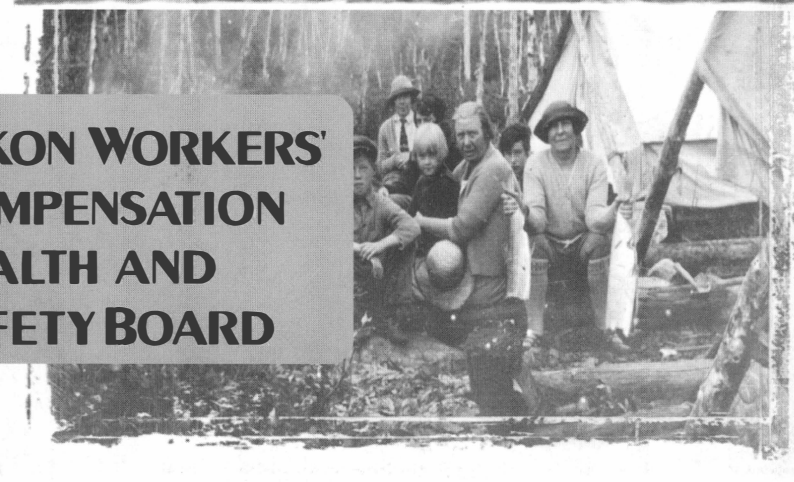
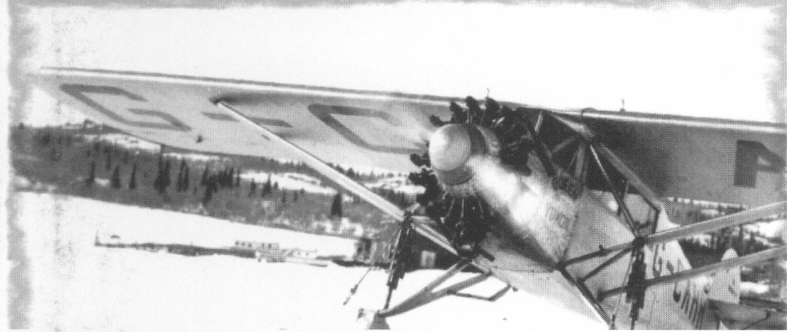


History of the Yukon Workers' Compensation Board



**YUKON WORKERS'
COMPENSATION
HEALTH AND
SAFETY BOARD**

History of the Yukon Workers' Compensation Board

FOREWORD

What shines through in this story of the Yukon Workers' Compensation Health and Safety Board are the people dedicated to a task — a task which, to some, began merely as a job, and became a career. Others chose it as a career to begin with. They became the foundation of an organization which can look with pride at its accomplishments. Their attitude is best described by a comment one long-time employee made, "Our intent is to get to them as quickly as possible so they know someone cares."

INTRODUCTION

The Yukon's workers' compensation fund was established in 1973 by the Workers' Compensation Act and is administered by the Workers' Compensation Health and Safety Board according to the Act. A new act came into effect in 1992.

The fund provides compensation for on-the-job injury or death by accident. Employers pay annual assessments based on their assessable payrolls reported, to meet all claim costs, administrative expenses and transfers to reserves.

According to the Act, the board invests assessments, adjudicates claims on behalf of workers and their dependents, and manages a rehabilitation program to help workers recover from injury. To achieve all of that for hundreds or thousands of people requires an organization of specialists. This story is about the organization that works to achieve all of this - the Yukon Workers' Compensation Health and Safety Board.



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**by
Doug Bell**



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***Dedicated to
Yukon Workers
and
Employers***

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FOREWORD

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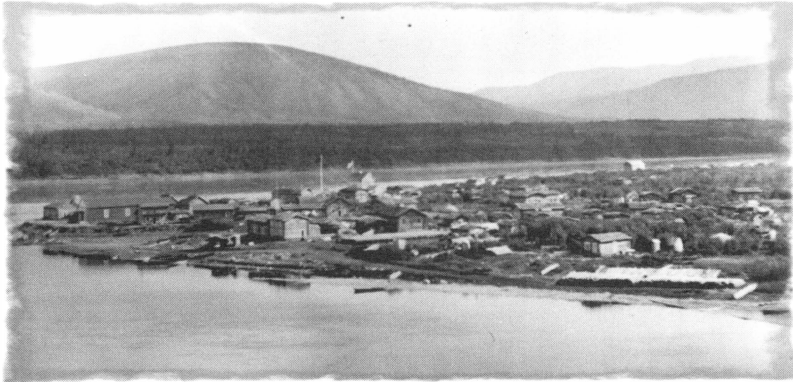
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CHAPTER ONE: 1890 - 1900

In the Yukon of 1890 the social centres were few, mainly aboriginal villages and trading posts. One of the main posts in the district was the Buxton Mission, built by Anglican Bishop William Bompas in 1892, at the confluence of the Fortymile and Yukon Rivers. Fortymile was a community founded in 1887 by renowned Yukon trader Jack McQuesten, and his partner Harper. When Bishop Bompas arrived, Fortymile already boasted an opera house, and 10 saloons. The majority of residents were American, so American style grass roots justice prevailed in the form of 'miners meetings.'



Yukon Archives Photo

Community of Forty Mile on the Forty Mile River ca. 1895

Bishop Bompas, and many Canadian businessmen found this "grass roots justice", and the miner's treatment of the native people appalling. After many months of letter writing to the government in Ottawa they got action.

Northwest Mounted Police (NWMP) Inspector Charles Constantine, accompanied by Staff Sergeant Brown, came to the Klondike in 1894 at the command of the Canadian government to conduct the inquiry.

Immediately following their work, Staff Sergeant Brown was ordered to remain while Constantine went 'outside'¹ again, reported his findings, returning in 1895 with a 19 man contingent. British colonial style, top down, law and order, was now in control in the Yukon.

Constantine was charged with administering the mining regulations of the North West Territories in the newly formed District of the Yukon.

When Sir Clifford Sifton, Minister of the Interior, introduced the Yukon bill to the House of Commons in 1898, he described it as, *"a tentative measure to clothe the government with power to maintain order and administer the country for a year or two until we shall have a better opportunity of knowing what kind of community we shall have to provide for."*

The North West Mounted Police (NWMP) added to the growth of the district by building Fort Constantine. They built across the river from the Bompas Mission at the mouth of the Fortymile River, calling it, 'the most northerly military post in the British Empire'. Two other reasons for the arrival of the NWMP were complaints that American miners in the District were applying their own 'miners law' in the

Workers' Compensation is a single fund but it functions as:

1. A General Insurance Company that underwrites accident risks through general insurance premiums called assessments. That is, it sets aside the number of dollars needed to pay accident victim's pensions. It is important to remember that you only get "one kick at the can". That is the actuarial numbers must be set in the year of the accident. In other words you must raise it all in the year of the accident by way of assessment.
2. A Future Claims Company that looks after all costs after the year of the accident by collecting all the money needed from the General Insurance Company to cover these costs.
3. A small Annuity Company that covers all costs after age 65.
4. A Re-Insurance Company. An example is perhaps the best way to understand this: Imagine a small class, that is, one employer with only a few employees. If one of the employees suffers a serious accident, it could immediately wipe out all of that class' assessments for many years. It would be a disaster for that small class.

The so-called Free Reserves correspond to the Capital and Surplus in a General Insurance company and are necessary to allow the board to continue to underwrite the risks of future work related accidents without endangering the benefits which have already been promised in respect of workers who have been injured or killed in the past. It is obviously a prime responsibility of the board to ensure the security of these benefits.

¹ 'outside' is a northern colloquialism meaning south of the 60th parallel. The reader will find it used regularly in this book.

The real words that started it all had been scribbled on a spruce post on Rabbit Creek eleven months before. It read:

"To Whom it May Concern: I do, this day, locate and claim, by right of discovery, five hundred feet, running up stream from this notice. Located this 17th day of Aug. 1896. G.W. Carmack." Partners in the claim, making the trio always credited with the find were Skookum Jim and Tagish Charlie.

Lord Minto and entourage viewing a sluicing operation in the Dawson area. Aug. 15, 1900.

Yukon Archives Photo



The beginning of the Yukon workers' compensation story is buried in this northern Canadian experience. All of this experience came to the Yukon with gold seekers. It is an experience still young. It was a time when the world was in the grips of a major economic depression, thousands of people were unemployed or working for a pittance, and suddenly salvation was on a distant horizon in the form of gold. A single sentence in the *Seattle Post Intelligencer* of July 17, 1897, is credited with the incredible excitement, even hysteria, that followed. The front page story began:

"The steamer Portland docked in Seattle this morning with more than a ton of gold on board."

It has been suggested that few read past that line.

The story, embellished and twisted at the whim of the teller, spread around the world like wildfire. Thousands began scheming to get to the Yukon. All were apparently convinced that instant wealth awaited them at the end of the trail. In all likelihood, not one of them gave a moment's thought to working conditions, wages, and certainly not to workers' compensation.²

In the summer and fall of 1897, an incredible array and variety of people, with an equally incredible variety of skills and trades, began gathering at North American west coast ports by the thousands. Apparently none were concerned with the hazards they might face en route, nor how they would make a living upon arrival in the Yukon. They were consumed by one word - gold! Their primary concern — get to the Yukon.

² It is an interesting coincidence that the first Workers Compensation Act was passed in England in 1897 - the same year that the Yukon was being flashed around the world, accompanied by the magic word - GOLD!

They climbed on board any form of transportation that moved and was headed north. They became the 1897 Klondike Gold Rush: their journey to these northern goldfields a legend in itself.

Almost overnight the Yukon's vast wilderness was populated by an unusual, undisciplined, unorganized work force. A work force which was characterized by the absence of formal labour laws and regulations. These people rapidly founded a dozen or more, unplanned, mud-strewn, haphazard settlements in the Klondike River valley and its tributaries, with Dawson City as its regional centre.



Yukon Archives Photo

3 * In 1896, Inspector Constantine was Justice of the Peace, a customs officer, postmaster and Indian Agent. His annual salary was \$1,000 plus \$1.25 per day northern bonus. His constables had an even broader spectrum: patrols, rescues, care of asylums, bailiffs, health officers, mining recorders and inspectors, baggage inspector, magistrate, coroner and mail courier. All these responsibilities for a constables' salary of 50 cents to \$1.00 per day, plus room and board and 50 cents a day northern bonus. (The average salary for a clerk 'outside' at the time was about \$600 a year) In this early period of Yukon's development, the police were, in essence, if not in fact, the government bureaucracy.

Dawson

View looking north of Klondike City in the foreground and Dawson City in the distance. Tents predominate the scene. 1898.

Canadian authority met them in Dawson City and at the Canadian border atop the White Pass. Gold hungry 'stampeder' were greeted by the Union Jack and a sentry post equipped with a gatling gun manned by the NWMP.



Yukon Archives Photo

NWMP - White Pass Summit

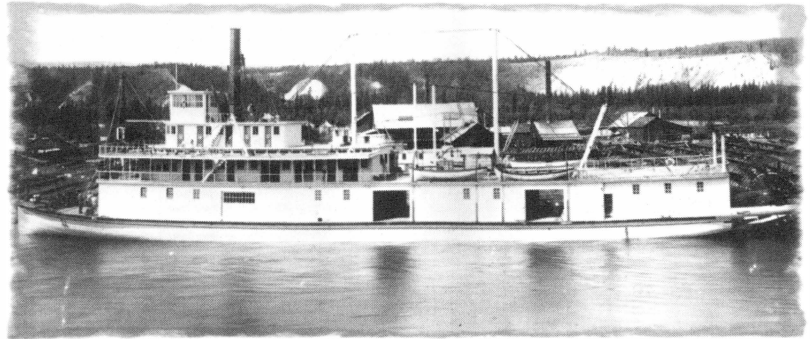
N.W.M.P. checking stampeder's supplies at the White Pass Summit. Caches of supplies line the route. 1899.

The NWMP's impact on the community was greater than police in other communities of the day. Probably because their duties were extensive, and reached deep into the communities' social base.³

The federal government had sent the NWMP in their own time. Federal legislative action in response to the gold rush came quickly. Rich gold fields would feed government coffers. The Yukon became a separate territory by an Act of Parliament on June 13, 1898.

It was to be governed by a commissioner and council of six appointed members, under the control of the Department of the Interior, Ottawa. All ties to the Northwest Territories and its government in Regina were severed. A year later in 1899 the Act was amended giving Yukoners the privilege of electing two of those Council members. William Ogilvie, became the first commissioner on July 4, 1898, and held the post until 1901.

So quickly did the outside world react to the stories of gold that 57 registered steamboats, carrying more than 12,000 tonnes of supplies, docked at Dawson City between June and September, 1898. A year later, 60 riverboats, eight tugs and 20 barges were in service on the river. These sternwheeler riverboats with wood-fired boilers resulted in an important new industry along the river. Wood camps were established at the required intervals. A riverboat, depending on its size, consumed approximately 120 cords of wood every trip. The wood contracts ran into thousands of dollars annually and employed large numbers of men. A major work force was already established and there was little or no protective legislation.



S.S. Klondike No.1 on it's way down the Yukon River -one of the many river boats used to convey goods on the Yukon River.

Yukon Archives Photo

In less than a year, Dawson City, the hub of the mining district (named after George M. Dawson of the Canadian Geological survey of Canada), was being described as North America's largest city west of Winnipeg and north of San Francisco. Thousands of people roamed the Klondike district and its colourfully named communities. NWMP superintendent, A.B. Perry, estimated that the Klondike region's population was 20,000 with at least 160 children of school age in 1899. The need to establish schools was pressing.

The federal government in Ottawa continued to respond quickly to the Yukon's administrative and government needs. In the Amendment Act of 1899 they empowered the Commissioner-in-Council to make regulations respecting shops, taverns, public health, and local improvements, and to impose license fees, and other charges connected therewith as soon as the two elected representatives took their seats. They were also given the authority to bestow upon any elected municipal corporation the power to levy taxes upon the inhabitants for local purposes.

As government was establishing itself, partly because of the population, another gold stampede began.

In July 1899, 8,000 fortune seekers abandoned Dawson



in one month. Gold had been discovered at Nome, Alaska. Perhaps this was the moment one might say the Klondike gold rush was over. It was surely a precursor of things to come, though few would know it at the time.

