

ORDINANCES  
OF THE  
**YUKON TERRITORY**

---

PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR

**1952**

SECOND SESSION

FREDERICK FRASER  
COMMISSIONER

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Printed and Published for the Government of the Yukon Territory Under  
Authority of Chapter 75 of the Consolidated Ordinances of 1914.

BY

W. M. CAMERON, Queen's Printer

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CHAPTER 1

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AN ORDINANCE TO AMEND  
"THE YUKON TERRITORIAL PUBLIC SERVICE  
ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. "The Yukon Territorial Public Service Ordinance", being Chapter 76 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby amended by striking out the words "without additional compensation" where they appear in the sixth line of Section 38 thereof, and substituting therefor the following:

Section 38  
amended

"subject to such additional compensation as the Commissioner may authorize."

Section 40  
repealed

2. The said Ordinance is further amended by repealing Section 40 thereof.

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## CHAPTER 2

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AN ORDINANCE TO AMEND  
"THE GOVERNMENT LIQUOR ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Commissioner  
may interdict  
indigent

1. The Government Liquor Ordinance, being Chapter 14 of the Ordinances of the Yukon Territory, 1952 (first session), is hereby amended by adding immediately after section 25(1) the following subsection:

- (a) Where any person is in receipt of relief or assistance from the Government of the Yukon Territory, the Commissioner may make application for an order of interdiction prohibiting the sale of liquor to such person.
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## CHAPTER 3

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AN ORDINANCE TO AMEND  
"THE INTERPRETATION ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. "The Interpretation Ordinance", being Chapter 1 of the Consolidated Ordinances of the Yukon Territory, 1914, as amended by Chapter 15 of the Ordinances of the said Territory, 1951, (first session), is further amended by adding immediately after the words "Discovery Day", where they appear in paragraph 19 of Section 8, the following words:

Holidays  
definition  
amended

"Or the eighteenth day of August, when the seventeenth day of August falls on a Sunday."

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## CHAPTER 4

AN ORDINANCE TO AMEND  
"THE HOSPITALS ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. "The Hospitals Ordinance" being Chapter 43 of the Consolidated Ordinances of the Yukon Territory, 1914, as amended by Chapter 4 of the Ordinances of the Yukon Territory, 1948, is amended by repealing Section 4 and substituting therefor the following section:

"4. In case of public moneys being appropriated for the purposes of this Ordinance by the Commissioner-in-Council every such hospital complying with the requirements of this Ordinance and of all orders made by the Commissioner hereunder, shall receive in each year aid from such moneys to the extent and amount following that is to say:

Amount of  
aid to  
hospital

(a) Every such hospital shall have and receive not less than one dollar and fifty cents and not more than two dollars for each day's actual treatment and stay of every patient.

Additional  
grant for  
partially free  
patient

(b) Every such hospital shall have and receive an additional grant of not less than four dollars and not more than five dollars for each day's actual treatment and stay of every partially free patient admitted to or being within such hospital during the calendar year for which said aid is granted, less the number of days represented by any money's worth given for such treatment by the patient, provided, however, that such aid shall not be granted in respect of any partially free

patient until there has been filed with the Territorial Treasurer in respect of such patient a certificate of the attending physician that each day of such treatment and stay was necessary and an application on behalf of the hospital for such aid with evidence which satisfies the Territorial Treasurer that the hospital has made every reasonable effort to collect from such patient the full cost in money's worth of his treatment and stay and stating the reasons why such full cost could not be collected and the amount which was so collected.

Physician's  
certificate

(c) Every such hospital shall have and receive an additional grant of not less than four dollars and not more than five dollars for each day's actual treatment of every free bed patient and three dollars for every free ambulant patient admitted to or being within such hospital.

Additional  
grant for free  
patient

(d) Every such hospital shall have and received an additional grant of one half the regular fee charged by such hospital for medicines, x-rays, operating room and similar fees, other than ward fees, for every free patient admitted to or being within the hospital.

Additional  
grant for  
medicine,  
x-rays, etc.

(e) This Ordinance is retroactive to the first day of April, 1952."

Effective  
date

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## CHAPTER 5

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AN ORDINANCE TO AMEND THE  
"PROTECTION OF CHILDREN ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Section 26(1)  
amended

1. The "Protection of Children Ordinance" being Chapter 1 of the Ordinances of the Yukon Territory, 1945, is hereby amended by striking out the words "ten nor more than twenty-five" where they appear in the second and third lines of subsection 1 of Section 26 and substituting therefor the word "five".

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CHAPTER 6

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AN ORDINANCE TO AMEND  
"THE FUR EXPORT TAX ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. "The Fur Export Tax Ordinance", being Chapter 12 of the Ordinances of the Yukon Territory 1951 (second session), is hereby amended by striking out the fourteenth line of Schedule "A", and substituting therefor the following:

Schedule  
amended

"On each muskrat (musquash) .05"

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## CHAPTER 7

AN ORDINANCE TO AMEND THE  
"DENTAL PROFESSION ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The "Dental Profession Ordinance" being Chapter 15 of the Ordinances of the Yukon Territory, 1952, (first session), is amended hereby by inserting immediately after Section 4 the following section:

Register of  
dental  
hygienists

"4A (1) The Commissioner shall cause to be kept a register of dental hygienists and no person shall be allowed to practise as a dental hygienist unless he is registered therein.

Application

(2) The Commissioner may, upon application, enter in the register the name of any person qualified in a recognized school or college of dentistry or dental hygiene."

2. The Ordinance is further amended by inserting immediately after Section 16 the following section:

Regulations

"16A Notwithstanding anything herein contained the Commissioner may make regulations

(a) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a dentist duly licensed and registered under this Ordinance, of the services of cleaning and polishing teeth and the giving of instructions and demonstrations in oral hygiene and mouth care;

- (b) prescribing other specific dental duties of a minor nature that may be similarly delegated for performance by dental hygienists;
  - (c) prescribing the admission and annual fees payable by dental hygienists; and
  - (d) generally for defining, regulating and controlling the the practice of dental hygiene.”
-

CHAPTER 8

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AN ORDINANCE TO AUTHORIZE AND IMPLEMENT  
AN AGREEMENT BETWEEN THE GOVERNMENT OF  
CANADA AND THE GOVERNMENT OF THE  
YUKON TERRITORY, NO. 2

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- |   |  |
|---|--|
| Short title                                     | 1. This Ordinance may be cited as the "Federal-Territorial Agreement Ordinance, No. 2, 1952".  |
| Interpretation                                  | 2. In this Ordinance   |
| "Agreement"                                     | (a) "Agreement" means the Agreement entered into pursuant to this Ordinance;   |
| "Commissioner"                                  | (b) "Commissioner" means the Commissioner of the Yukon Territory;  |
| "Municipality"                                  | (c) "Municipality" has the meaning assigned thereto by the Agreement; and  |
| "Tax Rental Agreement, 1948"                    | (d) "Tax Rental Agreement, 1948" means the Agreement entered into pursuant to Chapter 21, Ordinances Yukon Territory, 1948, between the Government of Canada and the Government of the Yukon Territory, dated the fourteenth day of September, 1948. |
| Commissioner authorized to enter into agreement | 3. Subject to the provisions of this Ordinance, the Commissioner is authorized to enter into and execute, on behalf of the Yukon Territory, an Agreement with the Government of Canada providing   |
| Provisions of agreement                         |  |

(a) that the Government of Canada will pay to the Yukon Territory

Payments to Territory

(i) in respect of each of the five calendar years commencing on the first day of January in the period from the first day of January, 1952, to the thirty-first day of December, 1956, the amounts specified in section four of this Ordinance, and

(ii) in respect of each of the five fiscal years commencing on the first day of April in the period from the first day of April, 1952, to the thirty-first day of March, 1957, an amount not less than the amount by which the guaranteed minimum annual amount specified in section five of this Ordinance exceeds the amount of the population subsidy specified in Section four of this Ordinance; and

(b) that in consideration thereof, the Government of the Yukon Territory will suspend and refrain and require the municipalities in the Yukon Territory to suspend and refrain from the imposition, levying and collection of

Territory to suspend or refrain from imposing certain taxes

(i) personal income taxes, corporation taxes and corporation income taxes, in respect of the period of five years commencing on the first day of January, 1952, and ending on the thirty-first day of December, 1956, and

(ii) succession duties in respect of successions or transmissions consequent upon or upon property passing upon death occurring during the period of five years commencing on the first day of April, 1952, and ending on the thirty-first day of March, 1957,

in terms substantially similar to the terms contained in the Tax Rental Agreement, 1948, subject to such modification as may be necessary to give effect to the provisions of sections four and five of this Ordinance and omitting the terms relating to the tax of five per cent. on the income of corporations imposed pursuant to Clause six thereof for the imposition of which no provision shall be made.

Terms similar to 1948 agreement

Provisions of agreement

4. An Agreement entered into under this Ordinance, in addition to the other terms that may be agreed upon, shall provide

Amounts payable to Territory

(a) that the amount payable by the Government of Canada to the Government of the Yukon Territory in lieu of grants for the support of the Government and Council of the Yukon Territory and other special grants to the Government of the Yukon Territory shall be \$30,000.00; and

(b) that the amount payable by the Government of Canada to the Government of the Yukon Territory by way of annual subsidy in respect of population shall be \$7,276.80, being an amount of 80 cents per capita on the 1951 population of 9,096 persons, which amount is referred to in this Ordinance as the "population subsidy".

