart, location of water supply, slopes of ground, with drainage and such other information as may be required by the Provincial Board of Health.

SANITARY CONVENIENCES FOR WORKMEN.

We received complaints from men employed upon the construction of buildings that no conveniences were provided for their use, and we recommend that the contractors in all cities and towns should be required to furnish temporary water-closets for the use of their workmen upon all works to the satisfaction of the Health Officer.

SANITARY CONDITION OF BAKERIES AND RESTAURANTS.

We have received evidence that the prevailing conditions in many underground bakeries and kitchens of restaurants are very far from satisfactory, and are, in fact, distinctly detrimental to the health of the employees and of the patrons; the insufficient light and ventilation, inadequate drainage, and unsuitable location of closets being a serious menace. We recommend that all these places be thoroughly and frequently inspected by Health Officers, and would further urge the rigid enforcement of the "Shops Regulation Act" in this respect.

SANITARY CONDITIONS OF BARBER-SHOPS.

The need of regulations of sanitary conditions in barber-shops was brought before your Commission by representatives from the Barbers' Union. They drew attention to the spreading of certain parasitical skin-diseases by the instruments in the hands of some barbers and hair-dressers, and urged the necessity of the issuing of regulations respecting all barber-shops. They recommended the frequent sterilizing of all razors and scissors in general, and that fresh and clean towels be provided for each customer.

While these matters might be satisfactorily dealt with by Provincial regulations, as in the Province of Manitoba, we recommend that the necessary authority be given to all cities and municipalities to pass by-laws and regulations governing the sanitary conditions of barber-shops. We would further draw the attention of the Government to the fact that barber-shops do not come within the purview of the "Shops Regulation Act" which provide for early-closing by-laws. Barbers generally are subject to the competition of many barber-shops under the control of Asiatics, who do not appear to regulate in any way their hours of employment, the result being that these shops are left open long after the other shops are closed.

PROTECTION OF LIFE.**ACCIDENTS DUE TO DEFECTIVE SCAFFOLDINGS.**

Many complaints were received by your Commissioners in regard to accidents to workmen in hazardous employments, and various suggestions offered in regard to the precautions that should be taken for the preservation of life. In the building trades defective scaffolding is a very frequent cause of accident. We note that the City of Vancouver, which has had the necessary authority for some time past, has only recently appointed an Inspector for this purpose, and your Commissioners are of the opinion that it should not be merely optional for cities to appoint Scaffolding Inspectors, but obligatory on them to do so.

Recommendation.--We would recommend, therefore, that all cities with a population of 10,000 or over be authorized and required by Statute to appoint a sufficient number of Scaffolding Inspectors, and that power be given such cities to pass regulations dealing specifically with all scaffoldings used in the erection, alteration, and demolition of buildings.

ACCIDENTS TO ELECTRICAL WORKERS.

Another class of workers--namely, the electrical workers--have presented to your Commissioners a statement which shows a very high percentage of accidents in their employment. They do not regard the "Electrical Energies Inspection Act" now enforced in this Province as sufficiently stringent for the proper protection of life. While it is conceded that section 9 of that Statute gives very wide powers to the Provincial Inspector, it is urged that the Inspector should be assisted in his work by regulations regarding the placing of wires. In the opinion of your Commissioners, it would be of great advantage to the workmen to have exact information as to the location on poles of wires of different voltage, and for this purpose we would recommend the most stringent regulations dealing with such matters. We have had submitted to us by the Provincial Inspector a very comprehensive set of regulations, and we would recommend that such regulations be approved by the Lieutenant-Governor in Council and enforced.

ASSISTANT INSPECTOR RECOMMENDED.

The work of this Department has increased to such an extent, and as the protection of the lives of a large number of men is dependent on the thoroughness and frequency with which this inspection is made, we believe it would be beneficial to appoint an Assistant Inspector.

FIRST-AID INSTRUCTION.

