



The History of Safety Part 3 – The Birth of the WCB

The worker who was injured or became ill due to the working conditions usually had to take their employer to court to receive some sort of settlement. Even in history, it was usually very expensive, long and beyond the ability of the average worker. The actual chances of winning were poor. Even the commencement of an action usually isolated the complainant and the witnesses from finding future employment in the geographical area. They were “blacklisted” from employment.

In 1897, the British Parliament passed the first true worker’s compensation legislation. The legislation brought automatic compensation to workers who were injured or killed on the job. It was often abused by employers who created cases against the worker claiming that their own actions caused the injury. In spite of this, many workers and workers families received some sort of compensation where none would have been received previously.

Even when successful, the average settlement in 1908 was \$1,600.00. The average money paid to the widow after legal fees was \$687.00. The average family in 1908 left to deal with the loss of the husband/father was the wife and three children. There was no source of income for the family after the death. In 1909, there were 30,000 fatalities in the United States.

The companies that were taken to court, usually relied upon or more of the three typical defences to protect themselves.

- Assumption of Risk - That employer had no liability whatsoever as the employee knew the risks and hazards of the job when he accepted it
- Fellow Servant Rule – The employer is not liable as it was the negligent actions of a fellow employee that caused the injuries or death.
- Contributory Negligence – The employer was not liable as the worker caused his own problems through his own negligence.

In 1910, the Province of Ontario appointed William Meredith to head a Royal Commission to review the workers compensation system. Meredith proposed the “historic trade off” where workers gave up the right to sue their employers for a guaranteed protection from loss of income regardless of fault. The amount of compensation should be related to the earning power of the injured worker. Meredith believed that it should be a wage loss system.

Meredith's report led to the first Workers Compensation Act in Canada. On January 1, 1915, Ontario's Workers Compensation Act was proclaimed based upon the five Meredith Principles:

- **No-fault compensation:** Workplace injuries are compensated regardless of fault with no argument over responsibility or liability for an injury. The worker and employer waive the right to sue.
- **Collective liability:** The total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.
- **Security of payment:** A fund is established to guarantee that compensation monies will be available. Injured workers are assured of prompt compensation and future benefits.
- **Exclusive jurisdiction:** All compensation claims are directed solely to the compensation board. The board is the decision-maker and final authority for all claims. The board is not bound by legal precedent; it has the power and authority to judge each case on its individual merits.
- **Independent board:** The governing board is both autonomous and non-political. The board is financially independent of government or any special interest group. The administration of the system is focused on the needs of its employer and worker clients, providing service with efficiency and impartiality.

1930, Saskatchewan created its own Worker's Compensation Board based upon these principles.

If you have any questions about Occupational Health and Safety, please e-mail them either to this paper or to bruce@eastside-safety.com I will research them, and try to answer them in this column.

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