5. An Agreement entered into under this Ordinance shall also provide:

Computation of amounts payable

(a) that the guaranteed minimum annual amount payable by the Government of Canada to the Government of the Yukon Territory shall be \$170,487.00, being the amount derived by increasing the amount of \$89,365.00 (the guaranteed minimum annual amount payable under Clause 1B of the Tax Rental Agreement, 1948) by a ratio representing a comparison of the value of gross national product per capita and population of the Yukon Territory in the year 1948 with the value of gross national product per capita and population of the Yukon Territory in the year 1942 as determined by the Dominion Statistician;

(b) that the adjusted annual amount payable by the Government of Canada to the Government of the Yukon Territory (which under Clause 1B of the Tax Rental Agreement, 1948, in respect of a fiscal year, is the average of amounts determined in respect of each of the three calendar years immediately preceding the fiscal year) shall, in respect of a fiscal year, be the average of

amounts determined in respect of each of the two calendar years immediately preceding the fiscal year, such amount to be the greater of

- (i) the guaranteed minimum annual amount, or
  - (ii) the amount that is the product of the guaranteed minimum annual amount and the product of the ratio that the value of the gross national product per capita in that calendar year bears to the said value of the calendar year 1948 and the ratio that the population of the Yukon Territory for that calendar year bears to the said population in the calendar year 1948, these said ratios to be as determined by the Dominion Statistician;
- (c) that for the purpose of determining the adjusted annual amount payable by the Government of Canada to the Government of the Yukon Territory, the value of the gross national product shall be the value thereof determined by the Dominion Statistician at factor cost, instead of at market prices as is provided in the Tax Rental Agreement, 1948;
- (d) that payments on account of the amounts payable by the Government of Canada to the Government of the Yukon Territory under the Agreement in respect of a calendar year shall be made semi-annually on the thirtieth day of June and on the thirty-first day of December, in the calendar year, and in respect of a fiscal year shall be made quarterly on the thirtieth day of June, the thirtieth day of September, the thirty-first day of December and the thirty-first day of March respectively, in the fiscal year; and
- (e) such other terms as may be agreed upon for the purpose of giving full effect to the provisions of this section, for improvement in the technical procedures required to give effect to the Agreement and generally to give effect to the meaning and intent of this Ordinance.

Payments to be made semi-annually in respect of calendar year

Payments made quarterly in respect of fiscal year

Terms to give effect to section and Ordinance.



5A. An agreement entered into under this Ordinance may also provide ...

Further provisions of Agreement

(a) that in consideration of the release by the Government of Canada of its right to all further payments by the Government of the Yukon Territory under clause three of the Tax Rental Agreement, 1948, and to make any further deductions under the said clause three, the Government of the Yukon Territory will release its right to all further payments by the Government of Canada under clause four of the Tax Rental Agreement and to be furnished with any further information by the Government of Canada under the said clause four.

(b) that in consideration of the payment by the Government of Canada of the sum of \$182.92, the Government of the Yukon Territory will release its right to payment by the Government of Canada under the said clause four of interest and penalties in respect of overdue taxes, and

(c) that the Government of Canada will retain all further amounts collected by it under the said clause four.

Agreement shall contain clause similar to clause 7 of Tax Rental Agreement, 1948

6. An Agreement entered into under this Ordinance shall also contain a clause similar to Clause 7 of the Tax Rental Agreement, 1948, except that sub-paragraph (a) of paragraph (2) thereof shall be amended to provide for an amusement tax to be levied at a rate of not less than ten per cent., and paragraph (3) thereof shall be deleted.

Agreement may be varied

7. The Agreement may be varied or amended from time to time, as may be agreed upon with the Government of Canada by the Commissioner.

Ordinances, by-laws inoperative to extent necessary to give effect to agreement

8. Upon the execution of the Agreement, the Ordinances, regulations, by-laws, orders and rules, including those of any municipality in the Yukon Territory, shall, for the relevant periods provided in the Agreement, but not longer, be deemed to be amended, suspended or inoperative, as the case may be, to the extent necessary to give effect to the Agreement and to permit the Yukon Territory to fulfil every obligation assumed by it under the Agreement.

9. To the extent to which any Ordinance, regulation, by-law, order or rule is required to be amended for the purposes of the Agreement, it shall for the relevant period provided in the Agreement have effect and have the force of law as if every required amendment had been expressly made therein.

10. Neither the Commissioner nor any municipality shall do any act or exercise any power or collect any tax in contravention of the provisions of the Agreement.

No  
contravention  
of agreement

11. In any case in which by this Agreement any tax or fee is required to be reduced, such tax or fee is, for the relevant period provided in the Agreement, but not longer, reduced, in accordance with the Agreement, and the tax or fee in the reduced amount shall only continue to be payable and exigible and recoverable in the same manner as if it had not been reduced.

When tax  
required to  
be reduced

12. The Commissioner is empowered to do every act and to exercise every power and to make every payment necessary or proper for the purpose of implementing in every respect every obligation assumed by the Yukon Territory under the Agreement.

Power to  
implement  
obligations  
under  
Agreement

13. The preceding sections shall remain in operation only so long as necessary to give effect to the terms of the Agreement.

Length of  
operation of  
section 12

14. Any amount or amounts that become payable to the Government of Canada under the terms of the Agreement shall be a charge upon and be paid out of the Yukon Consolidated Revenue Fund.

Manner of  
payment

15. The "Federal-Territorial Agreement Ordinance, 1952", being Chapter 16 of the Ordinances of the Yukon Territory, 1952, First Session, is hereby repealed.

Repeal

16. This Ordinance is retroactive to the extent necessary to give effect to the Agreement.

Retroactive  
effect

## CHAPTER 9

AN ORDINANCE TO AMEND  
THE "STEAM BOILERS ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The "Steam Boilers Ordinance", being Chapter 2 of the Ordinances of the Yukon Territory, 1952 (first session), is amended by repealing section 8 and substituting the following:

Inspection  
once a year

"8. (1) The owner of

- (a) a boiler,
- (b) a pressure vessel of over twenty cubic foot capacity,
- (c) a hot water boiler which for heating purposes has over one hundred and fifty square feet of heating surface or irrespective of heating surface is installed in a school, hospital, church, theatre, hall, auditorium or building where the public assemble,

shall cause it to be inspected at least once in each year by an inspector, and shall pay to the Territorial Treasurer the fee as prescribed in Schedules B and C of this Ordinance.

Inspector to  
set and seal  
safety valves,  
test pressure  
gauges and  
examine  
installation

(2) The inspector shall set and seal the safety valves of the boiler's and pressure vessels he inspects and shall test the pressure gauges of such pressure vessels and shall satisfy himself that such boilers and pressure vessels are safely installed.

(3) It shall be the duty of such inspector to furnish the Territorial Secretary with all particulars of the inspection so that the fee as prescribed in Schedules B and C of this Ordinance may be assessed.

Inspector to furnish particulars to Territorial Secretary

(4) After the completion of the inspection the inspector shall issue to the owner a certificate of inspection.

Certificate of inspection

(5) At all times the most recent inspection certificate issued with respect to a boiler or pressure vessel shall be displayed, protected by glass or other transparent covering, in a conspicuous place in the room or other place in which the boiler or pressure vessel is operated.

Certificate to be displayed

(6) An owner of a boiler or pressure vessel is guilty of an offence under this Ordinance who does not have in his employ a person having the required certificate or permit to operate a boiler or pressure vessel.

Offence

(7) Notwithstanding anything herein contained the Commissioner may, if the circumstances warrant, issue a certificate to an owner of a new boiler or pressure vessel pending the next regular visit of the inspector."

Commissioner may issue certificate to owner of new boiler

2. The said Ordinance is further amended by adding to subsection 2 of Section 20 the following proviso:

"Provided that upon recommendation of the inspector, the Commissioner may issue a provisional certificate to any person who has been employed as a fireman on a high pressure boiler for not less than one year upon payment of a fee of ten dollars; such provisional certificate to be valid for a period of not more than one year."

Section 20 amended

3. The said Ordinance is further amended by inserting after the word "horsepower" where it appears in subsection (1) of Section 23 the words and figures "and under 750 horsepower."

Section 23(1) amended

4. The said Ordinance is further amended by repealing Sections 35 and 36 and substituting therefor the following Sections:

Affidavit  
concerning  
new boiler

"35 (1) (a) Where any boiler is delivered to a purchaser within the Territory, an affidavit of the foreman under whose supervision the boiler was built, fully filled out and detailed in accordance with a form prescribed by the Province or State where the boiler was built, shall be forwarded to the Commissioner. Such form shall show the name and address of the purchaser which may be filled in by the agent making the sale.

Compliance  
with this  
section

(b) The inspector will not be required to examine or finally pass new boilers unless the provisions of this Section have been complied with.

Application  
to hot water  
boilers

(2) The same inspection procedure and the same fees used in connection with steam boilers shall be applicable to hot water boilers used for heating purposes and having more than one hundred and fifty square feet of heating surface.

Inter-  
provincial  
Boiler Code

(3) The Interprovincial Boiler Code shall govern the design, construction and inspection of boilers and pressure vessels in all respects where not covered by the regulations."

Calculation  
of boiler  
horsepower

"36. For the purposes of this Ordinance, one boiler horsepower shall be equivalent to 10 square feet of heating surface irrespective of type, except that for electric boilers the horsepower rating shall be calculated by dividing by 10 the maximum kilowatt capacity of the heating element."