At Nakusp the suggestion was made to your Commissioners that it would be of advantage to men working in mining and logging camps situated at a distance from business centres, and having no hospital or medical attention within easy reach, if a system of first-aid instruction were so organized that sufficient men could be trained to render necessary assistance in the case of accidents. Your Commissioners subsequently received considerable evidence that Government assistance and encouragement to this end would be welcomed by men employed in such camps in remote districts, and we are of the opinion that the Provincial Health Department should evolve a satisfactory and effective plan upon a somewhat similar basis to that now provided in coal-mines.

COMPENSATION FOR INJURIES.**EXISTING LEGISLATION INEFFECTIVE.**

As a result of investigation, your Commissioners find the "Employers' Liability Act" and "Workmen's Compensation Act" to be ineffective, and providing at the best a cumbersome method of securing compensation for injured workmen. Dealing more particularly with the "Workmen's Compensation Act," under which a majority of compensation claims are settled, we believe it to be inadequate in its scope and capable of much improvement in its method of providing compensation. Taking as its basis the principle that injuries to workmen in hazardous employments should be compensated for as part of the cost of production, your Commissioners are of the opinion that the Act is too narrow in its scope; for instance, certain hazardous occupations, such as logging operations and electrical workers, are not in the majority of cases within the purview of the Act. The crippled workman or his dependents in such instances have no remedy except under the common law and "Employers' Liability Act," under which some act of negligence must be proven. In the opinion of your Commissioners, longshoremen, loggers, and electrical workers properly come within the meaning of the term "hazardous employments," and are as deserving of compensation as those classes enumerated by the "Workmen's Compensation Act." It was further urged that the section of this Act which limits its operation to buildings over 40 feet in height was arbitrary and unreasonable, inasmuch as a workman could in many instances sustain as severe an injury in a building of less than this height.

ECONOMIC WASTE OF EXISTING SYSTEM.

Then, again, its method of operation is found to be more expensive and cumbersome than we believe was ever contemplated by the framers of this legislation. The evidence your Commissioners have received is in many instances that the cost of arbitration proceedings under the "Workmen's Compensation Act" is excessive. It is in some parts of British Columbia the settled practice of arbitrators to charge a fee of \$100 for sitting as arbitrator. To an applicant for arbitration, in nearly all cases a poor man, this is a considerable burden. Various limitations and injustices in connection with the operation of the "Workmen's Compensation Act" have been cited before the Commission, but in view of our opinion as hereinafter expressed, it is unnecessary to make recommendation for the amendment of this Act. The proper remedy, in our opinion, should not be in amending existing legislation, but in the introduction of a system of compulsory State insurance. Your Commissioners find the existing system of compensation unsatisfactory, both from the standpoint of the employer and the employee. It creates unnecessary friction between the master and the servant and is slow and wasteful in operation. The proportion of those who obtain compensation at all is small, whilst the litigation that is forced upon them is often protracted and expensive. The injured workman has not the same financial resources to engage in lengthy litigation as the insurance companies, which in the majority of instances are behind the employer. There is also a waste of funds which are taken out of various industries in the shape of premiums or accident policies on the workmen. Commissions to agents, salaries to officers, dividends to shareholders, the payment of litigation fees, and other incidental expenses absorb a very large proportion of such premiums. With a view of eliminating this waste and to enable the workman to obtain fair, quick, and certain settlement of his claim, we would recommend the introduction of a system of compulsory State insurance against industrial accidents.

BASIC PRINCIPLE OF "WORKMEN'S COMPENSATION ACT."

Although the "Workmen's Compensation Act" has been unsatisfactory in its operation, the basic principle of that legislation is that industry should bear the burden of its accidents as part of the cost of production. This principle has been accepted and acted upon by our Legislature since 1902. The problem of compulsory State insurance is not, therefore, entirely a new one to this Province, but rather one of the extension of the principle underlying the "Workmen's Compensation Act," and an alteration in methods of operation as well as the consideration of the problem whether the Government is justified in making insurance compulsory--i.e., whether the State is justified on the one hand in taking from the workman the right to sue in tort for damages commensurate with the loss he has sustained for his peculiar injury, and on the other hand to take from the employer the defences of contributory negligence, inevitable accident, and common employment so long known in our law.