Despite the reported loss of 8,000 miners, the population of the Klondike district was still substantial. NWMP Inspector Wood's 1900 report was very precise though we don't know how he arrived at these numbers.

"The total population of the district including Indians, at the time was 16,463: White 16,107; Indians 356."

Realizing that a tremendous task had fallen to the police, the federal government sent help in the form of a special force of 200 men drawn from the permanent soldiery of Canada, the Yukon Field Force. Their orders were to assist the police until conditions improved. The police had already established a network of 28 posts with 289 men, stretching 800 miles from Telegraph Creek to Dawson City.

The Field Force arrived in Fort Selkirk in the fall of 1898, and built 12 log buildings, adding to an already bustling community of five hotels, several trading posts, an Anglican and a Catholic church, sawmill, school and NWMP post. One hundred of these soldiers remained at Fort Selkirk while the other 100 moved on to Dawson City.

As the journey to these rich goldfields had been perilous and arduous, so too, we begin to discover, were the living and working conditions they found at the end of their journey. Hand mining was not a job for the physically unfit. Shovelling, hand drilling, timbering, sorting and hauling rock were some of the jobs involved in this back-breaking profession. Underground work took place in damp, dim, poorly-ventilated conditions. Candles or carbide lamps shed little light. Underground fires to melt the ice posed the danger of carbon monoxide poisoning, to say nothing of the ever present danger of cave-ins as the heat changed the underground parameters.

"Miners are a very mixed class of people. They represent many nationalities and come from all climates. Their lives are certainly not enviable. The regulation "miners" cabin is 12 feet by 14 feet with walls 6 feet and gables 8 feet in height. The roof is heavily earthed and the cabin is generally warm. Two, and sometimes three or four men will occupy a house of this size. The ventilation is usually bad.

"Those miners who do not work their claims during the winter confine themselves to these small huts most of the time. "Very often they become indolent and careless, only eating those things which are most easily cooked or prepared. During the busy time in the summer when they are "shovelling in" they work hard and for long hours, sparing little time for eating and much less for cooking.

"This manner of living is quite common amongst beginners and soon leads to debility and sometimes scurvy. Old miners have learned from experience to value health more than gold and they therefore spare no expense in procuring the best and most varied outfit of food that can be obtained.

"The diseases met with in this country are dyspepsia, anaemia, scurvy caused by improperly cooked food, sameness of diet, overwork, want of fresh vegetables, overheated and badly ventilated houses; rheumatism, pneumonia, bronchitis, enteritis, cystitis and other acute diseases, from exposure to wet and cold; debility and chronic diseases due to excess. Venereal diseases are not uncommon..."

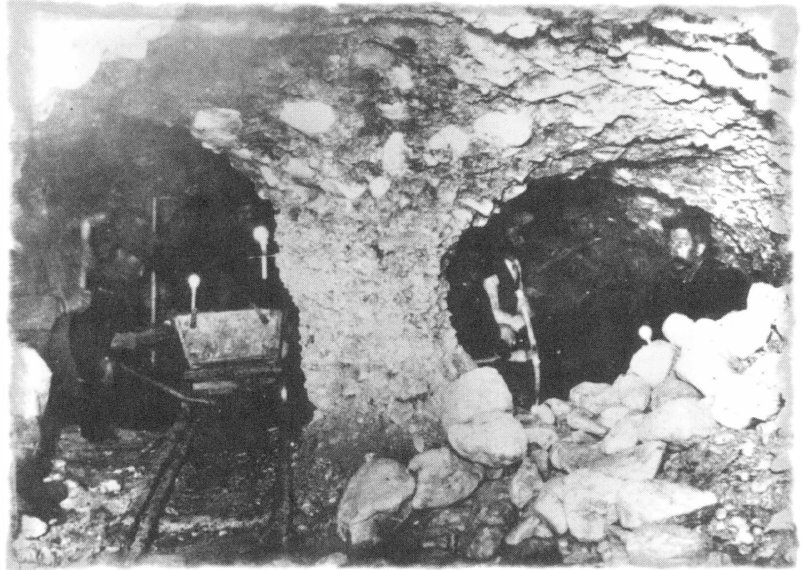
N.W.M.P. Assistant Surgeon A.E. Willis



Yukon Archives Photo

Group shot of the original contingent in Regina before leaving for the Yukon, June 1, 1895.

Miners working underground by candlelight with picks and shovels on a claim probably on either Bonanza or Eldorado Creeks. Tramline tracks and small ore car also visible. 1898.



Yukon Archives Photo

There have been frequent depictions of this era in Yukon's history as exciting, flamboyant, filled with joy and good times, along with an abundance of gold and wealth. It was, for a few. It was not so for the many. We now know that the number who actually struck it rich were a minute percentage of the whole. We know too, that living and working conditions were usually deplorable. Inability to work, for whatever reason, was not covered by any form of insurance, job protection, or compensation.

The Canadian and North American work experience had arrived with the stampeders, carried by every one of them from somewhere else. They had come from a social structure described by historians of the day as a place where industry boomed in large cities, money was god, and labour was cheap. People were being exploited by the industrial robber barons to fuel the economy. A world wide depression had created people on the move and nations in flux.

Somewhere, sometime during this period, prompted by working and living conditions, collective memory must have come together. Workers began remembering that before the gold rush a serious injury on the job could spell abject poverty for the worker and his family. His death could leave his family destitute. Compensation for workers injured on the job was a concept being discussed, and even legislated in other parts of the world, though it was yet to become a reality in Canada or the Yukon.

Their memory was jogged by the press in Dawson on a regular basis. One article published September 2, 1899 was called 'How The Famous Compensation Act of Wisconsin Works.' The writer concluded:

"If our philanthropically inclined employer of labour and other swivel chair philosophers are honestly and earnestly seeking to confer additional benefits on their long-suffering injured workers, by the advocacy of compensation law, instead of endeavouring to rob them of their right to have their cases tried by a jury of their peers, let them insert into their compensation laws a clause something like this: Within 90 days after an injury the employee may notify his

"A crew of six miners would tunnel about 75 feet from the bottom of a shaft. Working stooped over, each miner must deliver a wheelbarrow load of gravel and broken bedrock to the shaft every six minutes, ten hours a day, seven days a week throughout the operating season."

Gold Hustlers, Lewis Greene

employer in writing of his election to come under the compensation act. Failure on the part of the employee to so notify his employer will preclude the employee from any right under the compensation act and reserve his rights unimpaired under the employers liability law. Then they will be conferring upon the injured worker additional benefits compensation law without depriving him of any right he now enjoys. Now, gentlemen, is your chance to prove your sincerity."

The building of the White Pass Railroad was attended by more than such ordinary difficulties.* It was a thousand miles from supply bases and there were no telegraph lines connecting this area with Canada or the United States in 1898. Steamer sailings were irregular and freight space at a premium. There were no bulldozers, carry-alls and similar equipment, and the building of the roadbed was accomplished with axes, picks and shovels, horse and wheel and hand scrapers and dynamite.

*In the same issue of the newspaper threats of the importation of cheap labour were reported as well as a strike of 30 miners on Dominion Creek. (They were earning 80 cents an hour for 10 hours a day and were charged three dollars a day for board. They struck because the hours had been cut to seven.)



Yukon Archives Photo

WP + YR Construction
View of a group of WP + YR labourers busy at work with picks and axes, sledge hammers and shovels clearing the grade of boulders. A team of horses in the foreground and a jerry-rigged hoist in the background are used to remove the larger obstacles. Aug. 1898

All told there were 35,000 men at work on this line, from June 1, 1898 to October 1, 1899 and of this number there were only 35 deaths from all causes including sickness as well as accidents. In today's work climate 35 deaths would not be referred to as only another statement about the times and the concern about workers.

When we consider poor living conditions, dangerous working conditions, poor government services and not the best of food, it is easier to understand the level of frustration that grew to the point where unrest manifested itself in labour disputes.

There is probably a good case to be made too, for the contrast in life style between the working miner and the property owners, who, in some cases, lived in the style of the legends of the time.

A harbinger of change, signalling the direction of the future in Klondike gold mining, was the first gold dredge built in the Yukon in the fall of 1899 on Cassiar Bar, near the

The biggest labour strike of 1899 though happened in February when 1200 men walked off the job building the White Pass & Yukon Railroad.

mouth of the Big Salmon River. It too, followed the stampede and was moved to Bonanza Creek to continue its work.

The Klondike district and its gold remained the Yukon's economic star, the copper belt at White Horse attracted some attention as construction, transportation and supply were becoming major industries.

The frills of society were desired and made available. The desire for what they had left behind was being filled. What had been a quiet, reasonably peaceful and remote society at the beginning of the decade, had been introduced and embraced by the outside world; an embrace that lightened from time to time, but which never completely left. The change was permanent.

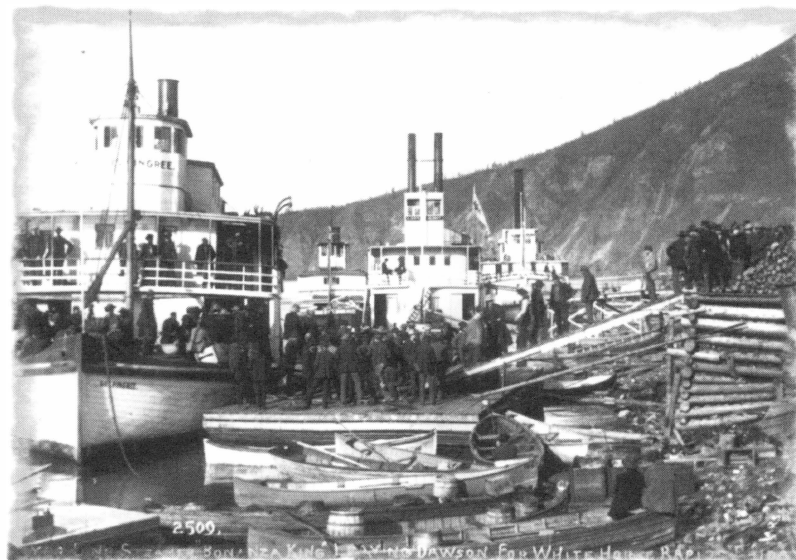


CHAPTER TWO: 1900 - 1910

Dawson City and the Klondike region entered the century a proud, substantial community of nearly 28,000 people. Optimism blossomed. The White Pass Railroad opened at Carcross on July 20, 1900, completing a transportation system from Skagway to Dawson City. While the people of the Klondike and Dawson City were becoming the economic and political centre of the Yukon, Whitehorse people were building a transportation centre.

Whitehorse had become the head of navigation, with the river its central focus, where White Pass & Yukon railroad trains met British Yukon Navigation Company riverboats.⁴ Thousands of tonnes of goods and hundreds of people transferred from one to the other en route to the economic and political capital of the territory at Dawson City. The population of Whitehorse at this time was tiny in comparison to Dawson, standing at 250 people.⁵ Nonetheless, people were expecting it to double within a year as the town of Bennett moved to Whitehorse.

Work was plentiful; the labour force was growing, but accident benefits were not. During that summer of 1900 there were 20 sternwheelers plying the Yukon River between Dawson City and Whitehorse. They made a total of 199 trips to Dawson and 200 to Whitehorse carrying 4,064 passengers to Dawson City and taking 5,465 to Whitehorse and 13,583 tonnes of freight to Dawson.



Yukon Archives Photo

Sternwheeler - Gov. Pingree

About to leave on her last trip of the season for Whitehorse. Part of the cargo consisted of \$200,000 in gold. Sternwheelers Lotta Talbot and Monarch in background. Sept. 22, 1900

Among their cargo was coal from the Five Fingers coal mine near the community of Carmacks on the shores of the Yukon River. Whitehorse had grown from *'a -place-at-the-foot-of-the-rapids,'* to a busy, bustling transportation centre.

Transportation was not the only element helping the establishment and economic growth of Whitehorse. While the initial rush into the territory centered around Dawson City, some people were being diverted to other mineral finds which had, at first, been overshadowed by the gold. Copper

⁴ "When the Radio Came to Dawson", Iris Warner, Whitehorse Star, September 1, 1965.

⁵ H. Dobrowsky

"The ratio of fatal accidents in the mines of the Klondike compared with other districts has fortunately been comparatively small. Considering the great reliance on underground work carried on. This state of affairs has caused many to grow careless and operate with their apparatus in poor condition. The construction of substantial windlasses and the introduction of ladders into shafts wherever practical would be of great benefit to this end."

Yukon Sun, February, 1901

prospects, then mines and a growing transportation and supply centre provided Whitehorse with a mini-boom of its own.

Whitehorse and Dawson were not the only prosperous communities. Carmacks with its coal mine, was an official stop on the river corridor. Silver prospects north of Mayo prompted river service on the Stewart. As the territorial economy and its regions expanded, so too did the work force, accompanied by an increasing frequency of confrontations between workers and their employers.

In the Klondike district, the labour unrest which began in the previous decade, continued. In November 1900, 100 men had struck because they were required to sign a contract binding them to work until after spring clean-up before receiving pay. Their pay was \$5 a day, payable in gold dust with board and lodging included. On May 3, 1901, miners on several claims walked out demanding higher wages. In 1902, longshoremen and telegraph operators struck. Reports at the time show that labour unrest was linked to worker safety. There were many accidents causing injury and death in the years following the turn of the century. Even with a verdict of negligence levelled against a company, no one wrote one word about compensation. The only form of compensation to this point was the generosity and kindness of other people. While not all deaths reported were work related, it appears that the majority were. The saddest comment of all were the four words that appeared at the end of many of the NWMP death reports, a single sentence - *he left no effects*.

In all cases there was absolutely no form of compensation for the families of any of these men. None spoke of it and apparently none considered it.



Yukon Archives Photo

Funeral in Dawson City, April 06, 1909

While this *labour strife*, as employers described it, continued, the workers were organizing unions. The first decade of this century seven unions were recorded in the Yukon's government records.

Political parties were also coming together. In 1902, the territorial council had been increased to 11, five of the

seats to be elected. More than four parties were competing for these seats. There were the traditional Canadian parties: Liberal and Conservative, along with some others not so well known - the Yukon Legislative Labour Association, the Yukon Labour Party and others - all aiming to have one of their members elected to the five seats made available to Yukoners by another amendment to the Yukon Act.