New  
schedules  
added

5. The Ordinance is further amended by adding thereto the following Schedules:

#### SCHEDULE B

##### Inspection Fees for Boilers:

Less than 25 horsepower high pressure	\$10.00
Less than 25 horsepower low pressure	5.00
25 horsepower and less than 75 horsepower	12.50
75 horsepower and less than 100 horsepower	15.00
100 horsepower and less than 150 horsepower	17.50
150 horsepower and over	20.00

## SCHEDULE C

**Inspection Fees for Pressure Vessels:**

Not exceeding 235 cubic feet by volume	\$ 5.00
236 cubic feet to and including 400 cubic feet by volume	7.50
401 cubic feet to and including 1000 cubic feet by volume	10.00
1001 cubic feet to and including 2000 cubic feet by volume	12.50
2001 cubic feet to and including 4000 cubic feet by volume	15.00
Over 4000 cubic feet by volume	17.50

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CHAPTER 10

AN ORDINANCE TO AMEND THE  
"OLD AGE ASSISTANCE AND BLIND PERSONS  
ALLOWANCE ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The "Old Age Assistance and Blind Persons Allowance Ordinance", being Chapter 12 of the Ordinances of the Yukon Territory, 1952, (First Session), is hereby amended by repealing paragraph (e) of Section 2 thereof, and substituting the following:

"Director"  
defined

"(e) 'Director' means the Director of Old Age Assistance and Blind Persons Allowance."

Section 4  
amended

2. The Ordinance is further amended by deleting from the first line of Section 4 thereof the following words:

"the monies issued and advanced out of"

3. The Ordinance is further amended by repealing Section 5 and substituting therefor the following:

Director  
appointed by  
Commissioner

"5 (1) The Director shall be appointed by the Commissioner.

(2) The Director shall

(a) receive applications, and

Duties of  
Director

(b) determine the eligibility of each applicant for assistance or allowance and approve the application for the grant of assistance or allowance.

(3) The Director may

(a) call for any additional proof that may be prescribed in the Regulations or the Federal Act.

(b) confirm, amend or reverse any direction or determination made by him under this Ordinance,

and, subject to his right to amend or reverse any direction or determination, every direction or determination given or made by the Director is final and is not subject to review by any Court or otherwise."

4. The Ordinance is further amended by inserting after the word "innocent" where it appears in Section 9, subsection 1, the words "or false". Section 9  
amended

5. The Ordinance is further amended by inserting after the word "assistance" where it appears in Section 12, subsection 1, the words "or allowance". Section 12  
amended

6. This Ordinance is deemed to have come into force on the first day of April, 1952. Effective  
date

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CHAPTER 11

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AN ORDINANCE TO AMEND  
THE "YUKON CORPORATION INCOME TAX  
ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 11 of the "Yukon Corporation Income Tax Ordinance", being Chapter 24 of the Ordinances of the Yukon Territory, 1948, is repealed and the following substituted therefor:

Non-  
applicability  
after 1952

"11. (1) This Ordinance is not applicable to a taxation year ending after December 30, 1952.

Computation  
of tax  
deduction

(2) A corporation may deduct from the tax otherwise payable by it under this Ordinance, in respect of its fiscal year commencing in the calendar year nineteen hundred and fifty-one, an amount that is in the same ratio to the said tax otherwise payable, as the number of days in that fiscal year following the last day of December of the said calendar year, is to three hundred and sixty-five".

Extension of  
time of  
expiration

2. The said Ordinance shall be deemed not to have expired on the first day of January, 1952, and shall be deemed to continue in force and to have continued in force at all times subsequent to the thirty-first day of December, 1951.

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## CHAPTER 12

AN ORDINANCE RESPECTING COMPENSATION TO  
BE PAID AS A RESULT OF INJURIES OR DEATH  
CAUSED TO WORKMEN IN THE COURSE OF  
THEIR EMPLOYMENT

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. This Ordinance may be cited as the "Workmen's Compensation Ordinance". Short title

2. In this Ordinance, Definitions

(a) "Accident" includes a wilful and intentional act, not being the act of the workman and shall also include a chance event occasioned by a physical or natural cause, as well as 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"

(b) "child" includes an illegitimate child, and any child of any child and the child of a husband or wife by a former marriage, as well as any other child to whom the workman stood in loco parentis; "Child"

(c) "compensation" includes medical aid; "Compensation"

(d) "common law wife" includes any woman who although not legally married to him lives and cohabits with a man as his wife and is known as such in the community in which they have lived; "Common Law wife"

(e) "construction" includes reconstruction, repair, alteration, renovating, painting, decorating and demolition; "Construction"

- "Court" (f) "Court" means The Territorial Court of the Yukon Territory;
- "Dependents" (g) "dependents" means such of the members of the family of a workman as were wholly or partially dependent upon his earnings at the time of his death or who, but for the incapacity due to the accident, would have been so dependent; but a person shall not be deemed to be a partial dependent of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;
- "Employer" (h) "employer" means every person, firm, association, body or corporation having or deemed by this Ordinance to have in his or its service one or more workmen;
- "Employment" (i) "employment" means employment in an industry or any part, branch or department of an industry;
- "Industry" (j) "industry" means any establishment, undertaking trade or business included in the Schedules hereto or designated by regulation, whether the same be carried on in conjunction with other occupations or separately;
- "Insurer" (k) "insurer" means an insurance company licensed to do business in Canada under the Canadian and British Insurance Companies Act or the Foreign Insurance Companies Act;
- "Invalid" (l) "invalid" means a person who is physically or mentally incapable of earning;
- "Learner" (m) "learner" means any person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of this Ordinance for the purpose of undergoing training or probationary work specified or stipulated by the employer as a preliminary to employment and in the event of a learner suffering injury in such circumstances as would entitle him to compensation such compensation shall be based upon the wages paid to beginners in the trade or business in which he is a "learner";

(n) "lumber" includes logs, laths, shingles, ties and all other forest products the manufacture and production of which is an industry or is within an industry within the scope of this Ordinance; "Lumber"

(o) "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; "Manufacturer"

(p) "medical aid" includes medical and other services by all those licensed to practise the healing art in the Territory or at such place outside the Territory where treatment may be authorized and nursing, hospitalization, drugs, dressings, x-ray treatment, special treatment, transportation and other matters and things as the employer or Referee may authorize or provide; "Medical aid"

(q) "member of a family" means wife, husband, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister and a person who stood in loco parentis to the workman or to whom the workman stood in loco parentis, whether related to him by consanguinity or not so related; and where the workman is the parent or grandparent of an illegitimate child, includes such child and where the workman is an illegitimate child includes each of his parents or grandparents; "Member of a family"

(r) "mine" includes any opening, quarry or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of, or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, quartz, limestone, bed of earth, clay, sand or gravel, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and also any roastery, smelting furnace, mill work or place used for or in connection with crushing, reducing, smelting, refining or treating any of said substances; "Mine"

- "Mine rescue and first aid work" (s) "mine rescue and first aid work" includes the equipment necessary for such work, the repairs thereof, the training necessary for such work and the supplies used therein;
- "Outworker" (t) "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 use or 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;
- "Payroll" (u) "payroll" means the total remuneration earned by all the workmen of an employer in the Yukon Territory in a year, less the remuneration in excess of three thousand dollars paid to each workman in that year.
- "Permanent total disability" (v) "permanent total disability" without restricting the general meaning of the term shall be conclusively presumed in all cases where the injuries suffered consist of or include,—
- (i) total and permanent loss of the sight of both eyes;
  - (ii) the loss of both feet at or above the ankle;
  - (iii) the loss of both hands at or above the wrist;
  - (iv) the loss of one hand at or above the wrist and one foot at or above the ankle;
  - (v) any injury to the spine resulting in permanent and complete paralysis of legs or arms or one leg and one arm;
  - (vi) any injury to the skull resulting in incurable imbecility or insanity;
- "Physician" (w) "physician" means an authorized person skilled in the art of healing;
- "Referee" (x) "referee" means such person or persons as the Commissioner may from time to time designate;
- "Remuneration" (xx) "remuneration" includes salary, wages, commissions, tips, earnings for overtime and for piece work and for contract work, bonuses or allowances, the cash equivalent of

board and lodging, stores certificates, credits or any substitute for money.

(y) "workman" means 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:— "Workman"

- (i) any person engaged in training for mine rescue work or who with the knowledge and consent of the management or the person in charge of an authorized mine rescue crew, is doing recovery work after an explosion, accident or catastrophe;
- (ii) the employees of a contractor contracting for the performance of mining operations for another person engaged in the industry of mining and also such contractor whilst actually working;
- (iii) the driver of a vehicle doing work for another whether the former supplies the vehicle or does not supply it, if the relationship of master and servant exists between the driver and the other person;
- (iv) the user of a fishing boat or fishing equipment doing work for another whether the former supplies such boat or equipment or does not supply it, if the relationship of master and servant exists between the user and the other person;
- (v) a learner; and
- (vi) any person not otherwise coming within the foregoing definition, who under the provisions of this Ordinance or a regulation is deemed to be a workman.