COMPULSORY STATE INSURANCE RECOMMENDED.

We believe that, though each class surrenders to the State certain rights, it is in the public welfare that this should be so. The employer in submitting to the levy of taxes upon his industry receives the benefit of protection from expensive litigation, the workman in return, though he loses the precarious right to sue in tort for damages, receives in return a stipulated amount based upon his economic position in the community. Both the employer and the employee, as well as the State as a whole, benefit from the elimination of the friction and loss which necessarily attends all litigation. Your Commissioners have had recommended to them and discussed before them various systems of State insurance, particularly that in force in the neighbouring State of Washington, as well as the proposed legislation of the State of Oregon and the Province of Ontario. After a consideration of the legislation of the various unions of the United States and the Statute drafted by Sir William Ralph Meredith for the Legislature of the Province of Ontario, the system of compulsory insurance as proposed by Sir William Ralph Meredith commends itself in the main to your Commissioners as the most suitable to the jurisdiction of our Province. Several of the American Acts are specially devised to overcome constitutional restrictions; fortunately our Canadian Legislatures are not hampered in regard to constitutional limitations as to their jurisdiction.

PRINCIPLES OF COMPULSORY INSURANCE LEGISLATION

We therefore recommend the introduction of a system of compulsory State insurance against industrial accidents based upon the following principles:--

- (a.) Compensation should be certain and prompt, and should be in lieu of all rights of action which the workman may have against his employer, who should be free from all liability apart from his liability to contribute to his assessment. One of the greatest advantages of State insurance is the fact that it eliminates the question of the continued solvency of the employer. At the sitting your Commissioners held at Merritt a very practical instance of the uncertainty attending the existing system of procuring compensation was given in the evidence of two widows whose husbands had been killed in a mining disaster. The mining company did not contest their claim, as in law there was no defence, but although they had children dependent upon them for support, owing to the company being in financial difficulties, they had not received any pecuniary payment, but had to be content to receive a few articles of wear and household goods from the company store. The foregoing instance is uncommon among large employers of labour, as it is generally the smaller employer who carries no insurance and whose solvency is uncertain. The assumption of the obligation by the State to pay compensation by the imposition of a tax upon each industry throws the loss upon the class instead of upon the individual. The loss is spread over a wide area and each employer is supported by all other employers of the same class:
- (b.) Compensation should be payable to workmen engaged in hazardous employments, and the Compensation Board should have jurisdiction to add from time to time any industry which in their opinion should be included as a hazardous employment. Though the purview of any system of State insurance must in its initial stages be

limited to what are generally recognized and classed as dangerous employments, yet it is believed that when employers in other industries realize that such a system of insurance is one that really insures, instead of, as at the present time, having insurance which does not always protect them, they will voluntarily apply to be admitted to the advantages of such a system, even though the assessment rate should be higher than that of private insurance companies:

- (c.) A Workmen's Compensation Board appointed by the Lieutenant-Governor in Council for a fixed period of ten years should be constituted, with jurisdiction to examine and determine all questions of liability, with power to levy and collect all assessments upon employers. This would necessarily include jurisdiction to properly initiate and attend to all the details in connection with its procedure and operation, including the power to engage such technical actuarial assistance as would be required for the fixing of insurance rates as well as the employment of medical assistance:
- (d.) The assessment should be based upon the percentage of accidents in each class of employment and on the amount of the pay-roll. As an inducement to employers to take precautions to prevent accidents, the Board should have full power to increase or decrease the assessment in proportion to the number of accidents. Many employers contend that a proportion of the tax should be deducted from the wages of their employees, but when we consider that the workmen secure no compensation for trivial injuries, and even in cases of more serious injuries only a proportion of his wage during the period of his incapacity, it must be conceded that he does, indirectly at least, bear a share of the burden:
- (e.) Compensation should be payable in all cases where the workman is disabled for a period of at least two weeks, and should in such cases be computed from the date of the accident. Practically all systems of compensation withhold payment where the injuries are only trifling, in order to reduce to a minimum the evils of simulation and malingering:
- (f.) Compensation should not be payable where it is proven that the injury is due solely to the serious and wilful misconduct of the workman, unless death or serious disablement ensues. Your Commissioners believe that the workman who is careless should be penalized when it is proven that he has been guilty of serious and wilful misconduct, as the employer who does not take proper precautions to prevent accidents is penalized by an increase in assessments, inasmuch as we believe it should be the aim of the State to give every incentive for the prevention of accidents. Sir William Ralph Meredith has in his draft Bill restricted compensation to dependents of workmen coming from countries which have similar legislation. This system of limiting the benefits of the Act to dependents residing in only those countries which have what may be termed reciprocal legislation would, in our opinion, be an inducement to employers to secure workmen from countries having no such legislation, inasmuch as in the event of fatal accidents no liability to pay compensation would ensue. Such countries would not be the most enlightened, and no employer should be given any inducement to secure workmen from such countries to compete with our own citizens, as well as those who may be immigrants from other countries which protect the lives of their workmen by compensation legislation:
- (g.) Workmen in many occupations suffer from what are known as occupational diseases. At the sitting of your Commissioners held at Trail evidence was adduced of the prevalence of lead-poisoning among smelter-workers. Inasmuch as occupational diseases are risks of particular employments, we believe that the employment should bear the burden of those risks as part of the cost of production, and that workmen suffering from them should be included in any scheme of State insurance:
- (h.) Compensation, in our opinion, should be payable weekly, with power to the Board to commute weekly payments for a lump sum. The commutation of payments, in our opinion, should be allowed only in exceptional circumstances, as, for instance, where the purchase of an artificial limb is necessary. One of the chief

underlying principles of State insurance is to afford protection against pauperism by the weekly payment of a proportion of his earning-capacity to the injured workman. Were commutation indiscriminately allowed, many workmen would be reduced to poverty through ill-advised investments, though others might be more successful:

- (i.) The fixing of the scale of compensation for dependents and injured workmen is peculiarly a matter for the Legislature, upon which we do not feel it is our duty to offer any suggestion, except that it should bear a fixed proportion to the earning-capacity of the applicant, and in case of death, where the dependent is the widow or an invalid husband, a fixed monthly payment, with the additional allowance for children under the age of sixteen years; in all other cases the amount of compensation should be proportionate to the actual pecuniary loss sustained:
- (j.) Although it is necessary and advisable that the decision of the Compensation Board should be final and conclusive and not open to question or review in any Court of law, the Board itself should have jurisdiction at its discretion to state a case for the opinion of the Court of Appeal of British Columbia. Such stated cases should be limited entirely to questions of law, the Board itself being the sole judge of questions of fact.

SUNDAY LABOUR.

In view of the recent reversal of the decision given in one of our Courts to the effect that a labourer engaged in manual labour on a Sunday has no remedy against his employer, inasmuch as he is engaged in an illegal work in contravention of the "Lord's Day Act," it is perhaps unnecessary to make any observations; but in the event of the result of any further appeal being such that it should finally be established that a workman engaged in Sunday labour has no remedy at law for injuries sustained on that day, your Commissioners wish to express the opinion that a labourer engaged in Sunday labour should not thereby be debarred from compensation. Where an employer requests a workman to pursue his ordinary labour on that day, it does not appear to us to be equitable or just that he should be exempt from all liability. It is undoubtedly the fact that many employers, especially those engaged in railway-construction work, anxious to push their work to completion, are desirous that the labourers should continue work on that day; and on the other hand, a large proportion, especially of foreign labourers, have no religious convictions which preclude them from working on Sundays. Many of these men who lose time on account of wet weather are anxious to take advantage of all days suitable for outdoor work. We would consider, therefore, that such men, by reason of working on Sundays, should not lose their remedy at law in the event of sustaining injuries by reason of being engaged in their employment on a Sunday.