The need for labour legislation was a political plank in the platform of every politician. There was, nonetheless, one major and nagging difference between Yukon's Territorial Council and provincial legislatures: The council's mandate was that the councillors may advise the Commissioner. The Crown, that is, the federal government in Ottawa, held the power to accept or reject any legislation passed by the council. On occasion, the federal government exercised that power. The seeds of dissent and the desire for autonomy were sown here at the beginning of the Yukon's political and legislative story. A new Commissioner, James Hamilton Ross, was appointed by the federal government on March 11, 1901. He resigned within a year to run for election as the federal MP for the territory. He won the seat and became the Yukon's first Member of Parliament.

Yukoners were then taken into the Dominion of Canada. In December 1902, a separate act established a seat for the Yukon in the House of Commons. First Nations people were excluded from voting in these elections. While it was not the beginning of discrimination, it was probably one of the first official or legislated acts of discrimination in the Yukon.

By March 1902, the gold rush was considered over. The Yukon entered another period of change. Smaller mining operations were closing without notice and current laws provided no protection for the workers to receive salary or other contract benefits owed them.

The Miners Lien Ordinance No. 14 - 1903 was passed to resolve these problems. There was also an Ordinance respecting Liens in favour of Woodmen and Others, and a Mechanics Lien Ordinance. It was still not workers' compensation, but it was certainly a beginning and a form of compensation.

A federal election was held December 16, 1905, returning Dr. Alfred Thompson as Yukon's Member of Parliament. Territorial Council elections were held on April 12. A new Commissioner, W.W.B. McInnes succeeded Frederick Tennyson Congdon on May 22. All candidates spoke in favor of forms of compensation for workers during the campaign.

People at all levels of the society continued to strive for some form of protection for workers.

The first copper belt mine disaster took place in May 1907, at the Copper King Mine near Whitehorse. One of the victims was copper belt pioneer William P. Grainger, one of the mine owners. The other man, Gilbert Joyce from Newfoundland, had been working at the mine for only four days. There was no compensation for their families.

"On December 1, 1900, Albert Pilgrim was suffocated in a mine on Cheechako Hill, by a quantity of earth falling on him."

"On the 28th, a man named Roderick McKay was accidentally killed by being caught in a cable of the Cable Tramway on the Ridge Road at the head of the Bonanza. As this was purely accidental, an inquest was not held."

"In March a juried inquest reported on Samuel Nelson's death this way: "We consider that the deceased came to his death by the falling of a quantity of frozen earth from the face of the drift, and do not consider any responsibility is attached to the claim owners for the falling of this particular piece of earth, but we consider the mine, at present, from what we have seen of it, in an unsafe condition and unfit for men to be working in and we recommend that work be at once stopped until a proper and practical man inspect the mine. We consider the government should appoint thoroughly competent mining inspectors to examine the mines in this country at least once a month."

"On April 7, one Eaton was killed by a tunnel caving in, in a mine on Gold Hill."

"On May 25, Thomas Heron was killed in a shaft by a rock falling upon him."

"On May 31, O. Connolly was suffocated in a drift on Quartz Creek by gas. Two other men overcome at the same time were rescued in time to recover."

In June, another coroners verdict was rendered:

"That the deceased Charles E. Hinchcliff came to his death by being drowned, by falling off the steamer Leon into the Yukon River at Dawson, in the Yukon Territory, on June 4, 1901, through negligence on the part of the company by which he was employed by having a defective rail on the said steamer, Leon."

"On June 25 William Cameron was killed by his wagon running over him while freighting near the Dome Roadhouse."

"On July 25 a man named James McKeon was accidentally killed on claim no. 12 below Discovery on Bonanza by a current from an electric wire. He was at work putting in a meter when the crowbar which he was using at the time came in contact with the wire, killing him instantly."

"On September 23, Frank Cowden was killed on No. 11 below Discovery, on Quartz Creek, by falling down a shaft through the boatswain chair becoming unhooked."

Report for "B" Division N.W.M.P.
Inspector Starnes

Inspector Starnes concluded his report as follows:

"I think some action should be taken by the Yukon Council in appointing mining inspectors from among the miners, employing only thoroughly experienced and practical men. I am sure that had there been some inspectors of this class on the creeks, some of these accidents could have been averted. There are not nearly enough mining inspectors on the creeks to thoroughly do the work of inspecting many mines. The larger part of the ordinary miners will not look after themselves, and it is therefore necessary for some one to look out after them and more especially as they, in a great many instances, employ much labour. They know what should be done in a mine, but seem loathe to do it until compelled to."

Copper King Mine

Yukon Archives Photo



INJURED YEAR AGO - MAN HURT WHILE
OPERATING KEYSTONE - NOW SEEKING
DAMAGES

"John Anderson is suing Canadian Klondike Mining company limited, better known as the Bear Creek company for \$5,000 for damages sustained in the loss of three fingers of the left hand while working on a Keystone drill for the company. The plaintiff alleges that he is greatly handicapped by the loss of the fingers. He has been earning his livelihood much of the time since by fishing and hunting. He shoots his gun against his left shoulder and fires the gun by pulling the trigger with the fingers of his left hand."

Dawson News, Sept. 17, 1908

In Dawson City, workers' dissatisfaction, heightened perhaps by the Copper King disaster and with the bureaucracy and the employers, and even with their own unions, was vocal and public.

At the same time as these labour protests, debate in the Yukon Territorial Council on labour legislation went on. (Alexander Henderson was sworn in as Commissioner June 17, 1905) Accidents and deaths continued and one of the few avenues for settling labour questions was still the courts.

In 1908, for example, one worker sued his employer for damages caused in a mining accident a year earlier. The Yukon government had enacted The Employers Liability Ordinance of 1908. It was described with its official legislative title, *'An Ordinance to Secure Compensation for Person Injuries Suffered by Workmen in Certain Cases'*. It was the Yukon's first workers' compensation legislation.

Candidates for territorial councils running for election in 1909 demonstrated they were listening. Campaign speeches and literature stressed the need and promised legislation to protect working people. In this same year the Yukon Act was amended again giving Yukoners a Territorial Legislative Council of 10 members - all elected.

On July 14, 1909 the first session of the wholly elected council was sworn in. The speech from the throne promised legislation, *"to provide compensation for injuries to workmen in certain cases."* The bill, however, was shelved.

The first decade of the century ended with government, politicians and workers still talking about labour legislation for Yukon working people. At the same time Dawson City's population dropped from 27,219 in 1901 to 8,512 in 1911. The size of the NWMP was reduced, as was the size of government.

While the Klondike goldfield region was diminishing in economic impact, other developments in the Yukon were thriving. The copper belt in the Whitehorse area was flourishing, the coal mines at Carmacks, silver at Keno Hill north of Mayo and the traditional fur markets, enhanced by mink and fox farms were all healthy economic sectors.

CHAPTER THREE: 1910 - 1920

In 1910, territorial council's legislative package included Mr. Murphy reintroducing his compensation bill. Numerous industrial accidents on the creeks had confirmed the need. *"The talk continued into the 1912 sitting. George Black made one of his many speeches praising the good work of past Councils in passing much needed bills for the protection of labour. Despite promises and speeches supporting it, the Workmen's Compensation Ordinance was not passed."*⁶

In February 1912, George Black was appointed Commissioner.



George Black
1932

In 1912, in southern Canada, Judge Meredith concluded a study that had been commissioned by the Ontario government. *The Final Report on Laws Relating to the Liability of Employers*, came to be known as The Meredith Report. It listed six uniquely Canadian principles that became the foundation for workers' compensation in Canada. These principles are:

1. The liability of employers for injuries in the workplace should be collective, rather than individual, with employers paying into a central fund which is used to pay benefits to injured workers.
2. The benefits payable to injured workers must be guaranteed in the legislation.
3. In return for guaranteed compensation, workers have no legal right to sue their employers or co-workers for negligence resulting in a workplace injury. This is the "historic compromise" of the workers' compensation system.
4. The workers' compensation system is a no-fault system.
5. The system should be administered by a body independent of government with equal representation from labour and industry with a neutral chair.
6. The board must have judicial-like authority for making final decisions on claims for compensation, without an appeal to the courts.⁷

A brief background about the Meredith report is provided in a 1973 New Brunswick Workers' Compensation Newsletter:

"The Industrial Revolution of 19th century Europe brought prosperity and technological advancement along with physical and mental suffering of men, women and children who worked in despicable conditions. The long struggle of the working class to obtain better and safer working conditions, to be compensated and to make employers liable for injuries and even death has resulted in the establishment of various compensation schemes. In Canada, the first true workers' compensation legislation was attributed to Sir William Meredith who was appointed in 1910 to study the problem of workers' compensation. He travelled to several countries. His interest focused on Germany with its concept of government responsibility.

On January 1, 1915, the first legislation was put into effect and the first Board of Commissioners was appointed shortly after. The new law was based on the German system which was developed in 1884. It advocated a compulsory insurance under the supervision of the state and an employer collective liability system based on non-profit and no fault concepts. The Canadian system added clauses from the British and the American systems to establish a unique form of workers' compensation. One after another, the provinces followed suit and instituted their own systems with some differences in application but based on the same fundamentals.

The strength of the Canadian model is its ability to adapt to circumstances and to make changes accordingly."

New Brunswick Workers' Compensation
Newsletter, 1973

⁶ With Those Who Live Here, L. Johnson. Unpublished.

⁷ Meredith Report, William Meredith, 1913 from WCB files

In 1916 the Pueblo copper mine near Whitehorse reached peak production shipping ore valued at \$763,586.

However, in separate incidents, three men died as a result of being hit with heavy objects underground. These deaths were added to the growing total of work-related accidents over the years. There appears to be some evidence that such happenings were considered part of the price of extracting wealth from the ground. The need for the ordinance had been made abundantly clear during this, which became the final debate.

Speaking for the ordinance in the elections in the spring of 1917 was the outspoken editor of the Dawson Daily News who wrote:

"Surely this, one of the richest mineral producing lands is not to plead that it cannot afford to the workmen who make possible its wealth as great protection as vouchsafed unto them in other, and even poorer countries."

⁸ "With the people Who Live Here" L. Johnson. Unpublished.

The new ordinance guaranteed widows some help. It's wording was clear: "In the event of the death of a workman resulting from injury, his dependents shall be entitled to receive the sum of two thousand and five hundred (\$2,500.) dollars." These amounts remained unchanged for over three decades.

The Yukon Territorial Council continued its debates and each year promised workers' compensation legislation. 'Planning for permanence' was the theme of the 1914 session. The major issues were Dawson Utilities and the Workmen's Compensation Ordinance.

Yet by the spring of 1915, the Yukon still did not have a workers' compensation bill. Once again, labour issues were central to the election on March 4, 1915. Another year passed and yet another draft of the Workmen's Compensation Ordinance was prepared in 1916 to be considered by the Territorial Council headed by Commissioner George Black. The ordinance was not to be passed until 1917, by yet another council elected in the spring of that year.

The 4th Wholly Elective Council, 1917, First Session was convened.

"The first bill of the session was the administration's Workmen's Compensation Ordinance, introduced by J. Austin Fraser. Problems with the bill were identified immediately, as it was pointed out that claims of higher value were proposed for married men than for single men, which would tend to discriminate against the hiring of men with dependents. Company representatives, though, were still hesitant and made their voices heard. Charles Boyle of the Canadian Klondyke Mining Company and C.A. Thomas of Yukon Gold Company asserted that the bill would cause discrimination against older and more awkward men, because companies would not want to increase their liabilities in any way. George Findley argued against the provision of the bill that allowed a judge alone to hear disputed claims.

*Findley favoured an elected arbitration board, as did Marie Fotheringham of the Yukon Women's Prohibition League. Finally, the bill was amended to equalize compensation for single and married men. A clause was added to allow an alien worker to claim similar compensation to what he would receive in his own country. If his own country had no such legislation he would be disqualified from receiving anything under the Yukon ordinance."*⁸



Living conditions of some miners' families.

Yukon Archives Photo

The first Canadian workers' compensation legislation had been enacted in 1915 in Ontario, so, the Yukon was not far behind. The first Workmen's Compensation Ordinance of the Yukon became law on April 24, 1917. Its official title is: *An Ordinance Respecting Compensation to Workmen for Injuries Sustained in the course of their Employment*. This Yukon act, passed in the midst of World War One, stood for 36 years.

Then wonderful news - November 11, 1918 - the war was over, but many of the men and women who had left did not return to the Yukon. Dawson City had started the century as the largest city west of Winnipeg. The entire Yukon, following World War 1, had fewer than 5,000 residents.

By 1918, gold production had declined 80 per cent from 1912. Government actions that followed were predictable. Local affairs were in the hands of only three officials: the superintendent of public works, the superintendent of schools (who later doubled as the principal of the Dawson school) and the territorial treasurer who was also the territorial secretary, King's printer, clerk of council and registrar of joint stock companies and treasurer, clerk and assessor of the City of Dawson. Government business in Whitehorse and Mayo was handled by a territorial agent who also sold liquor.

Then, the federal government assigned the duties and powers of the Commissioner to the Gold Commissioner.

Yukoners woke up one morning to discover that the federal government had completely abolished their Territorial Council. After a great deal of pleading it was restored to three members. One representing Dawson and the Klondike, one for Mayo and one for Whitehorse.

The first compensation awards were made after 12 workers in Hunker Creek died of food poisoning. They had eaten in the company mess house. Dawson Daily News reported, *"Some of them left families with young children and the \$2500 settlements awarded widows by the Y.G.C. must have been meager in the face of Dawson's high costs."*





CHAPTER FOUR: 1920 - 1930

By 1920, the Yukon had experienced a dramatic reduction in population, the work force and its industrial base. The 1920 annual report of Gold Commissioner George Patton MacKenzie provides detailed descriptions of changed mining operations. One example is Yukon Gold Company's operation consisting of two operating dredges, a hydroplant on the twelve Mile River, and eleven placer mines. On average, the company employed 224 men.

In 1921 the new Yukon Territorial Council needed money. The federal government had reduced grants, so the council discussed increasing railroad and steamboat tariffs, liquor import tax, business taxes, the poll tax, income taxes, or introducing a new bachelor tax.