3. (1) Except as otherwise provided by this Ordinance or any regulation, every employer in any industry shall enter into and maintain in force a contract of insurance in such form, containing such conditions, for such amount and with such insurer as the Commissioner may by regulation approve providing for payment of compensation,

**Employers  
shall  
insure**

- Employees** (a) to workmen of the employer in respect of personal injury by accident arising out of and in the course of their employment including disability by reason of disease due to the employment; and
- Dependents** (b) to dependents of workmen in respect of the death of a workman by accident arising out of and in the course of his employment including death by reason of disease due to the employment.
- Commissioner may exempt employers** (2) The Commissioner may by regulation:
- (a) exempt,
- (i) from the application of this section, any employer who has made other arrangements for the protection of his workmen considered by the Commissioner to be at least equivalent to those provided by this Ordinance, subject to such conditions and the payment of such fee, as the Commissioner may prescribe;
- (ii) any areas of the Territory from the application of this Ordinance; and
- Cancel exemption** (b) cancel any such exemption.
- Application of Ordinance** 4. (1) This Ordinance applies to,—
- (a) the industries or part thereof named or described in schedule 1 and to such other industries as the Commissioner may designate by regulation;
- (b) the industrial diseases described in Schedule 2 and to such other industrial diseases as the Commissioner may designate by regulation; and,
- (c) subject to subsection two of section three, all employers in such industries or part thereof.
- Withdrawal from application** (2) The Commissioner may withdraw any industry or part thereof from the application of this Ordinance.

5. This Ordinance does not apply to,—

Non-  
applicability  
to certain  
persons

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business;
- (b) outworkers;
- (c) persons employed in an industry of an itinerant nature; and
- (d) persons employed in the industry of farming or ranching.

6. Members of the family of an employer employed by him and dwelling in his house shall not be deemed to be workmen within the scope of this Ordinance and compensation shall not be payable to them unless in the application for insurance they are specifically named as workmen of the employer.

7. (1) For the purposes of this section "equipment" includes teams, trucks, tractors, bulldozers, drag lines, power shovels, boats, nets and such other equipment or apparatus as the Commissioner may by regulation designate.

"Equipment"  
definition

(2) Where in any undertaking a person enters into an arrangement for the supplying of equipment to another person, if the person supplying the equipment,—

Who  
employers  
of persons  
operating  
equipment

- (a) operates it himself or hires another person to operate it; and
- (b) is paid or to be paid for the services of both equipment and operator;

the person supplying the equipment and any person operating the equipment shall be deemed to be workmen of the person to whom the equipment is supplied, unless the person supplying the equipment is otherwise insured under this Ordinance, in which case



- (c) he shall not be deemed to be a workman of the person to whom the equipment is supplied; and
- (d) the person operating the equipment shall not be deemed to be a workman of the person for whom the equipment is supplied but shall be deemed to be a workman of the person supplying the equipment.

(3) Where in any undertaking not coming within the provisions of subsection two, a person enters into an arrangement for the performance of work for another person and, notwithstanding that the arrangement may also provide that he supply materials, equipment or other services, if the person undertaking to perform the work,—

- (a) performs the work himself; or
- (b) has others perform the work for him; or
- (c) has others assist him in the performance of the work;

all the persons performing the work shall be deemed to be workmen of that other person for whom the work is performed, unless the person agreeing to perform the work is otherwise insured under this Ordinance, in which case,—

- (d) he shall not be deemed to be a workman of the person for whom the work is performed; and
- (e) the persons performing the work for him or assisting him in the performance of the work shall not be deemed to be workmen of that other person for whom the work is performed but shall be deemed to be workmen of the person agreeing to perform the work.

Accident  
elsewhere  
than in  
Territory

8. (1) Where an accident that would entitle the workman or his dependents to compensation under this Ordinance if the accident had happened in the Territory happens while he is employed elsewhere than in the Territory, the workman or his dependents are entitled to compensation under this Ordinance if,—

- (a) the workman is a resident of the Territory or his usual place of employment is in the Territory;
- (b) the nature of the employment is such that in the course of the work or service which the workman performs, the work or service is required to be performed both within and without the Territory;
- (c) the employment out of the Territory has immediately followed employment by the same employer within the Territory; and
- (d) the employment out of the Territory has lasted less than six months.

(2) Where by the law of the country or place in which the accident happens the workman or his dependents are entitled to compensation or other remedy in respect of it, he or they, as the case may be, are bound to elect whether they will claim compensation or other remedy under the law of that country or place or compensation under this Ordinance and to give notice of such election; and if such notice of election is not given it shall be presumed that they have elected not to claim compensation under this Ordinance.

Election by workman under law of other country

(3) Notice of the election shall be given to the Commissioner within thirty days after the happening of the accident or, in case it results in death, within thirty days after the death or within such longer period not exceeding one year as, either before or after the expiration of such thirty days, the Commissioner may allow

Notice of election

9. Every employer to whom this Ordinance applies shall pay,—

Employer shall pay compensation

- (a) to a workman in respect of personal injury by accident arising out of and in the course of his employment including disability by reason of disease due to the employment, and
- (b) to the dependents of that workman in respect of the death of that workman by accident arising out of and of

and in the course of his employment including disability by reason of disease due to the employment,

compensation as provided in this Ordinance.

Commissioner  
may appoint  
referee

10. The Commissioner may designate from time to time a person or persons to act as referee.

Jurisdiction  
of Referee

11. (1) The Referee has exclusive jurisdiction either with or without notice to any person or persons interested, to examine, inquire into, hear and determine, all matters and questions arising under this Ordinance and referred to the Referee by the Commissioner, and the action or decision of the Referee thereon is final and conclusive and is not open to question or review in any court, and no proceedings by or before the Referee shall be restrained by injunction, prohibition or other process or proceedings in any court or be removable by certiorari or otherwise into any court, nor shall any action be maintained or brought against the Referee in respect of any act or decision done or made in the honest belief that the same was within the jurisdiction of the Referee.

Power to  
reconsider,  
rescind, alter  
or amend  
decisions

(2) Nothing in subsection one shall prevent the Referee, within five years from the date of the accident, either with or without notice to any person or persons interested 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 Referee has authority to do.

Decisions of  
Referee not  
binding as  
precedent

(3) The decisions of the Referee shall be upon the real merits and justice of the case and he is not bound to follow strict legal precedent and no decision or ruling of the Referee is binding upon him as a precedent for any other decision or ruling, the intent of this provision being that each case shall be decided on its own merits.

Attendance  
of witnesses  
and produc-  
tion of  
documents

(4) The Referee has the like powers as a court for compelling the attendance of witnesses and of examining them under oath and compelling the production and inspection of books, papers, documents and things.

(5) The Referee may cause depositions of witnesses residing within or without the Territory to be taken before any person appointed by the Referee in manner similar to that prescribed by the Rules of the Territorial Court.

Evidence by deposition

(6) The Referee may act upon the report of any person appointed by the Referee to make an inquiry,

Power of Referee to act on report

(7) The person appointed to make the inquiry has for the purposes thereof all powers conferred upon the Referee.

Power of person appointed by Referee

(8) Without thereby limiting the generality of the provisions of subsection one of this section, it is declared that the exclusive jurisdiction of the Referee extends to determining,—

Exclusive jurisdiction of Referee

- (a) whether an injury has arisen out of or in the course of an employment within the scope of this Ordinance;
- (b) the existence and degree of disability by reason of an injury;
- (c) the permanence of disability by reason of an injury;
- (d) the degree of diminution of earning capacity by reason of an injury;
- (e) the amount of average earnings;
- (f) the existence, for the purpose of the Ordinance, of the relationship of any member of the family of an employer or of a workman;
- (g) the existence of dependency;
- (h) whether or not an industry or any part, branch or department of any industry is within the scope of this Ordinance;
- (i) whether or not any person or aggregation of persons, is an employer within the meaning of this Ordinance;
- (j) whether or not any person is a workman within the meaning of this Ordinance;

(k) whether or not any workman is entitled to compensation under this Ordinance.

Issuance of certificate embodying substance of order

12. (1) The Referee may in any case where it is deemed necessary and shall on the application of an employer or workman interested in any order, ruling or decision of the Referee, issue a certificate embodying the substance of any such order, ruling or decision.

Certificate may be filed in Court and execution issue

(2) If an award of the Referee is not paid within sixty days the workman may file the Referee's certificate with the Clerk of the Court and such certificate has the same force and effect as if it were a judgment of such court and execution against the employer may be issued thereon.

Regulations

13. The Commissioner may make such regulations and prescribe such forms as may be deemed expedient for carrying out the provisions of this Ordinance and not inconsistent therewith.

Compensation when payable

14. (1) Where in any employment to which this Ordinance applies, personal injury by accident arising out of and in the course of employment is caused to a workman, compensation shall be paid unless the injury is attributable solely to the serious and wilful misconduct of the workman and death or serious disablement does not result from it.

Where disease partly due to employment

(2) Where the personal injury consists of disease, in part due to the employment and in part due to causes other than the employment, compensation shall be paid in the same proportion to the whole of the compensation that would have been payable had the personal injury been wholly due to the employment, as the part thereof that is due to the employment is in proportion to the whole of the personal injury.

Presumption of death in the course of employment

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

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

Presumptions that accident occurred in course of employment

(5) Where a workman suffers disablement from or because of any of the diseases enumerated in Schedule 2 and at some time during the twelve months previous to the disablement was employed in a process appearing in the second column of the Schedule and the disease contracted is the disease in the first column of the said Schedule set opposite to the description of such process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

When disease deemed due to nature of employment

(6) If the injury does not disable the workman longer than the period of three days from earning full wages at the work at which he was employed, no compensation, other than medical aid, is payable under this Ordinance; if the injury disables the workman longer than the period of three days, no compensation, other than medical aid, is payable for the first three days of disability; and where the disability is of more than six days' duration, compensation is payable from the date of disability.

Disability longer than three days before compensation payable

15. (1) Except as authorized by the provisions of this Ordinance, it is not lawful for any employer, either directly or indirectly, to deduct from the wages of his workmen any part of any insurance premium that he is or may become liable to pay, or to require or to permit any of his workmen to contribute in any manner towards indemnifying him against any liability that he has incurred or may incur under this Ordinance.

Unauthorized deduction of wages prohibited

(2) It is not competent for a workman to agree with his employer to waive or to forego any of the benefits to which he or his dependents may become entitled under this Ordinance and every agreement to that end is absolutely void.

Waiver of right to compensation invalid

Compensation  
may not be  
assigned

(3) Except as herein otherwise provided, no sum payable as compensation or by way of commutation of any periodical payment in respect of it, is capable of being assigned, charged or attached unless with the approval of the Commissioner.

Recovery of  
overpaid  
compensation

(4) If and when compensation payments have been made to a workman beyond the period of his disability, the amount thereof may be recovered by the employer as a debt due to him by such workman and, without in any way limiting the employer's remedies for recovery, may be set off against any compensation that may be or become payable to him.

Claims of  
permanent  
disability

16. (1) All claims for permanent disability, whether total or partial shall be determined by the Referee on being referred to him by the Commissioner.

Temporary  
disability

(2) All claims for temporary disability shall be determined by the insurer in accordance with this Ordinance except that if an employee who has been awarded compensation for a temporary disability notifies the Commissioner that he is dissatisfied with the disposition of his claim, such claim shall at the request of the Commissioner be reviewed by the Referee who shall make such disposition of the claim as he deems appropriate.

Rights under  
Ordinance  
in lieu of  
right of  
action  
against  
employer

(3) The rights and compensation payable under this Ordinance are in lieu of all rights and rights of action statutory or otherwise to which a workman or his legal personal representative or his dependents are or may be entitled against the employer of the workman or against any workmen of the employer, by reason of personal injury to or the death of the workman arising out of any accident happening to the workman while in the employment of the employer, and no action in respect of such personal injury or death lies against the employer except for compensation to which the workman is entitled under this Ordinance.

Action  
against  
third person

(4) Where an accident happens to a workman in the course of his employment in such circumstances as entitles him or his legal personal representative or his dependents to an action against some person other than his employer or another workman of his employer, the workman or his

legal personal representative or his dependents may bring such action subject to the provisions of subsection five.

(5) Where an accident happens to a workman in the course of his employment entitling him or his dependents to compensation under this Ordinance, and the circumstances thereof are such as to entitle him or his legal personal representative or his dependents to an action against some person other than his employer or another workman of his employer, the employer is subrogated to all the rights of the workman or his legal personal representative or his dependents as against such other person for the claim of the workman or his legal personal representative or his dependents against such other person for or in respect of the personal injury to or death of the workman.

Subrogation

(6) Upon payment to the employer of his claim against any such person the employer may accept the same and give a receipt therefor and release such other person or his legal personal representative, as the case may be, from liability in respect of the personal injuries suffered by the workman in or because of the accident in question.

Acceptance of payment by employer

(7) Any amount received by the employer from such other person in excess of the cost of the accident to the employer shall be paid over to the injured workman or his legal personal representatives or his dependents, as the case may be, upon the employer receiving from such injured workman or his legal personal representatives or his dependents, as the case may be, a release from any further claim upon the employer in respect of the accident for or on account of which payment was or is being received in which case the workman or his legal personal representative or his dependents, as the case may be, shall not thereafter be entitled to receive from or be paid by the employer or the insurer any further compensation or medical aid for or in respect of injury or death arising out of such accident.

Payment by employer to employee

17. (1) In every case of injury to a workman by accident in any industry within the scope of this Ordinance, it is the duty of the workman or in the case of his death, the duty of a dependent, as soon as practicable, after the happening of the accident, to give notice thereof to the employer.

Notice to employer of accident



Contents of  
notice

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

Failure to  
give notice

(3) Failure to give notice as required by virtue of subsections one and two unless excused by the Commissioner on the ground,—

(a) that notice for some sufficient reason could not have been given;

(b) that the employer or his superintendent or agent in charge of the work where the accident happened had knowledge of the injury; or

(c) that the Commissioner is of the opinion that the claim is a just one and ought to be allowed,

is a bar to any claim for compensation under this Ordinance.

Time limit  
for making  
claim

(4) No compensation is payable in respect of any claim unless notice of the claim is given to the employer by the claimant within twelve months from the happening of the accident or where death results from such accident, by a dependent, within twelve months from the date of the death.

Notice to  
Commissioner  
by employer

(5) Every employer to whom the Ordinance applies, having knowledge or notice of the happening of an accident or of the allegation of the happening of an accident to a workman in his employ, shall forward to the Commissioner forthwith after the same comes to his knowledge or notice, notification of the happening of the accident or of the allegation of the happening of an accident and shall also, in the event of the injured workman or the allegedly injured workman returning to his work or being able to return to his work, forward to the Commissioner and the insurer within twenty-four hours after the fact of the return or ability to return comes to his knowledge, notification thereof and make such further and other reports respecting the accident or alleged accident and workman as may be required by the Commissioner.

(6) Every employer who fails to make any report required by virtue of this section, unless excused by the Commissioner on the ground that the report for some sufficient reason could not have been made, is guilty of an offence and liable upon summary conviction to a penalty not exceeding fifty dollars and costs, and in default of payment to imprisonment for a period not exceeding three months.

Failure of  
employer to  
report  
accident

(7) In case an employer fails to make any report required by virtue of this section, the Commissioner may make a special investigation of the accident and of the facts and circumstances surrounding it and may charge the cost of such investigation against such employer.

Investigation  
by  
Commissioner  
where  
employer  
fails to  
report

(8) A physician who attends an injured workman shall forward to the Commissioner,—

Physician's  
report

(a) a report within two days after the date of his first attendance upon the workman;

(b) upon the first and fifteenth days of each month progress reports, during such time as the injured workman is unable to work as a result of the injuries;

(c) a final report within three days after the workman is in his opinion able to resume work; and

(d) from time to time such reports in respect of the injury in such form as may be required by the regulations.

(9) The physician shall also give all reasonable and necessary information, advice and assistance to the injured workman and his dependents in making application for compensation and in furnishing in connection therewith such certificates and proofs as may be required, without charge to the workman.

Duty of  
Physician to  
workman

(10) Payment of a medical account for medical services rendered to an injured workman does not of itself constitute the making of a claim by such workman or acceptance of a claim.

Payment of  
account  
not a claim

Medical  
examination  
of claimant  
as required

18. (1) A workman who claims compensation or to whom compensation is payable under this Ordinance shall submit himself for medical examination in such manner and at such time and place as the employer, the insurer or the Referee may require.

(2) A workman is not required to submit himself for examination save as required by the employer, the insurer, or the referee.

Failure to  
submit to  
examination

(3) If a workman does not submit himself for examination as and when required by the employer, the insurer or the Referee so to do or in any way obstructs an examination, his right to compensation, or if he is in receipt of a periodical payment, his right thereto, shall be suspended until the examination has taken place, and the condition found upon such examination shall, unless the Referee otherwise directs, be deemed to have been the condition of the workman in relation to his disability at the date for which the examination was called.

Nomination  
of physicians  
in case of  
dispute

19. (1) If and when a workman claims,—

- (a) a greater disability than that allowed him;
- (b) a continuance of compensation beyond the period allowed;
- (c) error in some feature or circumstance of his claim as affected by his physical condition; or
- (d) that the medical opinion upon which the disputed finding was made is erroneous;

and makes a request in writing to the Commissioner for examination under the provisions of this section the Commissioner shall refer the claim to the Referee who, after consultation with the workman's attending physician, may nominate one or more duly qualified medical practitioners who shall examine him and certify to the Referee as to,—

- (e) the condition of the workman;

- (f) his fitness for employment;
- (g) if unfit, the cause of such unfitness;
- (h) the extent of his temporary or permanent disability by reason of the injury in respect of which he has claimed compensation; and
- (i) such other matters as may in his opinion or in the opinion of the Referee be pertinent to the claim;

and such certificate is conclusive as to the matter certified unless the Referee at any time directs otherwise.

(2) The Referee shall notify the workman and the insurer by registered mail of the name and address of the medical practitioner nominated.

Notice to workman

(3) The Referee may also of its own motion refer a claim to such a medical practitioner and the latter shall examine the claimant and certify in the manner provided in subsection one.

Reference to medical practitioner

20. If an injured workman persists in unsanitary or injurious practices that tend to imperil or retard his recovery or refuses to submit to such medical or surgical treatment as in the opinion of the employer based upon independent expert medical or surgical advice, is reasonably essential to promote his recovery, the employer may, with the consent in writing of the Referee, reduce or suspend the compensation of that workman.

Suspension of compensation

21. (1) Where in any case, in the opinion of the Referee, it is in the best interests of an injured workman, in order to cure or relieve him from the effects of the injury, to provide a special surgical operation or other special medical treatment, the employer shall provide such surgical operation or other special medical treatment.

Referee may order treatment

(2) Where in the case of any claim for compensation the Referee is of the opinion that the injury would be alleviated to some appreciable extent by the supplying of any apparatus usually provided in such cases, the employer shall supply

Special apparatus not to affect payment

such apparatus to the workman, but any such action shall not affect in any way the payments made to the workman.

Referee may order further measures

(3) To aid in getting an injured workman back to work and to assist in lessening or removing any handicap resulting from his injuries, the employer shall take such measures and make such expenditures as the Referee may deem necessary or expedient.

Repair or renewal of special apparatus

(4) The employer shall provide for the repair, maintenance or renewal of any apparatus provided by him which becomes in need of repair, maintenance or renewal by reason of accident or ordinary wear and tear and through no misconduct on the part of the workman, so long as the disability in respect of which such apparatus was supplied continues.