The members objected to them all but finally chose the bachelor tax. Five dollars was levied on every single male and female resident between the ages of 21 and 55 years. Good times came to the nation the following year so it was cancelled. There were about 800 bachelors which would net about \$4,000 in new revenue. Two of the three councillors were bachelors and had to pay.

As if increased taxes were not enough, when the federal parliament assembled in the spring of 1921 the Dawson Daily News carried a story that a British Columbia Member of Parliament planned to introduce a resolution to merge British Columbia north of the 52nd parallel with the Yukon to create a new province. Yukon's member of parliament, Dr. Alfred Thompson, had promised to second the resolution. There was a public outcry. It was not introduced.

New transportation technology brought four aeroplanes to Whitehorse and Dawson in 1920, the first ever known to have landed in the territory.

Some people suspected new technology was behind the new hazard told by Louis Bouvette from Mayo. On his way outside he told the story of miners experiencing problems with dust hazards in the new silver mines at Mayo. It would be many more years before health hazards would be recognized in compensation claims.

Workers' compensation was in the Yukon and it was mentioned in the Gold Commissioner's annual reports - but only occasionally through the decade of the 1920s.

In 1925 a mill was built on the Keno Hill property, with a more refined ore being shipped 'outside'. Jobs were kept in the Yukon. 75 miners produced from 2,000 to 4,500 tons of lead-silver ore per year, transshipping it through Mayo on the Stewart River via smaller sternwheelers transshipping to the larger Yukon River boats at the confluence of the rivers.

According to Riding Voter List for the election of 1920, Dawson and Klondike totalled 1,114 voters (628 in Dawson, approximately 200 in Mayo and the balance scattered along the Klondike and Stewart River Valleys); and Whitehorse had 215. In 1921, the Yukon population had declined to 4,157.



In 1923, workers had produced enough ore at Keno Hill that royalties were paid on over 68,850.68 ounces of gold, while 4,300 tons of high grade silver were shipped from Keno to Mayo. Production numbers for this silver were 276,596 ounces of silver and 765,906 pounds of lead.

In 1928, Old Age Pension was put into effect. The Pension was set at \$20 a month for people 70 years and over, who had lived in Canada twenty years and whose income was less than \$1 a day.

Queen of the Yukon

Only six years after the first aeroplane landed in the Yukon commercial air service was introduced. In 1926 a group of Mayo and Whitehorse people organized Yukon Airways and Exploration Company. The company made its first commercial air mail flight November 11, 1927 in their aeroplane the *Queen of the Yukon*.



Yukon Archives Photo

In 1929, an ordinance was passed to regulate hours of labour in placer mining operations.

CHAPTER FIVE: 1930 - 1940

Despite the national depression Yukon commerce and entrepreneurs were still striking out with new endeavours. The price of gold had jumped in 1933 from around \$20 an ounce to \$35.

White Pass and Yukon Route tried expanding their transportation system with air service, carrying mail and passengers among the large centres of population: Skagway, Dawson, Mayo and Whitehorse. Although it proved to be an idea ahead of its time, the Whitehorse Terminal on the waterfront at the foot of Main Street became an unusual and exciting place.

In fact, the Yukon was at the centre of exciting prospects as the economic stagnation of the depression began to dissipate. An international Alaska Highway Committee visited Dawson in 1936 to inspect local roads in connection with new American interest.

In 1934, the Territorial Council passed an amendment to the Miners' Protection Ordinance. Another ordinance *"to regulate the hours of labour and the minimum wage to be paid in mining operations"* was passed in 1937. It limited the work day to eight hours and the work week to 56 hours. The minimum wage was fixed at 50 cents per hour. Overtime was permitted, except underground. The minimum rate for overtime was 55 cents per hour. No fatal accidents were reported for 1934, but two compensation payments were made for minor injuries.

Further south politicians were eyeing the Yukon again. Duff Pattulo, former assistant Gold Commissioner, was now premier of British Columbia. He visited Dawson in the summer of 1936. He spent a day touring the gold fields and town, then flew home. The following April he announced that the Yukon would likely be annexed to British Columbia. The news came as the Territorial Council began sitting for their 1937 session. The council denounced the plan. The federal cabinet, however, had already agreed to the transfer. Annexation was to proceed as soon as Parliament and the B.C. legislature ratified the agreement negotiated between the Premier and the Minister of Mines and Resources.

The annexation matter was still active and a major threat to Yukoners when the council sat in 1938. Various consideration from diverse quarters had slowed the process, including the Yukon Consolidated Gold Company who wrote the minister with concerns about tax levies of the B.C. government being much higher. Premier Pattulo himself complicated the discussions by expanding the land grab to include the MacKenzie Valley and the Arctic Islands to the north. This brought the possible expansion of the prairie provinces north into the discussion. Yukoners would not even be consulted on these matters. The debate continued for two more years. The second world war put an end to annexation plans.

The Workmen's Compensation Ordinance was amended in 1938 to increase the period of payments for temporary disability from six months to one year. In 1939, industrial diseases were defined as including *"silicosis, lead*

This was a major political issue in the Yukon. The issue spilled over into the Territorial Council elections of 1937. J. A. MacDonald, a local hotel operator published a notice in the newspaper to declare his position. "It is rumoured that I am advocating annexation to B.C. The case is not so. I am advocating the adoption of a similar Compensation Act." He went on to explain that recent changes in the ordinance were beneficial to workers who wished to work longer than eight hours.

The First Nations people of the territory were also adapting to changing times. Traditional camps were held: fish camps to harvest the salmon; berry camps for the berry crops; the caribou migrations followed their age old patterns and the native peoples harvested them, along with other wild game for meat and furs; others took seasonal work on the Yukon river boats, in wood camps supplying the boats and in the various mines around the Yukon. Some had bought automobiles, though the Yukon had but a few miles of roads, and used them to travel the trails between communities. Delightful and innovative vehicle conversions were made such as a model T with skis in place of front wheels and another with a track mechanism replacing the rear wheels.

poisoning or its sequelae and arsenic poisoning or its sequelae, mercury poisoning or its sequelae and infected blisters."

In the same year, the Commissioner's report mentioned relief payments for the first time. The Miners' Protection Ordinance was also amended requiring compulsory medical examinations for *"workers whose work takes them into a quartz mine or into any ore crushing of rock or the crushing operation of any mine."*

Throughout this quiet period in the Yukon's story the endless quest for gold continued, each prospector apparently convinced that the millions of ounces that came out of the Klondike was not the mother lode.



Gold panner

Yukon Archives Photo

In the Atlin gold fields, just south of Whitehorse, more gold seekers dug and washed gravel. The silver mines at Elsa were shipping silver. Tourists, along with ore from various mining properties, travelled the White Pass and Yukon Railroad. The tourists toured the Yukon's major lake systems in smaller, lake sternwheelers to Ben-My-Chree. Bush pilots and their flying machines seemed to be everywhere. But war was looming on the horizon.

CHAPTER SIX: 1940 - 1950

The second World War ended the depression of the 1930s. The nation's economy and work force, suddenly lurched forward onto a wartime footing.

The Yukon's population had changed little since 1920. In 1921, 4,157 people called the Yukon home. Two decades later, fewer than 1,000 people more had come to live in the Yukon. In 1941, 4,914 people were counted in the official Yukon-wide census. Fewer than 400 lived in Whitehorse.

War did not end labour/management negotiations. In Dawson City, 414 of 684 workers of Yukon Consolidated Gold petitioned the company for an increase of \$1 per day. They agreed to go back to work when the company agreed to meet with them. The result of the meeting was that both parties agreed to a 50 cent a day raise. This brought the men's wages up to \$5 per day — no more than the going rate in 1902.

When the Japanese landed on North American soil in the Aleutian Islands, the Americans decided they needed a road and built it. In March 1942 over 10,000 soldiers arrived by rail in Whitehorse in a three-day period.



Yukon Archives Photo

Several hundred of these men were sent east to build the Canol Pipeline from Norman Wells, N.W.T. to Whitehorse to move oil from the oil field at Norman Wells to Whitehorse.

The Alaska Highway officially opened November 21, 1942, eight months and 12 days after construction began. As soon as it was finished, the military left and civilian contractors moved in and began the task of turning this tote road into an all-weather, two lane gravel highway.

This was also the final decade of the life of the first Workmen's Compensation Ordinance. It was a time of change. People had to learn new skills and trades. New technologies brought new demands upon workers and posed new and sometimes unknown threats to their health. These demanded the continual re-examination of legislation, regulations, medical and legal ramifications and the administration of the various acts covering workers.

The beginning of the century had found debate about labour matters thriving in the Territorial Council Chambers in Dawson City. Post-war legislators found themselves in

Advertisement for Canol Project read:
"THIS IS NO PICNIC"

Working and living conditions on this job are as difficult as those encountered on any construction job ever done in the United States or foreign territory. Men hired for this job will be required to work and live under the most extreme conditions imaginable. Temperatures will range from 90 degrees above zero to 70 degrees below zero. Men will have to fight swamps, rivers, ice and cold. Mosquitoes, flies and gnats will not only be annoying, but will cause bodily harm. If you are NOT prepared to work under these and similar conditions —

DO NOT APPLY!"

Amendments to the ordinance were made during the decade. Dates shown are the dates of assent.

July 12, 1942:	adding a name change;
April 22, 1943:	employer not having to pay if worker covered under United States compensation laws;
May 12, 1944:	adding tooth or teeth loss as claimable injury;
July 12, 1947:	increasing benefits;
July 23, 1948:	increasing period and benefit for teeth care.

A convoy of trucks, 2 bulldozers and other vehicles on a rutted, muddy section of the roadbed. 1942.

similar discussions about workers' compensation. While the circumstances were now different, some of the concerns were similar. Correspondence at the time showed that the closer it came to the actual changing of the Act, the more intense was the debate.

*"Meeting held at Whitehorse during the fall of 1940 included representatives of the International Union of Mine & Smelter Workers, the Hotel & Restaurant Employees Union and the International Woodworkers of America. C.J. Lelievre represented the Dawson Miners Union. The group formed a Yukon wide Trade Union Committee to link both A.F.L. & C.I.O. Unions in a rare example of solidarity. This committee forwarded a series of four resolutions to the Yukon Council calling for the reduction in the regular work week from 56 to 48 hours, the establishment of a Yukon branch of the federal Department of Labour, the enactment of workers' compensation legislation similar to that of British Columbia and new legislation so that co-operatives could function in the Yukon. The council passed bills to amend the Hours of Labour Ordinance, and to permit the establishment of co-operatives."*⁹

Correspondence between two officials in the period illustrates the questions being addressed and perhaps the reason for the long time in responding to what may have seemed to some to be an obvious need. It is quoted whole because of its relevancy and economic assessments. In July 1945, R.A. Gibson, Ottawa director, wrote to G.A. Jeckell, Controller of the Yukon:

"The matter of compensation for Dominion Government employees who might be injured while employed in the territories was recently under discussion and the view was expressed that the rates fixed by the Yukon Workmen's Compensation Ordinance were appreciably less than those of most of the Provinces. It was the opinion that the Yukon rate should be more in line with the schedule of wages authorized for the territory."

In his reply, Jeckell said:

"I am in receipt of your letter of the 16th instant, in which you refer to the matter of the Yukon Compensation Ordinance. You ask if I have submitted recently, for the consideration of the Yukon Council, any comparison of the practice prevailing in the Yukon with that in effect in the Provinces. As you are aware, the Yukon Compensation Ordinance makes no provision for a board, nor a fund and the compensation is directly payable by the employer. The matter of enacting a Compensation Ordinance in line with the compensation acts now in effect in the provinces, has been considered at various times. However, it has been the consensus of opinion that, owing to the small population of the territory and the comparatively few employers and employees, to introduce a system similar to that in effect in the provinces would be too great a burden on the government, from the standpoint of administration and the buildup of the fund which would have to be created jointly by the employer, the employee and the government."

"I might say that I have frequently heard it stated by some Yukon employers, who have had some experience with

⁹ "With Those Who Live Here". L. Johnson, pg. 39, Vol. 2. Unpublished.

compensation boards in the provinces, that they are better satisfied with the Yukon practice than that prevailing in some of the provinces. Frequent amendments have been made to the ordinance, broadening its scope and increasing the general allowance to employees who may be disabled, but there has been no concerted move up to the present to adopt any of the acts as in the provinces."

Gibson replied on August 6, 1945:

"I have your letter of the 31st ultimo¹⁰ about workmen's compensation legislation. In reply, I would explain that under the present circumstances I do not think that conditions in the Northwest Territories or in the Yukon would justify the enactment of workmen's compensation legislation along the lines of that in force in the provinces. However, in the case of the Northwest Territories, we tell the employers they must take out policies acceptable to the Federal Department of Insurance to guarantee to the employee practically the same benefits as those accruing to employees under the Provincial Workmen's Compensation Act. There seems to be little dissatisfaction with this arrangement.

"On the other hand, an impression prevails in some quarters that the benefits indicated in the Workmen's Compensation Ordinance of the Yukon Territory are not adequate. Apparently you think that they are."

Ottawa's interest was not just bureaucratic. Canadian sovereignty over the north came to the fore and the politicians awakened, once more, to the Yukon's potential.

"After 1945, Canada went north again as an anxious landlord, nervous about the behaviour of her northern wartime tenants."¹¹

¹⁰ 'ultimo' was used frequently during the period. It means 'previous month'.

¹¹ from Sissens to Meyer



Yukon Archives Photo

Labourer

The Territorial Council sat from April 15 to May 9, 1946. They dealt with legislation governing the safe operations of mines, an ordinance respecting Fair Wages and Hours of Labour for Shop Employees and considered a plebiscite on the question of bringing in an ordinance to incorporate the City of Whitehorse. Elections were held, too. Three seats were filled by acclamation: John R. Fraser representing Dawson City, Ernest J. Corp for Mayo and R. Gordon Lee for Whitehorse.

J. E. Gibben, Acting Controller and F. J. Moon, Casualty Superintendent, Royal Insurance Group, Montreal exchanged letters in 1947 and 1948 that add to the workers' compensation debate in the mails between the Yukon and people 'outside.' Here we also sense the growth of personal relationships growing between those involved:

"Dear Jack:

"For your information, I am enclosing herewith a copy of the Workmen's Compensation Ordinance of the Yukon Territory. I may say that the 1946 Session of the Yukon Territorial Council passed a further amendment to this Ordinance which, having been protested by certain employers of labour, was in due course disallowed by the federal authorities.