When employer pays for eye-glasses, etc.

(5) The employer shall assume the expense of replacement and repair of dentures, eye-glasses, artificial eyes or limbs or hearing aids, broken as a result of an accident arising out of and in the course of employment of the workman, if such breakage is accompanied by objective symptoms of personal injury.

Autopsy

(6) If an autopsy is deemed necessary by the Referee, the employer or the insurer to assist in determining the cause of any death, the Commissioner may direct that the autopsy be made within a time to be fixed by him, and if the dependent or dependents refuse to permit the autopsy, the Referee may reject any claim for compensation under this Ordinance.

Death while in hospital

(7) Where the death of a workman to whom this Ordinance applies occurs while he is confined to a hospital, the hospital authority shall report the same to the employer and the Commissioner immediately after the death has occurred.

Review of compensation

22. (1) Any payment to a workman may be reviewed at the request of the workman, employer or insurer within five years from the date of the accident, and on the review the Referee may put an end to or diminish the payment or may increase it to a sum not beyond the maximum hereinafter prescribed; the Referee shall forthwith notify the Com-

missioner and the Commissioner shall forthwith notify the employer of any such appeal.

(2) Where compensation is payable the employer, with the consent of the Commissioner, may commute the payments payable to a workman or a dependent to a lump sum.

Commutation  
of payments

(3) The employer may in any case where in his opinion, the interest or pressing need of the workman or any dependent warrants it, advance or pay to or for the workman or the dependent such lump sum as the circumstances warrant and as the employer may determine, and any sum so advanced or paid shall be on account of and chargeable against the compensation payable to the workman.

Accountable  
advances on  
compensation

(4) Where a lump sum payment has been made to a workman or a dependent as a settlement in full of his claim and has been so accepted by the workman or dependent, such workman or dependent is not entitled to receive or be paid any further or other compensation for or in respect of the degree of disability for which he was being compensated, but this subsection does not in any way affect the application of the provisions of subsection four of section twenty-one.

Position of  
employee  
upon  
settlement  
in full

(5) In case of death or permanent total disability or in case of permanent partial disability where the impairment of the earning capacity of the workman exceeds ten per cent. of his earning capacity at the time of the accident, no commutation or periodical payments shall be made except upon the application of and at an amount agreed to by the dependent or workman entitled to the payments.

Commutation  
of payments

(6) Where any person entitled to compensation under this Ordinance is committed to a jail or prison, compensation is not payable to him for the period of his confinement therein, but the whole or any part of the compensation may be paid to any dependent of any person so committed.

Compensation  
where  
workman  
committed to  
jail

(7) If any person entitled to compensation under this Ordinance is committed to any institution, the compensation otherwise payable to or in respect of such person may be paid to the governing body of the institution.

Where  
workman  
committed to  
institution

Compensation withheld pending receipt of particulars of residence, etc.

(8) The employer or the insurer may, from time to time, require from any person entitled to compensation, whether a workman or dependent, such particulars of his place of residence, address and other information relative to the disability and compensation, as he may deem necessary, and pending the receipt of such particulars, may withhold further payments.

Payment to wife and children under certain conditions

23. Where a workman is entitled to compensation and it is made to appear to the Commissioner,—

(a) that he is no longer residing in the Territory but that the spouse or child or children under eighteen years of age are still residing therein without adequate means of support and are or are apt to become a public charge or a charge upon private charity; or

(b) that he, although still residing in the Territory, is not supporting the spouse and children as aforesaid and an order has been made against him by a court of competent jurisdiction for the support or maintenance of the spouse or children or for alimony;

the Commissioner may order the compensation to be diverted in whole or in part from the workman for the benefit of the spouse or children of the workman.

Compensation for death

24. (1) Where death results from the injury, the amount of the compensation shall be,—

Burial expenses

(a) the necessary expenses of the burial of the workman, not exceeding two hundred dollars;

Contribution to additional expense

(b) to a dependent widow or dependent invalid widower the sum of one hundred dollars as a contribution to the additional expense occasioned consequent upon the death of the deceased workman;

Transportation of body

(c) where the death occurred away from the workman's usual place of residence and in the opinion of the Referee the transportation of the body seems desirable,—

- (i) the necessary expense of transporting the body from the place of death to the usual place of residence up to but not exceeding one hundred dollars; or
- (ii) the expense necessarily incurred for such of the transportation that takes place within the Territory up to but not exceeding one hundred dollars, where the usual place of residence of the workman is outside the Territory and it is proposed to transport the body to that place;
- (d) to a dependent widow or dependent invalid widower a monthly payment of fifty dollars; Monthly payment to widow
- (e) to a dependent child under the age of sixteen years other than a dependent invalid child a monthly payment of twenty-five dollars to continue until the child attains the age of sixteen years or dies before attaining that age; Monthly payment to child
- (f) to a dependent invalid child irrespective of the age of the child, a monthly payment of twenty-five dollars to continue as long as in the opinion of the Referee it might reasonably have been expected had the workman lived he would have continued to contribute to the support of the child; Monthly payment to dependent invalid child
- (g) where a workman leaves no widow or widower or where a surviving widow or widower subsequently dies or is confined to a jail, prison or institution, the employer shall make from time to time such additional payments not exceeding ten dollars monthly to a dependent child under the age of sixteen years or to a dependent invalid child as in the discretion of the Referee appears necessary to adequately maintain and support such child; Additional payments to dependent child of dependent invalid child
- (h) to a dependent widow in necessitous circumstances because of illness such additional amount as the Referee may see fit up to but not exceeding fifteen dollars a month for such period as to the Referee may seem appropriate by reason of the illness; Additional payment to widow in necessitous circumstances



Additional  
payment to  
child because  
of illness

- (i) to a dependent child or a dependent invalid child such additional amount because of illness as the Referee may see fit up to but not exceeding ten dollars per month for such period as may to the Referee seem appropriate by reason of the illness.

Interpreta-  
tion  
"existing  
household"

- (2) In subsection three, unless the context otherwise requires,—

- (a) "existing household" means any household where all the children entitled to compensation are maintained and taken care of by one foster-mother;

"foster-  
mother"

- (b) "foster-mother" includes a natural mother.

Compensa-  
tion payable  
to foster-  
mother

- (3) Where the workman leaves no widow or the widow subsequently dies and it seems desirable to continue the existing household, and an aunt, sister or other suitable person acts as foster-mother in keeping up the household and maintaining and taking care of the children entitled to compensation in a manner which the Referee deems satisfactory the foster-mother while so doing is entitled to receive the same compensation for herself and the children as if she were the widow of the deceased.

Duration of  
payments  
to foster-  
mothers

- (4) All payments to foster-mothers under the provisions of subsection three shall cease when all the dependent children who constitute the existing household have ceased to be entitled to compensation.

Compensa-  
tion payable  
to common-  
law wife

25. (1) Where a workman for the seven years immediately preceding his death cohabited with a dependent common law wife, by whom he had one or more children and leaves no dependent widow, the compensation to which a dependent widow would have been entitled under this Ordinance may, in the discretion of the Referee, be paid to such common law wife until such time as she marries.

- (2) A dependent common law wife receiving or entitled to receive compensation under the provisions of this Ordinance may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased workman.

26. (1) Where a dependent child approaching the age of sixteen years is attending an academic, technical or vocational school and making progress satisfactory to the Referee, the Referee may, in his discretion, order the payments of compensation to be continued in respect of the dependent child until such time as the dependent child:

Extension of compensation for dependent child attending academic, technical, or vocational school

- (a) fails to make satisfactory progress at the school;
- (b) ceases to attend school; or
- (c) attains the age of eighteen years.

(2) Where a dependent child who is receiving payments under subsection one attains the age of eighteen years during a school year the Referee may order the payments of compensation to be extended to the end of the then current school year.

27. Where the only dependents are persons other than those mentioned in subsection one of section twenty-four, section twenty-five or section twenty-six, the compensation shall be a sum to be determined by the Referee, reasonable and proportionate to the pecuniary loss to such dependents occasioned by the death, but not exceeding fifty dollars per month to a parent or parents and not exceeding in the whole eighty-five dollars per month.

Compensation for other dependents

28. Any payment to or for a child may be made to the parent of the child or the Referee may direct that the payment be made to such other person or be applied in such manner as it may deem best for the advantage of the child.

Payment to parent or other person for child

29. (1) Where a dependent widow remarries, the monthly payments to her shall thereupon cease but she shall be paid a lump sum of six hundred dollars within one month after the date of her remarriage.

Lump sum paid to widow when re-marries

30. Where a person is receiving or is entitled to receive a pension because of the death of a workman and subsequently becomes entitled to a pension because of the death of another workman such person shall not receive both pensions but shall be paid the greater of the two.

Only one pension payable

Dependent  
not  
resident  
of Canada

31. (1) Where a dependent is not a resident of Canada, he is not entitled to compensation unless by the law of the place or country in which he resides the dependents of a workman to whom an accident happens in such place or country, if resident in Canada, would be entitled to compensation, and where such dependents would be entitled to compensation under such law, the compensation to which the non-resident dependent is entitled under this Ordinance shall not be greater than the compensation payable in the like case under that law.

(2) Notwithstanding the provisions of subsection one, the Referee may order payment of such compensation or sum in lieu of compensation to any such non-resident dependent as may be deemed proper.

Compensa-  
tion for  
permanent  
total  
disability

32. Where permanent total disability results from the injury, the amount of the compensation shall be a weekly payment during the life of the workman equal to seventy-five per cent, of the average weekly earnings of workmen employed at similar work in the same occupation as determined by the Referee.