"You will understand that neither in the Yukon Territory nor in the Northwest Territories is there adequate machinery set up for dealing with workmen's compensation legislation as it exists in the provinces. It has been suggested that the situation might be met by requiring employers of labour to take out adequate accident insurance. The difficulty appears to be in the matter of rates and I understand that this is now receiving consideration by the various insurance groups interested in this type of business."

Ottawa demonstrated its power and presence in its usual way:

*"In June 1948, a bill in the House of Commons restored the Commissioner as chief executive officer of the Yukon. The following month, controller Gibben was named to the post."*¹²

Gibben, appointed Commissioner in July 1948, wrote Moon providing insight into the Yukon's economy and compensation legislation. November 12, 1948:

"During the past five or six years, there has been considerable development and business expansion in this country. Every year brings new problems consequent upon changed conditions. The administration is hard put to keep pace with the changes in legislation, which should be effected to bring the territory into uniformity with the provinces..."

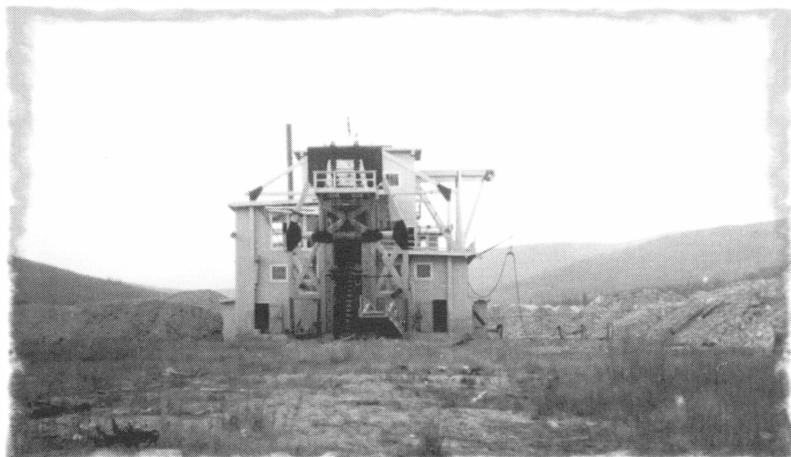
As regards workmen's compensation legislation, the situation is as follows: The Yukon Territory has a covering ordinance which was passed in 1917 and which has been amended from time to time...This ordinance will probably strike you as being outmoded. On the other hand, you will understand the difficulty involved in setting up machinery in this sparsely-populated area for the administration of workmen's compensation legislation such as exists in the

¹² "With the People Who Live Here. L. Johnson, Unpublished.

provinces. In many instances, we are able to make use of extra territorial facilities for the proper functions of our internal economy; for example, we hospitalize tubercular patients in provincial sanatoria and mental patients in provincial mental institutions...

"We have been able to make satisfactory arrangements with provincial authorities for the foregoing by paying for these services. It is a different matter, however, when we come to deal with a hospitalization fund or a workmen's compensation fund.

"I think Northwest Territories' legislation requires an employer of labour to carry insurance to cover his risk under the workmen's compensation ordinance. The suggestion has been made that the Yukon Territory should do the The Yukon Consolidated Gold Corporation Limited, which is the largest employer of labour in this Territory, has always objected to this as being too expensive. Their management argues, with reason, that placer mining is a comparatively low-hazard operation and they would sooner settle each claim for compensation under the Ordinance on its merits.



Yukon Archives Photo

Two views of the Yukon Consolidated Gold Corporation Limited



Yukon Archives Photo

"The Dawson Miners' Union, which is a Branch of the International Union of Mine, Mill and Smelter Workers, has assured me that they are pretty well satisfied with our Workmen's Compensation Ordinance and do not

recommend any change. However, I know that other employers of labour have found it advantageous to protect themselves by way of accident insurance. United Keno Hill Mines Limited is an example in point. It is conceivable that, as other industries develop (and I have in mind quartz mining particularly), pressure may be brought to bear upon the Yukon Territorial Council to make changes in the Workmen's Compensation Ordinance..."

There were, of course, other perspectives and these came forth in debates which followed. It was only a few short years before his prediction about a new ordinance became fact. Once again the Yukon's labour force had been reduced by war. One of the results had been women beginning to take on many non-traditional jobs. Another spin-off had been the new rush of people and economic growth shifting to Whitehorse, causing a shift in political power as well.

In the Mayo and Dawson districts, a lack of workers had caused mines to close and some businesses to move from those communities to Whitehorse. At war's end, Whitehorse had become the economic centre of the territory.

Where economic power is centered, political power quickly follows.



CHAPTER SEVEN: 1950 - 1960

In late 1952, federal officials decided the administration of territorial workers' compensation acts should be handled closer to home. Clare Bolger, of the Department of Resources and Development, Territorial Branch in Ottawa, was instructed to open an office in Edmonton to administer the Workmen's Compensation Acts of the Yukon and the Northwest Territories.

New workers' compensation legislation came into effect on January 1, 1953. It replaced the 1917 compensation ordinance and the 1908 Employers Liability Ordinance. The new Act was modelled after the Alberta Act. Responsibility for administration of the Act still rested outside the Yukon with the federal government, but it was administered from the new office in Edmonton.

With the new Act and a new office in Edmonton, a new era began for Yukon workers' compensation. It was also in another dimension. The accelerated demands of war had introduced an unexpected side effect. New technology in the machines of war brought the need for accompanying technology to manufacture them. This led to new demands on workers and different kinds of worker impairment, such as hearing loss. The growing Yukon population meant more workers, new employers, new assessments, new trades or industries and so on.

The Yukon's new Act also brought the territory fully into the world of workers' compensation legislation. The number of files grew as workers' compensation employees and the industry tried to resolve the issues of a rapidly growing and changing service.

The list of industrial diseases in the 1950s, for example, contained anthrax, glanders, lead, mercury, phosphorous and arsenic poisoning; pneumoconiosis; poisoning by benzol, nitro, amido derivatives of benzol, anilin and others; subcutaneous cellulitis of the hand; infection or inflammation of the skin or contact surfaces due to oils, cutting compounds, or lubricants, dust, liquids, fumes, gases or vapours. This list merely hints at the complex medical aspects of workers' compensation.

Other dimensions of workers' compensation were the legal, legislative and financial management of the fund itself. Growing pains were being experienced by everyone in the new era of compensation in the Yukon.

Officer-in-charge F.H. Murphy wrote to the federal government in December 1954: *"..I do not think it quite correct to say that companies of any size make a practice of enquiring about compensation in the territories before engaging in work there. Two companies were working in the territories and had accidents before I knew anything of them. We kept no records of what companies had accidents before complying with our requirements. In addition there were other companies in the territories, without complying with our requirements, who either had no accidents at all or not until after their positions had been regulated. And there were probably some companies in for short periods that we never heard of at all.*

"Under the new (1953) Ordinance, a totally and permanently disabled workman is entitled to up to \$2,224 a year for the rest of his life, in addition to medical treatment. For the workmen of the Yukon Territory, the new Ordinance provides much greater benefits than in the past. It puts them in the same position as workmen in British Columbia receive. With these increased benefits, there is naturally an increase in the insurance premium. The second factor influencing the cost of insurance is the risk involved. The greater the risk to the workman, the higher the premium. The insurance companies rate each industry and, in some cases, each operation, according to the risk involved and the past accident record. Industries which entail dangerous work or which have a poor accident record are assessed at a higher rate than the safer, more accident free industries."

Federal Government Press Release



An Ottawa produced paper in February 1953, described the new system and its effect on employers in the Yukon Territory:

"A printing and publishing shop with annual assessable payroll of \$7,200: Such an operation is in a low accident rate bracket. Last year the owner of the shop could obtain insurance at the rate of \$1 per \$100 of payroll, or a premium of \$72. This year under the new system he can obtain insurance at a rate of \$1.15 or a premium of \$82.80. In addition, he pays an assessment for administrative costs of one-half on of one per cent of his assessable payroll, that is \$36. Therefore, for an increase in cost of \$46.80 his employees are guaranteed much higher benefits and the facilities of a competent referee in case of dispute with their employer.

"A retail store with annual assessable payroll of \$15,000. This operation is also in a low accident rate bracket. Last year the owner of this store could obtain insurance at the rate of \$2 per \$100 of payroll, or a premium of \$300. This year, because of a good accident record in retail stores in the Yukon, the rate is only \$1.15. Under the new system the owner can obtain insurance for a premium of \$172.50, plus an assessment of \$75. Therefore despite the extra benefits now provided, this employer would pay \$52.50 less than last year.

"A sawmill operation with annual assessable payroll of \$20,000: this industry is in a higher accident rate bracket and last year the owner would pay for insurance at a rate of \$5.33 per \$100 of payroll, or a premium of \$1,066. This year the rate for sawmill operations is \$6.33, so that the employer would now pay \$1,266 plus an assessment of \$100. Once again, for this increase in cost of \$300 his employees are guaranteed benefits similar to those provided to workmen in other parts of Canada."

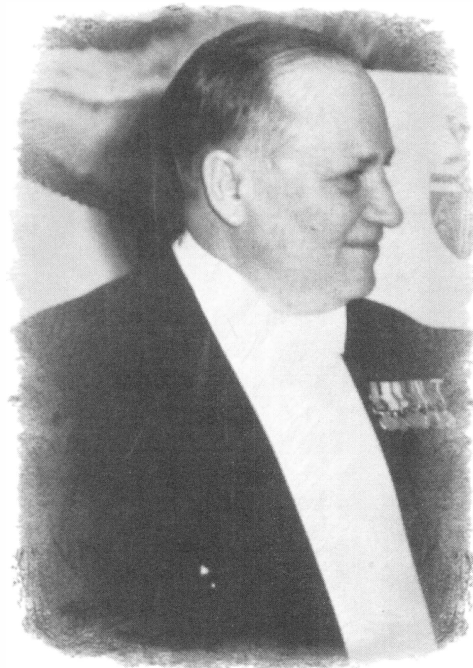
F.H. Collins

"In most cases I do not think the reason is any desire to evade our laws but rather a lack of understanding of the degree of social and/or labour legislation existing in the territory or a feeling that the workmen are covered by provincial legislation and nothing more is needed.

"...To my mind, the value of advertising does not depend on how many accidents were experienced by firms who had not complied with the ordinance; rather, I think, the criterion is the number of outside firms who are potential employers in the North and who should be given the opportunity of knowing our ordinance before being caught in involuntary noncompliance through ignorance or reliance on provincial coverage alone...

"To sum it up, I do not think it is satisfactory to be content with catching up with these firms after they are in.

*"I believe most firms are quite willing to comply with the ordinance and should be given (so far as we are able to give it) an opportunity of learning our requirements in advance. And I think advertising, as suggested, is the most practical way of giving such opportunity."*¹³



Yukon Archives Photo

In 1955, Frederick H. Collins was appointed Commissioner. He managed this new era of workers' compensation in the Yukon, although direct responsibility rested with the territorial secretary. The Act specified the coverage required for the classes of work and the level of hazards involved. It was the employer's responsibility to get the necessary coverage from insurance companies involved in providing workers' compensation insurance.

Correspondence on file between the Yukon government in Whitehorse, the workers' compensation office in Edmonton and the federal government in Ottawa addresses operational aspects such as expected staff increases in the

¹³ Letter to his director (unnamed) Ottawa from F.H. Murphy, Officer in charge, Edmonton office 31 December, 1954.

Edmonton office and perhaps a move to larger office space (thus increased costs precipitating a need for more revenue), then proposals for a rate increase and exchanges about what could be done to keep rates at current levels.

The ordinance was amended in late 1955, with new benefits coming into effect January 1, 1956. Time loss compensation was raised to 75 *per centum* of average earnings up to \$4,000 per year. Minimum time loss compensation for total temporary disability became \$25 per week. In the case of a fatal accident, funeral expenses were allowed, not to exceed \$250 and widow's pension became \$300 cash, with a pension of \$100 per month until death or remarriage; if she did remarry, a final payment of \$1,000 was made. Dependent children under 18 received a monthly pension of \$35 for the first and second child and \$25 for the third and subsequent children. Children's pensions continued even if their mother remarried. Injuries in war would not be included in workers' compensation.

The size of the Edmonton office staff increased to five in 1956.

Near the end of the 1950s, as well as talk of an independent Yukon board, there was some evidence of dissatisfaction with the system in place. The Commissioner, for example, found it embarrassing that prospecting and mineral exploration were not industries under the ordinance.



Yukon Archives Photo

This led to the Commissioners Order 1958-3, declaring prospecting and explorations for minerals and assessments and development work carried out on mineral claims to be industries within the meaning of the Yukon Workmen's Compensation Ordinance. Considerable study and research went into the question whether aircraft operators and aircraft mechanics should be exempt along with volunteer firefighters who had been deemed not to be workers in the eyes of the ordinance.

C.M. Bolger from Edmonton office toured the Yukon in 1953 and reported:
 "As you are aware, I recently visited the Yukon Territory in connection with the administration of Workmen's Compensation. I arrived at Whitehorse via Canadian Pacific Airlines on Thursday, August 13 at 5 a.m. Yukon Time. Thursday was spent in discussions with the Commissioner, several of the Territorial Councillors and other Territorial officials. Friday was spent in discussions with a large number of Whitehorse employers as well as the local insurance agents and doctors. At noon on Friday, the Board of Trade convened at a luncheon at the Whitehorse Inn and I addressed the group at the request of the Commissioner. There now seems to be no dissatisfaction on the part of this group regarding the workmen's compensation business, with the exception of a feeling that the insurance rates are a little high. It was appreciated that the administration is not responsible for this. On Saturday, August 15, I drove to Mayo with C.E. White, General Manager of the United Keno Hill Mines Limited, visiting the Yukon Coal Company at Carmacks en route. At Mayo, I joined up with G.I. Cameron, Territorial Sanitary Inspector and S.S. Copp, Federal Sanitary Engineer. We visited United Keno Hill Mines Limited, the Mackeno Mine, Mackeno Hill and Keno City and discussed compensation and sanitary matters with the mine officials. On our return to Mayo, we visited the Northern Canada Power Commission hydroelectric development. On Monday, August 17, we drove to Dawson City, where we spent Tuesday visiting the Doctor, insurance agents, company officials, hospitals, employers, Territorial Agent, etc. On Wednesday we drove from Dawson to Whitehorse in approximately eleven hours. On Thursday morning, the 20th, I again discussed the compensation business with Mr. Brown and with several employers I had missed on the way in. I returned to Edmonton via Canadian Pacific Airlines on Thursday afternoon. Total cost of the trip was \$223.95 of which \$158.00 represented air fare to Whitehorse and return. No complaints were received regarding the administration of the Ordinance and I am hopeful that a wide variety of problems, chiefly regarding the reporting of accidents, which had been causing considerable difficulty for us, will be solved, or at least, reduced, as a result of personal discussions with employers, doctors and hospitals."

Whitehorse graves

The fourth Annual Report tells us

"Industrial activity in the Yukon Territory during 1956...has remained constant with that of the previous year's operations. The slight increase in the number of employers who were insured is largely due to the business of 'big game guides' which was designated as an industry under the Ordinance." The report also listed the insurance companies involved and the extent. In 1956, Insured employers are holding insurance policies with companies as follows:

Prudential Assurance Co. Ltd.	198
Lloyd's of London.....	31
Employers' Liability Assurance Corp.	19
Law Union & Rock Insurance Co. Ltd.	5
General Accident Assurance Co. of Canada.	2
Royal Insurance Co.	2
Travellers Insurance Co.	2
Commercial Insurance.	1
Aetna Casualty & Surety Co.	1
American Underwriters	1
Liverpool & London	1
London & Lancashire Ins. Co.	1
U.S. Fidelity & Guaranty Co.	1

These statistics were reported by Howard Elgie in a 1954 report:

Accidents reported

January 1 - October 31, 1953.....	402
Fatalities.....	3
Permanent disabilities.....	6
Commensable accidents.....	249
Employers insured	
April 1 - October 31, 1953.....	176
Employers exempted.....	6*
Operators not subject.....	41
Operators address unknown.....	2
Employers in default.....	46

Estimates:

Estimated revenue 1953	\$23,882.00
Estimated expenditure	\$ 5,908.00
Yukon share cost	
Edmonton office	\$ 1,713.91
Paid out by insurers	\$22,000.83
Paid out by insurers for medical/hospital	\$15,378.65

A recommendation to reduce the assessment rate 33-1/3 percent was included in the report. Revenues were predicted at \$14,000 with administrative and enforcement costs estimate at \$10,000.

* Canadian Pacific Airlines, Yukon Consolidated Gold Mines, White Pass and Yukon Route, Western Electric, Prospector Airways and Northern Freightways were exempted.

Neither was the administrative process as smooth as Yukoners would have liked, according to background notes written for the Commissioner:

"Workman did not report accident to employer. He sought medical attention 23 October. Employer's report received 30 October. Workman's report of accident received 27 November. Final report of doctor 1 December. Insurance company wrote to workman 23 December requesting reason for not reporting accident. Workman replied that accident didn't bother him at the time, but condition became worse by 23 October. Notice of settlement from insurer received 9 January 1959 showing payment of compensation."

Fourteen similar examples were provided, illustrating problems with the system:

"The complaint with the insurance company is the same as ours in that without obtaining the essential reports upon which compensation can be based delays are encountered in the payment of compensation and medical accounts."

In 1958, due to complaints from workers over delay or non-payment of compensation, it was proposed that a workers' compensation representative be appointed in the Yukon.

When an accident occurred, three reports were required in the Edmonton office: one from the attending physician, one from the employer and one from the employee. The initial practice was that they would submit their reports independently. Experience showed these statements were being received in the Edmonton office weeks or months apart. The result was predictable: delayed claims, late payments, very unhappy employees and employers.

CHAPTER EIGHT: 1960 - 1970

By this time, it was firmly established that the Yukon economy was based primarily on natural resources. Twenty-five different mineral deposits and potential producers had been discovered. Ten had become producers. In order of importance they were: silver, lead, gold, zinc. In 1963 Canada's largest source of silver production was the Yukon supplying 8.4 million ounces.

The Yukon population had increased 60 per cent in the decade 1940 to 1950. Statistics Canada reported 14,628 residents. Government growth followed population growth.

Growth was also reflected in workers' compensation statistics. In 1960 the Workmen's Compensation Board listed 399 employers with an assessed payroll of \$9,944,741.29. In the first two years of the decade it had risen to 481 employers, with 4,315 workers and an assessed payroll of \$11,738,947.57.

Workers' compensation employees were still busy with the cases that came their way on a daily basis: claims, assessments, administrative and other problems that accompany any organization dealing with accidents, the trauma and other difficulties.

In addition, Yukoners were demanding services at home. Insurance companies were becoming reluctant to underwrite workers' compensation policies for employers. Some members of the mining industry, who had good safety records, felt they were being disproportionately assessed, since assessment decisions were based upon the national experience. Some were suggesting an independent Yukon compensation board. This view was supported by many businesses as well as labour unions.

The Commissioner had discussions about constitutional development with the federal government early in the decade. One positive result was that the federal government appointed three elected members to the Advisory Committee on Finance within the Yukon government.

Yukoners were moving closer toward autonomy without becoming a full province.

In the workers' compensation field, the '60s, in addition to the regular service to clients, was one of study and research. The objective was to determine the feasibility of a Yukon Workmen's Compensation Board.

An internal workers' compensation memo estimated the cost of operating a Workers' Compensation Board in the Yukon to be \$109,830. Another in-house government study, author unknown, concluded that it was not economically feasible for the Yukon to have workers' compensation responsibility with its own Board.

The question was raised in the Yukon legislature's fall sitting in 1963, just as it had been at earlier sessions. Territorial Secretary H. Taylor wrote to L. B. Post, Workers' Compensation Officer, Edmonton, telling him the results:

"During the recent Council session, the following motion was passed:

Letter June 13, 1963 from L.B. Post,
Edmonton WCB office to H. Taylor, Territorial
Secretary:

"Union representatives and several workmen have complained bitterly about the discrepancies, particularly with regard to the daily rate of compensation payable to workmen. They feel that the Yukon Ordinance should be brought into line with the Northwest Territories. From an administrative standpoint, standardization of the Ordinances would, of course, be very desirable."

"A Short Summary of the History of Workmen's Compensation in the Yukon Territory" is a brief four page report prepared in 1963. It included a list of assessable payrolls for the years 1958 to 1962 for each industrial category in the Yukon and a summary of medical and compensation payments for Yukon accidents for the years 1953 to 1962.

1953 -	\$ 33,500.83
1954 -	\$ 11,482.08
1955 -	\$ 5,530.58
1956 -	\$122,144.79
1957 -	\$ 59,666.41
1958 -	\$175,113.69
1959 -	\$192,822.44
1960 -	\$137,498.71
1961 -	\$111,906.22
1962 -	\$105,816.83

"Regarding the subject of raising the existing level of workmen's compensation, the following is offered by way of background information and my recommendation before any further action is taken.

"At the first session of 1963, the Council was requested by the Mine, Mill & Smelter Workers' Union to make certain changes in the level of benefits under the Workmen's Compensation Ordinance. The council, at that time, requested that a survey be made into the possibility of the government of the Yukon Territory setting up its own Workmen's Compensation Board and insurance fund. A very brief study was made by this office and our findings seemed to indicate that it would be profitable for the territorial government to set up this separate insurance fund.

"We hesitated, however, to pass this information on the Territorial Council as we believed that a far more extensive study of the matter should be made. I had occasion, during my last visit to Ottawa, to discuss this matter with F.G. Smith and Gilchrist who, I believe, is making a somewhat similar study for the Commissioner of the Northwest Territories... My recommendation, at this time, would be that we suggest to the Northwest Territories that before any changes are made in the present administration of our Workmen's Compensation Ordinances, a complete feasibility study should be made by a competent person into the question of setting up our own board or our own insurance fund or both if it is deemed advisable. In my opinion this feasibility study would take anywhere from six months to one year before a complete picture could be arrived at. The cost would also be considerable and I believe this should be a joint effort with the Northwest Territories.

"In the meantime, in order to pacify certain parties, it may be advisable to amend our ordinance to bring our benefits up into line with the Northwest Territories. Your further instructions would be appreciated."

H.J. Taylor

"In the opinion of this Council, it is extremely desirable that a comprehensive study of the Workers' Compensation Ordinance be instituted as soon as possible with the following proposals:

1) That an administrative study by the Territorial Government be made to suggest changes within the framework of the present ordinance to possibly eliminate deficiencies and improve our standards as well as to bring them into line with the Northwest Territories and neighbouring provinces.

2) That an outside study be made by a group of fiscal experts to suggest ways and means of bringing the presently privately financed workers' compensation into the realm of government financing as the long-range objective."

In 1963, the Territorial Council saw workers' compensation as an area where the Yukon could gain control over another segment of its own destiny.

A year later the matter was still under study. Territorial Secretary H.J. Taylor sent the adjoining memorandum to the Commissioner on September 24, 1964. It summarizes the situation at the time, and since Taylor was responsible for workers' compensation, we may be assured it is based upon input received from many sources. Attached to Taylor's memorandum is a 'Brief Submitted to Workmen's Compensation Inquiry Board'. This is another lengthy document, but an essential part of our story, that demonstrates the extensive work done by Yukoners, as well as others, to determine the direction to proceed.

"I. Benefits receivable under the ordinance should be raised to the same level, at least, as the benefits now receivable under the British Columbia Workmen's Compensation Act as announced by the minister on November 3, 1963. The cost of goods and services in the Yukon Territory is usually higher than in British Columbia. Compensation payable under the Yukon Ordinance, however, is considerably less.

The injured workmen in the Yukon should be compensated, when unable to work due to an industrial accident, at a more realistic rate. It is realized, of course, that the maximum wage rate on which premiums are based will have to be increased considerably to meet the increased expenses that will result.

It is suggested that premiums should not be based on a maximum monthly earning, but rather on a yearly maximum. In other words, if a workman is employed for six months only and during that period earns the maximum allowed under the ordinance, premiums should be paid on his full earnings rather than on 50 per cent.

The Yukon Ordinance should also be amended to provide for equal payments to widow, dependent children and dependent parents regardless of when the death of the workman occurred. The same should, of course, apply to lump sum payments to widows upon remarriage. Payment of compensation to workmen for permanent partial and total disability should also, of course, be the same regardless of when the accident happened.

In other words, pensions should be adjusted to changing costs of living.

Some provisions should also be made in the Ordinance to guarantee correct payment to doctor, hospital compensation to workmen, widow and the dependents in case of injuries suffered by workmen employed by uninsured employers."

During the first part of 1956, the possibility was discussed whether the government should purchase a policy to provide workmen's compensation protection to workmen of uninsured employers. In case of accident by such workmen, the insurance company would pay the workman's claim if he was unable to have his claim satisfied by his employer. In cases where a referee's Certificate was obtained it would have to be assigned to the insurance company.

It is also recommended that the board inquire into the responsibility of setting up a separate insurance fund to replace the current system of insurance coverage through private insurance companies.

"II. Reports should be routed through a Whitehorse Office.

Today, when an accident happens, the employer, employee and doctor have to submit one report in prescribed form to the Workmen's Compensation Officer in Edmonton and one direct to the insurance company involved. The average time from the date of an accident until compensation is received by the workman is, under this system, normally six weeks. It is appreciated that the reasons for this delay are many.

With a Whitehorse office to obtain the various reports and forwarding one copy to the Edmonton office and one to the insurance company, it is felt that the amount of time required to process a claim could be considerably shortened. The workmen's compensation representative in Whitehorse is now only involved if the Edmonton office, after several requests, has not obtained the required documents. With the Whitehorse office responsible for enforcing this part of the Ordinance, this office should be able to obtain all necessary reports without any undue delay. A great majority of employers and employees in the Yukon are not satisfied with the present system and by utilizing a Whitehorse agency to obtain the necessary reports immediately following an accident, it is felt that better service would be extended to workmen."

Discussion of the subject continued until 1966 when a study was commissioned by the legislature. The study was headed by B. J. Legge, Q.C., with members D.H. Young and C.W. Pritchard. C. W. Gilchrist was secretary. It was called the Legge report and included both territories. Excerpts from a submission from Teamsters Joint Council #36 to the Legge Inquiry March 1966 provide one labour perspective:

"...Together with some comment on the direction in which we hope broad administrative changes will tend, we shall make the suggestion that the Territories be served by a Workmen's Compensation Board.

Excerpt, Territorial Council proceedings, Monday February 12, 1970 11a.m.: Discussion Bill #10, Workmen's Compensation.
Mr. Chamberlist: Mr. Chairman, I wonder if I could get an explanation of a Legge Committee please?
Mr. Clerk: Mr. Chairman, the Legge Committee was a committee that was set up by the Federal government. The Chairman of the committee was Mr. Legge, the chairman of the Ontario Workmen's Compensation Board. This committee's function was to look at Workmen's Compensation in the Northwest Territories and the Yukon. They sat during 1965 and made recommendations to both the Northwest Territories Council and this Council for the present Ordinance that was put into effect in 1966.

"The Trade Union movement in Canada considers workmen's Compensation to be one of the basic foundations of social Legislation and history bare out the fact that it is one of the earliest forms developed and in some form or another is universal in much of the world today.

"In closing, we are suggesting that the Territories should have their own Workmen's Compensation Act. It will aid in establishing the Territories as a distinct entity. It will provide a measure of stability for industry. It will increase permanent employment. In view of our anticipated development of the north, it will be necessary in the next decade."

North West Territories Allied Council submission to Legge Inquiry.

“Let us, at the outset, admit to a feeling (not a conclusion) that some of our suggestions may, against the formidable physical setting of the Territories, seem rather more contemplative than immediately practical.

“Notwithstanding our comprehension of the immensity of the area, we shall forthwith claim that principles long recognized and applied elsewhere should not prove impossible to apply within the Territories.

“We suggest that one consideration of this Board of Inquiry will be that of recommending for introduction to the Territories a Compensation Act of Ordinance in line with the best available in Canada. Presuming this to be one of its aims, we will recommend to the Board’s attention the provisions of the B.C. Act...