Compensa-  
tion for  
permanent  
partial  
disability

33. (1) Where permanent partial disability results from the injury, the Referee shall estimate the impairment of earning capacity from the nature and degree of the disability by reason of the injury and award compensation accordingly based upon seventy-five per cent. of the average weekly earnings of workmen employed at similar work in the same occupation as determined by the Referee.

Nature of  
injury to  
be considered

(2) When deemed just, the impairment of earning capacity may be estimated from the nature of the injury having in view the workman's fitness to continue the employment in which he was injured or adapt himself to some other suitable occupation.

Payment of  
lump sum  
in certain  
cases

(3) Where the impairment of the earning capacity of the workman does not exceed ten per cent. of his earning capacity instead of such weekly payment the Commissioner shall, unless in his opinion it would not be to the advantage of the workman to do so, direct that such lump sum as may

be deemed to be the equivalent of it shall be paid to the workman.

(4) Notwithstanding the provisions of this section, the Referee may in case a workman has been seriously and permanently disfigured about the face or head or otherwise permanently injured, recognize an impairment of earning capacity and may allow lump sums or periodical payments or both, as compensation.

Permanent  
disfigurement

34. Where temporary total disability results from the injury, the amount of the compensation shall be a weekly payment so long as the disability lasts, equal to seventy-five per cent. of the workman's average weekly earnings, computed in accordance with the provisions of section thirty-seven.

Compensation for  
temporary  
total  
disability.

35. Where temporary partial disability results from the injury, the employer or the Referee, as the case may be, shall estimate the impairment of earning capacity from the nature and degree of the disability by reason of the injury and award compensation accordingly based on seventy-five per cent. of the workman's average weekly earnings computed in accordance with the provisions of section thirty-seven but such compensation is payable only so long as the disability lasts.

Compensation for  
temporary  
partial  
disability

36. In case of workmen suffering injury by accident arising out of and in the course of the employment while doing rescue work in a mine after an explosion, accident or catastrophe or in any other industry or the premises thereof during or immediately after a fire or other catastrophe for the saving of human life, the compensation payable in such case shall be computed on the basis of one hundred per cent. in lieu of the seventy-five per cent. as herein otherwise provided.

Injury  
while  
doing rescue  
work in a  
mine

37. (1) The average weekly earnings of a workman for the purposes of this Ordinance shall be based upon the earnings of the workman during the previous twelve months in industries to which this Ordinance applies where the same are ascertainable except that where by reason of the shortness of the time during which the workman has been in the

Manner of  
computation  
of average  
weekly  
earnings

employment of his employer or the casual nature of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average earnings which were earned by a person in the same grade of employment for the previous twelve months, but nothing in this subsection applies to any case in which the basis of compensation is fixed by section thirty-two and section thirty-three.

Where provisions of subsection (1) are inapplicable

(2) Where in any case in the opinion of the employer or the Referee, as the case may be, the provisions of subsection one are inapplicable, the employer or the Referee, as the case may be, may award compensation having regard to the earnings of the workman at the time of the accident.

Computation of average weekly earnings

(3) For the purpose of ascertaining the amount of compensation payable under the provisions of sections thirty-two to thirty-six inclusive, average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated, but not so as in any case to exceed three thousand dollars per annum.

No compensation for further or other disability in certain cases

(4) Where a workman is receiving compensation for a permanent or temporary disability, he shall not receive compensation for any further or other disability in any amount that would result in his receiving in the aggregate compensation in excess of that payable for total disability.

Where lump sum paid in lieu of weekly payments

(5) Where a workman has received a lump sum in lieu of the periodic payments that otherwise would have been payable for a permanent disability, he shall for the purposes of this subsection be deemed to be still in receipt of the periodic payments.

Computation of average weekly earnings in certain cases

(6) Where the workman has entered into concurrent contracts of service with two or more employers in industries to which this Ordinance applies under whom he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(7) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of the employment, the sum so paid shall not be reckoned as part of the earnings.

Sum for special expenses not part of earnings

38. (1) The amount of compensation to which an injured person is entitled for temporary total or permanent total disability under the provisions of this Ordinance shall not be less than twenty-five dollars per week or where his average earnings are less than twenty-five dollars per week, the amount of such earnings.

Minimum compensation for total disability

(2) The employer or the Referee, as the case may be, may, wherever it is deemed advisable, provide that the payments of compensation may be monthly or semi-monthly instead of weekly, or where the workman or dependent is not a resident of the Territory, or ceases to reside therein, the employer or the Referee as the case may be, may fix the periods of payment or commute the compensation as it may deem proper, but if a workman or dependent entitled to compensation at the rate of twenty dollars a month or more files with the employer or the Referee, as the case may be, a request in writing that the compensation payable to him be paid semi-monthly, the compensation payable to such workman or dependent shall thereafter be paid semi-monthly.

Periods of payment

(3) For the purpose of ascertaining the amount of compensation due, such amount may be computed on a daily basis.

Computation on daily basis

(4) Where a workman or dependent is under the age of twenty-one years or is under any other legal disability, the compensation to which he is entitled may be paid to him or be applied in such manner as the employer or the Referee, as the case may be, may deem best for his advantage.

Payment to persons under legal disability

(5) Where the workman was at the date of the accident under twenty-one years of age the compensation payable to such workman may, upon his attaining the age of twenty-one years, be paid on the basis of the earnings at the time of the accident of workmen of the age of over twenty-one years employed in an occupation similar to that

Compensation payable when workman becomes 21

in which the workman was employed at the time of the accident.

Consideration  
of allowance  
or benefit  
from  
employer to  
workman

39. In fixing the amount of a payment, regard shall be had to any payment, allowance or benefit which the workman may receive from his employer in respect of the period of his disability, including any pension, gratuity or other allowance provided wholly at the expense of the employer.

"Silicosis"

40. (1) In this section "silicosis" means a fibrotic condition of the lungs caused by dust containing silica and evidence of specific x-ray appearances accompanied by a substantially lessened capacity for work.

Compensa-  
tion not paid  
for silicosis in  
certain cases

(2) Nothing in this Ordinance entitles a workman or his dependents to compensation, medical aid or payment of burial expenses for disability or death from silicosis, unless in the opinion of the Referee the workman has been exposed to silica dust in his employment in the Territory for periods amounting in all to at least three years preceding his disablement.

Application of  
subsection (2)

(3) The provisions of subsection two does not prevent allowance of any claim due to silicosis that the Referee considers is entirely due to employment in the Territory.

Medical aid

41. (1) The employer shall furnish or provide for the injured workman such medical aid as may be reasonably necessary at the time of the injury and thereafter during the disability to diagnose, cure and relieve from the effects of the injury, and the Commissioner may make regulations with respect to the furnishing of and the payment for medical aid to injured workmen.

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

Amount of  
medical aid

(3) When the employer provides or is liable to pay for medical or other remedial attention as hereinbefore provided, the amount payable to any person in respect of medical or other remedial attention or any attention shall be as the

Referee shall direct and no action lies against the employer for or in respect of any amount greater than that fixed by the Referee, nor in any event against the injured workman, his employer or any other person in respect of such attention, except, however, that when the employer provides or is liable to pay for hospital services, the amount shall be at such rates as have been mutually agreed upon by the employer and the hospital authority.

(4) The Referee may require a per diem allowance of five dollars on account of his subsistence to be made by an employer to an injured workman when under the direction of the Referee or the employer he is undergoing treatment at a place other than wherein he resides, but if and when the employer is providing the workman with any of his meals and with lodging or with either or both in a hospital, clinic or other place, the aforesaid per diem allowance may be reduced proportionately as the Referee may deem proper in the circumstances.

Subsistence allowance

(5) The Referee may contract with doctors, nurses and hospitals or any other institutions for any medical aid required, and the employer shall pay any charges incurred thereunder in respect of a workman for whom he is responsible.

Contracts for medical aid and hospitalization

(6) Every employer shall, at his own expense, furnish to any workman injured in his employment who is in need of it, immediate conveyance and transportation to a hospital or to a physician or to the workman's home or to such other place as the condition of the workman requires him to be sent, and any employer who fails to do so is liable by order of the Commissioner to pay for such conveyance and transportation as may be procured by the workman or by anyone for him.

Hospitalization of injured workman

42. (1) Each employer to whom this Ordinance applies shall pay to the Commissioner or such person as the Commissioner may designate at the time the employer pays the premium on any insurance policy entered into by him pursuant to this Ordinance, an assessment of such percentage of his estimated payroll for the current calendar year not

Assessment of insured employers for administrative purposes



exceeding one-half of one per cent. of such payroll as the Commissioner may from time to time designate by regulation.

Assessment  
of exempted  
employers

(2) If the assessment paid by an employer under subsection one is greater or less than the amount that he would have paid had the assessment been made on his actual payroll for the calendar year, he shall, if he has paid more, be entitled to a refund or credit of the amount of the difference between the amount paid and the amount of the assessment on his actual payroll or if he has paid less he shall pay to the Commissioner the amount of such difference immediately after he ceases to be an employer under this Ordinance, or upon the termination of such year, whichever is the sooner.

Payment of  
referee's fees  
and expenses

(3) Each employer exempted from the application of section three shall pay to the Commissioner at the time the exemption is granted an assessment in an amount equivalent to such percentage of his estimated payroll for the current calendar year not exceeding one-quarter of one per cent. of such payroll as the Commissioner may designate by regulation.