“Experience elsewhere supports the view that compensation, under the auspices of a legislative body, provides economies for employers and increased benefits for workmen. We are certain that industry within the Territories will recognize the advantages inherent in the board-administered approach and be amenable to the efficiency and economy to be found therein...”

Another submission on file, though unsigned and undated, from the North West Territories Allied Council contains some general statements worthy of note, as we write about workers’ compensation.

“The Trade Union movement in Canada considers Workmen’s Compensation to be one of the basic foundations of social Legislation and history bare out the fact that it is one of the earliest forms developed and in some form or another is universal in much of the world today.

“In closing, we are suggesting that the Territories should have their own Workmen’s Compensation Act. It will aid in establishing the Territories as a distinct entity. It will provide a measure of stability for industry. It will increase permanent employment. In view of our anticipated development of the North, it will be necessary in the next decade.”

After receiving much input and after much study the Legge report concluded:

“We recognize, as every previous Commission of Inquiry before us, that Workmen’s Compensation laws are more than acts of social legislation. They are enlightened recognition of the employer’s responsibility toward his workmen for the results of injury suffered in his employment.

“Our studies led to the conclusion that administrative cost, as a percentage of the assessment in inverse ratio to the extent of the compensation in a particular jurisdiction. The larger the operation, the lower the unit cost for each hundred dollars of payroll. Conversely the smaller the operation, the greater the percentage of administrative cost.

“Most submissions from employer groups have urged retention of the insurance system. Under it they are free to seek the lowest rates available. At the same time, the “merit rating” built into individual insurance coverage must also bear on the employers’ accident prevention program.

“We cannot conclude, from the evidence at this time,

that conversion to an Accident Fund administered by a Workmen's Compensation Board is administratively necessary or economically sound.

"... At the present time and for the reasons mentioned, we recommend that the present system of insurance coverage should be continued as modified in this report."

The final recommendation was perhaps unexpected. Judging from the test of wills, authority and power between the federal officials and the Yukon government in the year following the Legge Inquiry, one must assume that the Yukon government disagreed with Legge and began moving toward their own Workmen's Compensation Board.

Discussions about an independent board continued unabated. At a deputy head meeting in Watson Lake immediately following the Legge report, Territorial Secretary H. Taylor, remembered reporting to the gathering that in one year if they went to their own Workmen's Compensation Board they would have \$1 million in reserves. In other words, it would save \$1 million compared to going to outside companies. The group decided in favour and he was given the okay to research how it could be done.

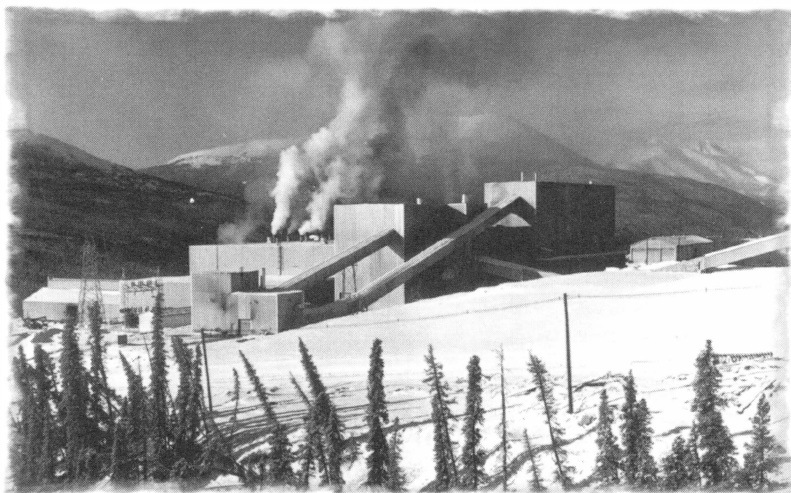
The government was, of course, not focussed specifically on compensation. The opening of New Imperial Mines, located only seven miles from downtown Whitehorse, was a major event in June 1967.

Union organizing began soon after the mine opened. Local 926 of the United Steelworkers of America was formed and Roy Watson, a welder, was the first president. Workers' compensation was not an issue in the early stages of the mine.

It was about this time that a major mining project called Anvil got underway. This was a world class property, since it was, at that time, the largest lead-zinc property in the world. The impact reached into every aspect of Yukon life, much as some of the major events in the territory's history.

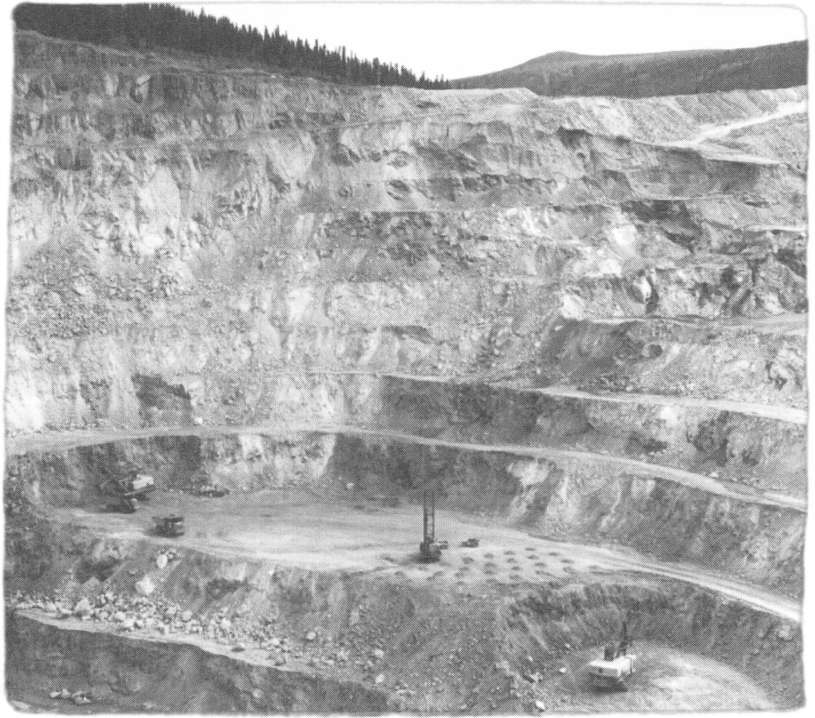
A commemorative issue of the Whitehorse Star hailed the New Imperial mine as the largest new industry in the Whitehorse area in 50 years. At the time Whitehorse had a population of 6,000 people. The new 95 member workforce boosted the town's economy with a million dollar payroll. Additional workers were hired as open pit operations expanded. By 1968 the mine employed 150 people.

The Anvil mining property promised an anticipated two year construction period employing 600 men. Supporting infrastructure requirements included a 120 mile highway, a bridge over the Pelly River, a new town, dock construction at the Alaskan port of Skagway and a 230 mile transmission line supported by a third hydro generating unit, along with several dozen specially built ore hauling trucks for the 320 mile ore haul from the new town of Faro to the port at Skagway.



Yukon Archives Photo

Cyprus Anvil Mine



Mine Workings

Yukon Archives Photo

It surely reached into the compensation office with increased assessments, need for safety programs, travel to the property and eventually claims and adjudications and settlements. On October 10, 1967, Commissioner James Smith wrote to L.B. Post, Edmonton workmen's compensation office, with some new instructions. His letter began:

"Effective the 1st day of January the following changes in reporting of accidents and Workmen's Compensation Insurance coverage will be instituted..." and then went on to spell out the procedure for the submission of accident reports, who would handle them and how, including the insurance companies and their reports. It concluded:

"I would like your office to prepare, for forwarding to all employers, insurance companies, insurance agents and adjusters concerned, a circular letter outlining above changes in reporting. When you have prepared this circular letter I would appreciate your forwarding it to this office for approval and we could then run off enough copies here to cover your mailing list."

Yukoners were asserting their authority and stating their intention. Post immediately advised his director on October 24, 1967, observing in his note:

"It is our understanding that any change in administrative procedure such as proposed by the Commissioner would have to be approved by you before it could take effect. Would you please clarify this point."

He further advised his director, in Ottawa, November 2, 1967:

"In discussion with Commissioner Smith and his staff October 25-27, I learned that the Commissioner had, before writing on October 10, obtained approval for the proposed changes from the Deputy Minister and our Director. Furthermore, the Commissioner will announce those changes in his opening address to Council on November 6."

Although we have some reservations about the value of the new procedure, we have, in light of the foregoing, no choice in the matter and we shall, of course, do our best to make the system work."

Score one for the Yukon.

A month later, Post received a request, through Territorial Secretary H.J. Taylor, from the Yukon Council:

"On November 16th, a Motion for the Production of Papers was passed by the Yukon Council and it reads as follows: Would the Administration provide the estimated cost of operating a Workmen's Compensation Office in the Yukon with equivalent services as now being provided with this office being located in Edmonton?"

It then posed a series of questions:

"How many categories of employment are now exempt from paying Compensation Insurance?"

"What would be the advantages and disadvantages of a Compensation Office in Whitehorse?"

"How long does a normal claim now take for processing?"

"Should a Territorial Compensation Fund Concept for all employers be instituted?"

"What are the total contributions from all employers in the Yukon for Compensation Insurance?"

Post's conclusion came in a letter dated November 24, 1967. His figure was \$39,375.00 plus costs for travel for the compensation officer, office space and operating costs. Attached to his letter was a personal and confidential note to Taylor, dated November 24, 1967. This note provides some insight into the bureaucratic process of the day:

"The attached could not be sent to you officially without prior approval from Ottawa. Possibly you will find it of some interest and help. Upping the Estimates figures by around 20 per cent would, I think, give a fairly close cost estimate of administrative expenses involved in operating an insurance fund.

"When speaking to Chris Pearson on the phone yesterday, I mentioned the belief that Ottawa had arranged for an actuary from the Superintendent of Insurance office to do some preliminary work on costs relating to a compensation fund for the N.W.T. and/or Yukon. Chris phoned while I was out today and talked to Dorothy Wasylynychuk asking that I try to get this information from Ottawa. I am not prepared to do this because I think the Commissioner or Frank Fingland has a much better chance by going through the director or the deputy minister."

During this period and during the debate, workers' compensation staff were dealing with the almost infinite variety of cases and issues. One of the issues centred on Canada's continuing language debate and French translation of workers' compensation forms.

A letter from L. B. Post to the deputy Commissioner on November 12, 1963 said:

"We attach copies of an exchange of correspondence concerning the possibility of having workmen's compensation report forms printed in the French language. We are referring this matter to you because it involves a policy decision."



Communication between companies and injured workers was also an issue for R.G. Horncastle of the Mining Corporation in Vancouver when he wrote to workers' compensation staff in the Edmonton office on October 5, 1967: "It is my duty to bring to your attention a matter to which we must raise serious objection. The above workman was injured on or about March and was passed through the proper medical channels for treatment. Since filling out the compensation papers and seeing that the man was delivered to the hospital in Whitehorse, the Company has not had one official word as to the condition or whereabouts of this man!"

The decision about language was stated in a letter to the territorial secretary from Post on October 26, 1966:

"There are more workmen in the Northwest Territories that speak the Indian and Eskimo languages than workmen speaking French;

"Quebec is the only province in Canada whose compensation forms are printed in English and in French; If our forms were printed in the French language as well as English, the number of claim forms completed in French would, we believe, increase substantially. Since no one at this office speaks French, having the forms interpreted would be both costly and time-consuming."

The issue of jail inmates receiving compensation was considered:

"We have discussed this matter with officials of the Alberta Workmen's Compensation Board. They share our view that inmates cannot be considered employees under the intent and meaning of the Workmen's Compensation Ordinance and are not therefore, eligible for compensation coverage. In other words, the Yukon government would be liable insofar as workmen's compensation is concerned should an inmate sustain an accident."

Hearing also became a compensation issue:

"...hearing efficiency, for compensation purposes, depends on the ability to both hear and discriminate spoken words. Loss of hearing may be due to one or more of many causes and may be unilateral."

Physical reactions to industrial residues were also discussed:

"...this man states that he has repeated attacks of tightness in his chest, nose and throat. These attacks occur only when he is doing work that brings him into intimate contact with lead-zinc ore."

The response was: *"...workers exposed to the inhalation of freshly sublimated zinc oxide fumes may suffer an acute fevral reaction which has been known among workmen as 'smelter shakes', 'brass chills' and similar names. These are the characteristics of metal fume fever and it is to be noted that the onset is acute, the duration short and recovery complete. Following the fever, the patient is relatively immune to further attacks for a few days but this immunity is rapidly lost. Thus cases occur most frequently on Monday, after holidays and amongst new employees."*

Decisions were also made about how to pay dependents:

"If the widow or dependent lives in Russia, just to be absolutely sure that the money will reach the dependent, they forward the pension to the Canadian Embassy in Moscow in U.S. funds. In any other section of Europe, they send the pension direct to the dependent or recipient also in U.S. funds. They use the amount of the pension, purchase a money order in U.S. funds and send the pension for three months."

In a note to file dated May 24, 1968, Dorothy Wasylynchuk wrote:

"Chris Pearson telephoned. He is quite anxious about subsistence for workmen who go into Whitehorse from work camps for out-patient treatment in connection with

industrial accidents. Although these men are entitled to compensation and subsistence they are forced to go on welfare, as they do not have any money of their own when they come to Whitehorse and they do not receive compensation immediately and subsistence usually not at all.

"... I explained that Prudential could only make payments to the workman. Further, neither compensation nor subsistence can be paid until reports are received, therefore, it is almost impossible for a workman to receive any payment when he most needs it...I telephoned Mr. Pratt. He realizes the problem and would like to rectify the situation. He suggested that Prudential give Mr. Pearson a bank account, on an 'imprest' basis, from which he could make emergency compensation and subsistence payments on behalf of Prudential."

Matters were not always quickly resolved. As the compensation system evolved, new challenges emerged:

"It is noted from a previous accident file that X lost the sight of his right eye and is receiving a monthly pension based on 16 per cent total disability. Should X, be hired and suffer the loss of the sight of his other eye as the result of another accident it would appear that compensation for his disability would then be the responsibility of the company. As X would then be 100 per cent disabled and he is in receipt of 16 per cent pension at the time of his accident the company would be required to absorb the 84 per cent of total disability."