Refund or  
further  
assessment in  
certain cases

(4) If the assessment paid by an employer under subsection three is greater or less than the amount he would have paid had the assessment been made on his actual payroll for the current calendar year, he shall, if he has paid more, be entitled to a refund or credit of the amount of the difference between the amount paid and the amount of the assessment on his actual payroll or if he has paid less he shall pay to the Commissioner the amount of such difference immediately after he ceases to be exempted from section three of this Ordinance, or upon the termination of such year, whichever is the sooner.

Referee's  
fees, refunds  
and adminis-  
tration  
expenses

(5) From and out of the monies issued and advanced out of the Yukon Consolidated Revenue Fund, there may be paid the referee's fees and expenses, the sum of which an employer is entitled to be refunded under this section and such other costs incidental to the administration and enforcement of this Ordinance.

43. Each employer shall furnish to the Commissioner such information regarding his payroll as the Commissioner may from time to time require. Payroll
44. Where an award of the referee is not paid promptly as it falls due, the amount of such award may be paid from and out of the monies issued and advanced out of the Consolidated Revenue Fund of the Yukon Territory, and such amount so paid is a debt due to the Commissioner who may recover the same in any court of competent jurisdiction. Payment of award and recovery from employer
45. Every employer shall keep posted in his premises at a place readily accessible to his workmen a poster provided by the Commissioner setting out in concise form the provisions of the Ordinance and the procedure to be followed in reporting accidents and making claims. Particulars of Ordinance to be posted up
46. Every employer who violates any provision of this Ordinance or any regulation made hereunder for which no other penalty is provided is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars. Penalty
47. "The Workmen's Compensation Ordinance", being Chapter one of the Ordinances of the Yukon Territory, 1917, and amendments thereto, and the "Employer's Liability Ordinance" being Chapter 29 of the Consolidated Ordinances of the Yukon Territory, 1914, are hereby repealed. Repeal
48. This Ordinance shall come into force on the first day of January, 1953. Effective date

## SCHEDULE 1

## ENUMERATION OF INDUSTRIES

Coal mining; the operation of coke ovens and briquetting plants; mining other than coal mining; lumbering; fishing; manufacturing; building; construction; engineering; transportation; irrigation; the construction and operation of electric power lines, power plants, water works and other public utilities; the manufacture, repair and servicing of motor vehicles; the operation of municipal police forces and municipal fire departments; navigation; the operation of boats, ships, tugs and dredges; the operation of grain elevators, and warehouses; the manufacture of tobacco and tobacco products and optical products; teaming; scavenging and street cleaning; painting, decorating and renovating; dyeing and cleaning; the operation of planing mills; flour milling; the operation of packing plants, printing, lithographing and engraving; the construction and operation of telephone and telegraph systems; laundries run by mechanical power; excavation; well drilling; the operation of gas and oil wells and the laying, construction and operation of gas and oil pipe lines; the operation and maintenance of freight and passenger elevators (including the work of janitors in buildings where such elevators are operated); quarrying; the operation of lumber yards and wood yards; the preparation, putting up, hauling and distributing of natural ice; the operation of hotels, restaurants, retail stores and commercial greenhouses; exhibition associations and the operation of theatres and of the business of moving pictures and all and every occupation of work incidental to or connected with the industries or any of them enumerated in this Schedule.

## SCHEDULE 2

## ENUMERATION OF INDUSTRIAL DISEASES

Description of Disease	Description of Process
Anthrax	Handling of wool, hair bristles, hides and skins.
Glanders	Care of equine animals suffering from glanders; handling of carcases of such animals.
Lead poisoning or its sequelae	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelae	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelae	Any process involving the use of arsenic or its preparations or compounds.
Infection or inflammation of the skin or contact surfaces due to oils, cutting compounds or lubricants, dust liquids, fumes, gases or vapours.	Any industrial process involving the handling or use of oils, cutting compounds or lubricants or involving contact with dust, liquids, fumes, gases or vapours.
Pneumoconiosis	Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal; mining.
Poisoning by benzol or by nitro and amidoderivatives of benzol, anilin and others.	Any industrial process involving the use of benzol or a nitro or anilin derivative of benzol or its preparations or compounds.
Subcutaneous cellulitis of the hand (Beat Hand).	Mining or other industries which require continued use of hand tools.

## CHAPTER 13

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AN ORDINANCE TO AMEND THE  
"MUNICIPAL ORDINANCE"

*(Assented to October 23rd, 1952.)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Description  
of  
Whitehorse

1. The "Municipal Ordinance" being Chapter 8 of the Ordinances of the Yukon Territory, 1949 (Second Session), is hereby amended by adding to Section 5 thereof the following subsection (4):

"(4) This Ordinance applies to the City of Whitehorse being the whole of Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Eight (8) all in Group numbered Eight Hundred and Four (804) in the Yukon Territory, and Lot numbered Seven (7) in said Group numbered Eight Hundred and Four (804) saving and excepting therefrom that portion of the said Lot numbered Seven (7) lying within the Whitehorse Airport Reserve and all that portion of Lot numbered Nineteen (19) in said Group numbered Eight Hundred and Four (804) which lies northerly of a line formed by the projection easterly of the southerly boundary of Lot numbered Two Hundred and Sixty-one (261) in said Group Eight Hundred and Four (804) to the point of intersection of the said boundary so produced easterly with the westerly bank of the Lewes River and in addition that portion of the right of way of the British Yukon Railway Company and the water front and shoreline of the Lewes River lying between the projection easterly of the most northerly boundary of the said Lot numbered Eight (8) to the point of intersection of the said boundary so produced easterly with the westerly bank of the Lewes River and the afore-said projection easterly of the southerly boundary of the said Lot numbered Two Hundred and Sixty-one (261)."

2. The said Ordinance is further amended by repealing Section 6 and substituting therefor the following section: Application of Ordinance

"6. Nothing contained in this Ordinance shall be deemed to impair, restrict or otherwise affect the powers conferred on any municipality to which this Ordinance applies by any general or special Ordinance relating to any municipality."

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## CHAPTER 14

AN ORDINANCE GRANTING PERMISSION TO THE  
YUKON BREWERY (HOLDING) COMPANY LIMITED  
TO MANUFACTURE, COMPOUND AND MAKE  
INTOXICATING LIQUORS

*(Assented to October 23rd, 1952.)*

WHEREAS the Yukon Brewery (Holding) Company Limited with registered office situate at Whitehorse, Yukon Territory, was duly incorporated under the provisions of "The Companies Ordinance" of the Yukon Territory on the 26th day of September, A.D. 1950, for the purpose of building and operating a brewery; and

WHEREAS by Section 129 of the Yukon Act being Chapter 215 of the Revised Statutes of Canada, 1927, as amended by Chapter 23, Section 2 of the Statutes of Canada, 1951, it is provided that no intoxicating liquors or other intoxicant shall be manufactured, compounded, or made in the Territory, except by permission of the Commissioner-in-Council; and

WHEREAS the said Yukon Brewery (Holding) Company Limited has requested that it be permitted to manufacture, compound and make intoxicating liquors; and

WHEREAS it is expedient to grant its request;

THEREFORE, the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Authority to  
brew beer

1. The Yukon Brewery (Holding) Company Limited is hereby empowered, upon payment of such fee as hereinafter set forth, to manufacture, compound and make beer within the Yukon Territory within the objects of the said company as set out in its Memorandum of Association, provided

always that the said permission to brew beer is subject to relevant Territorial and Federal legislation.

2. The fee for such permission shall be Six Hundred ~~Fee~~ Dollars for the first year, and Five Hundred Dollars each succeeding year.

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## CHAPTER 15

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AN ORDINANCE FOR GRANTING TO THE  
COMMISSIONER CERTAIN SUMS OF MONEY TO  
DEFRAY THE EXPENSES OF THE PUBLIC SERVICE  
OF THE TERRITORY

*(Assented to October 23rd, 1952.)*

WHEREAS, it appears by message from Fred Fraser, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums herein-after mentioned in the Schedule to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31st, 1953;

THEREFOR the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. From and out of the sums at the disposal of the Yukon Council there shall be paid and applied a further sum not exceeding in the whole Eighty-two Thousand Four Hundred and Eighty-two dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory for the twelve months ending March 31st, 1953, as set forth in the Schedule to this Ordinance.
2. The due application of all monies expended shall be duly accounted for.

## SCHEDULE

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31st, 1953, and the purposes for which they are granted.

Vote  
No.

1.	<b>Yukon Council</b>		
	A	Sessional Indemnities	\$ 2,200.00
	B	Travelling Expense	1,175.00
	C	Legislative Printing	875.00
	D	Territorial Election	2,220.00
			<u>          </u> \$ 6,470.00
3.	<b>Department of Education</b>		
	A	Administration	\$ 730.00
	C	Whitehorse School	4,100.00
	E	Other Districts	2,600.00
			<u>          </u> 7,430.00
5.	<b>Health and Public Welfare</b>		
	A-2	Supplies and Expenses	1,426.00
	A-4	Hospital Grants	4,706.00
	F	Special Grants to Hospitals	12,750.00
			<u>          </u> 18,882.00
6.	<b>Municipal Administration</b>		
	C-3	Special Purpose Grants	4,200.00
8.	<b>General</b>		
	F	Workmen's Compensation	4,500.00
		<b>Capital Account</b>	
	C-3	Public Buildings	41,000.00
			<u>          </u>
		<b>TOTAL VOTE</b>	<u>          </u> \$ 82,482.00

# INDEX

TO

## ORDINANCES OF 1952

(SECOND SESSION)

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