Yet another discussion focussed on compensating employers who continue to pay injured workers:

"In our phone conversation, I mentioned the Y case. The Government of the Yukon Territory carried this man on full salary for a period and requested the compensation payable to him be paid to the employer."

"It has been our practice, when the employer reports he is paying the workman compensation or salary, to make any compensation payments in favour of the employer. It is certainly not right that the man should receive both salary and compensation as a result of an injury."¹⁴

Despite a major catastrophe*, the Anvil mine at Faro opened in fall of 1969 with the infrastructure in place and an ore body with a suggested life of at least 40 years. The owners had secure contracts with Japanese smelters for the 5,500 tons of ore they would produce daily. Production figures were soon expanded to 6,600 tons a day, then 10,000 tons. A White Pass Yukon Route container truck left the mine, fully loaded with lead-zinc ore, every 40 minutes. A fleet of 40 trucks and about 250 drivers/mechanics and the railroad, were needed to maintain the flow of ore to Japanese customers.

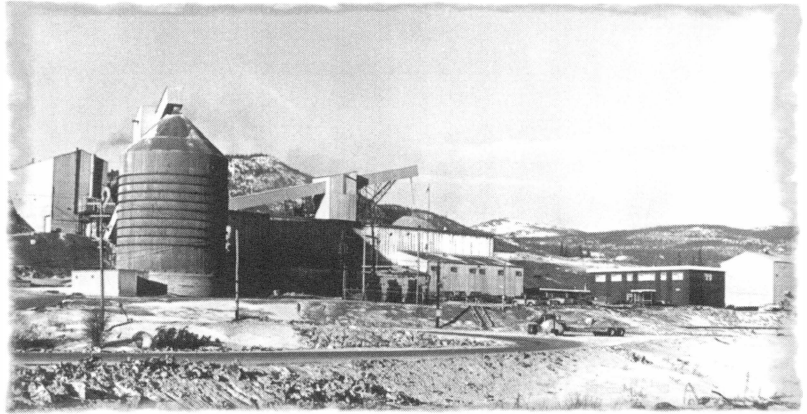
The New Imperial Mine (later renamed Whitehorse Copper) at Whitehorse was still shipping copper ore and was shifting from an open pit to an underground operation to gather more ore.

* The catastrophe began with a lightning strike on Friday the 13th of June in 1969. The new town of Faro, with houses, and single men's quarters to house 1500 people burned to the ground as a result of the fire started by that lightning strike. They began rebuilding the next day and the first people moved in September, 1969. A minor miracle. The owners also had secure contracts with Japanese smelters for the 5,500 tons of ore they would produce daily.

¹⁴ letter 20 January 1969 to C.W. Pearson from H.C. Pratt, Edmonton office.

An interesting historical note is that White Pass introduced the container transportation system from truck to rail to ship, a decade or more before others.

New Imperial Mine



Yukon Archives Photo

North, at Keno Hill, Yukon's closest thing to a permanent mine which had begun shipping ore in 1923 on river sternwheelers out of Mayo, was still at work. The Dawson City area had prospered from mine development at Clinton Creek and the infrastructure needs to support that property. The Cassiar Asbestos property at Cassiar, B.C. was also shipping ore through the Yukon and the White Pass railway. Faro was booming, Skagway was booming and Whitehorse was booming. Mayo and Dawson were doing well and Watson Lake was benefiting from being the nearest community to the Cassiar mine, 90 miles west of them.

The Yukon entered the 1970s on an economic high.

CHAPTER NINE: 1970 - 1980

The economic high continued well into the 1970s. The resource sector continued its growth responding to world demand and good metal prices. Population growth naturally followed the economic growth, adding to the workload in workers' compensation and precipitating the need to consider growth. The Territorial Council were once again debating Yukon's compensation laws and the need to have them revised or rewritten to meet the times. On February 3, 1970 two motions were passed by council dealing with the need for workers' compensation to be set up and run by the Yukon government.

The move from Edmonton to Whitehorse took place in October 1970. Dorothy Wasylynychuk who worked in the Edmonton office moved to set up an office in Whitehorse. Both NWT and Yukon governments actively sought her services. She became office manager, with the formal title Workmen's Compensation Administrator. Patricia Cumming, later to become president of Workers' Compensation Health and Safety Board, and Helen Hunter were hired as administrative staff. The goal of independence for the Yukon board was closer.

During this early period, when private insurance companies were handling compensation claims, the process was described as hectic. Many kinds of reports were needed to process a claim: employer's report, employer's subsequent statement, doctor's first report, doctor's position report, doctor's final report and account, X-ray account, X-ray interpretation, hospital account and operative report.

The unofficial policy toward clients in those days was *"Get to them as quickly as possible so they know someone cares"*. A local physician, told WCB staff, *"the policy did marvels for the patient's recovery."*

In the Yukon government, the decade of the '70s began with a revised organizational framework for workers' compensation. The organization chart of the Workmen's Compensation Board (WCB) was listed under the Department of Territorial Secretary and Registrar General, along with Public Administration, Inspections Services, Queen's Printer, Central Registry and Registration Services. The Territorial Secretary reported to the 'Member, Executive committee, Appointed'. There were two elected and two appointed Executive Committee members with the Commissioner as chair.

There are suggestions on file that the then federal Minister of Indian Affairs and Northern Development, Jean Chretien, had responded to advice received from Commissioner Smith to amend the Yukon Act to allow the election of two members to assist the Commissioner in governing responsibilities. A year later, in 1971, the staff, working in the Casca building, had increased to seven. They were now serving 18,390 Yukon residents — an increase of 4,008 since 1966.

Excerpt: Territorial Council proceedings, February 2, 1970 - Discussion on Bill #10, Workmen's Compensation:
"Mr. Chamberlist: Mr. Chairman... The insurance companies are abusing the Workmen's Compensation premiums by being paid more than they are entitled to. Now, to come up with an answer, 'this is so, because it is the same in every other province' is just not good enough. We have to start doing things ourselves. I think, Mr. Chairman, that we should find out from the insurance what they are going to do about this situation, not just leave it and say it is done elsewhere and we have to continue with it. We should legislate against it happening.

Mr. Dumas: Mr. Chairman, this is one of the subjects which I brought up a few weeks ago and the Honourable Member from Whitehorse East, around that time, indicated that the profit being made by the one Company that handles workmen's compensation is fantastic. I indicated at that time, and so did the Honourable Member, that we are paying just about twice the rate that they pay in B.C. for the same type of coverage. Now, if we take that into consideration and then we consider what the Honourable Member from Dawson City has pointed out, I think we are getting it right in the ear from this particular company, and it is my suggestion that the Territorial Government move quickly to get into the workmen's compensation field, and I would like to get some indication from the Administration if it is their intention of looking into the feasibility of this, and how soon we can expect them to act in this matter."



Dorothy Wasylynychuk

WCB staff deal with many accidents and tragedies:

"A young worker during a period of standby decided to climb a cable and fell twenty-five feet fracturing his wrist. It was a personal act, considered by some as "horseplay" and that he had removed himself from his employment. This Board decided the worker was guilty of a foolish act, but had not removed himself from his employment. The claim was accepted."

"A worker injured his ankle crossing a railroad bridge when returning to camp one evening. The construction camp was near town but across the river and the quickest access for foot traffic was across that bridge. The man had been in the bar and was drunk at the time. The man claimed compensation, the manager said no way. The Board said, yes, he was enroute to your domicile. If he's living in your camp it's your domicile."

"A foreman fell to his death at 5 PM on a construction site. The autopsy revealed a blood alcohol reading of 250 mgs. per 100 millilitres of blood. Investigation revealed he was absent from the work site from 12 noon to 3:30 PM at which time, due to his inebriation, was ordered off the site on at least two occasions. It was felt the worker had interpreted the second order as meaning he was fired and was allowed to enter the work site to collect his tools. No reason was given for climbing the ladder and the fatal climb and fall were not witnessed. In the absence of specific information on the contrary, the Board found that climbing the ladder was work related. It was considered the accident resulted from a serious and wilful misconduct (intoxication) and work cause (ladder). The claim was accepted."

"A young worker was requested to report to our office for an assessment sometime after he returned to work. He arranged an appointment to coincide with his days off. On the date in question he drove to his company's head office, picked up his cheque, reported to Workers' Compensation for examination and then spent the evening at the races. On his trip home late that evening his car broke down. He hitch-hiked a ride and was subsequently killed in a head-on collision. This Board found that as the worker was free to choose his means of travel, coverage could not be extended to his fatal accident."

It was decided that ordinance preparation must include public consultation. H. Taylor and B. Hough toured all Yukon communities holding public meetings. Mr. Taylor recalled that people were apathetic with very poor attendance - sometimes only one, two or three people coming to the various meetings. At the Whitehorse meeting, he remembers there was concern that the Yukon government was not capable of handling such a responsibility.

The Yukon government's inspection section helped the WCB administrative staff comply with the Act. They got payroll statements from employers, collected assessments owed to the board, located clients who had moved and not collected their cheques and ensured companies had the required coverage.

The names of new businesses in the Yukon were given to the WCB from the territorial secretary's office. Some also came when accident reports were submitted by doctors and someone noted the business was not registered.

One of the most innovative approaches to adding employers to the assessment list was one employee's habit of noting a new contractor's vehicle in town. She would note the name, address and phone number, would return to the office and write to the company. In one case, it backfired. She received a reply from one contractor saying, in effect, *"Boy, it's sure something when you can't even go on a holiday in the Yukon, without getting nailed by WCB."*

In 1972, a consultant was hired by the government to do an analysis of the Yukon mining industry. The analysis suggested there was an enormous number of dollars being taken out of the Yukon by the mines. A full analysis of the employee/employer sector was also completed. A comparison was made with P.E.I., the smallest Board in Canada and found that the total premiums paid by the industries reviewed in Yukon exceeded the Prince Edward Island revenue by a considerable amount.

"The overall premiums for a full year on all industry in the Yukon Territory, including the various government departments and other crown corporations, should be well in excess of \$1,000,000, possibly twice that of P.E. I. On this basis it should not take too many years before the fund is in a healthy financial position." The report that came out of this work, *'Workmen's Compensation Study, 1972'*, concluded that the Yukon Territory could sustain a compensation fund.

Commissioner Smith sent the report and conclusions to the director of Territorial Affairs Branch in Ottawa. The final paragraph summarizes the Yukon position:

"The report does point out that the prime insurance company in this field is charging the Yukon employers far more than is necessary for compensation coverage. It is our contention that a government scheme could substantially reduce premiums in most areas and this would certainly be of benefit to the smaller employer. At a Council Session, in the very near future, we hope to introduce a revised Ordinance incorporating the new funding arrangement. We would need reassurance, however, that the Treasury Board would assist us in any extraordinary costs arising from a major catastrophe in any one industry during the early years."

Throughout this whole Yukon process, federal government people were heavily involved, although the federal files covering the period are no longer available.

On September 6, a formal decision was made by the Yukon government to begin developing a Yukon fund. New legislation, based on Alberta's compensation law, was

drafted. It was passed in the fall of 1972.

Ottawa's control and power over the Yukon was still evident. The Yukon plan needed Ottawa's approval and Ottawa was concerned about possible financial obligations. For several years however, a small portion of the money paid by Yukon employers to run the Yukon office, had been put in the bank until it amounted to \$150,000 - enough to establish the Yukon fund.

Yukoners were now serving Yukoners, though the system was not yet a parallel of the provinces. With the Workmen's Compensation organization and the Yukon population smaller than provincial jurisdictions, the compensation process was personal, so services and claims processing were faster.

It was a common practice in those early years, often out of necessity, for workers to be hired from 'outside'. Frequently, these people worked in isolated bush camps. Many who were injured on the job had no family, or other support in the territory. It was frequently necessary for claims adjudicators and assessment officers to go to the hospital to interview these injured workers for details of their accident and other necessary information. One unexpected result was the role that compensation staff played.

The hospitalized worker had usually been evacuated to the hospital direct from the work site in the bush, often arriving with nothing but the clothes on their back and no money. Clothing, often damaged in the accident needed replacement. Personal shopping for these men became a necessity.

In 1972 Mr. William Hough, recently retired from the Alberta board, was hired to determine, as precisely as he could, the Yukon's operating costs and results of having their own fund. He concluded the Yukon could do it.

On August 22, 1973, the new Workmen's Compensation Ordinance was passed by the Territorial Council. The Ordinance came into effect on October 1 and the Yukon government finally took over the funding of workers' compensation.

The desire and the need for a full and autonomous Yukon Workmen's Compensation Board was intensified. Yukoners were gaining hands on experience, as well as an increasing knowledge of the philosophy of workers' compensation.

The Yukon was now a player in the larger national and international stage of workers' compensation. They began entering agreements with other boards. These agreements were essential to any Canadian operation and one side effect was the introduction of the Yukon group onto this stage. One of the first agreements provided reciprocal compensation in each jurisdiction, without double assessment.

"The Workers' Compensation Board of British Columbia and the Commissioner of the Yukon Territory have recently signed a memorandum of agreement to provide reciprocal compensation to workers in both areas without the necessity of double assessments. The

Memo: February 27, 1973 to Territorial Secretary from D. Wasylynychuk:
"Under the Workmen's Compensation Ordinance there were 1,458 accidents during the calendar year of 1972, a decrease of 72 over the same period last year."



The 1974 Annual Report listed total claims - 1663. Estimated assessable payroll \$49,537,215; 931 employers registered. Rates remained the same as in 1973. It went on:

"During 1974, a position of Administrator was created and Mr. B. Booth, Assessment Administrator was appointed. Booth's appointment created a vacancy which was filled by Roy Hawryluk, who was previously employed by WCB of Alberta. During 1974 Safety films were purchased for the use of safety education and are available from Library Services. Under heading Rehabilitation - In accordance with Section 25(3) of the WCO which reads: To aid in getting injured workmen back to work or in lessening or removing any handicap resulting from their injuries the Commissioner may take such measures and make such expenditures as he deems necessary or expedient. We commenced a program with the Rehabilitation Services to provide such services as: Vocation & Social Counselling; Vocational evaluation; selective placement in employment; vocational training when suitable placement is not feasible. We have found this to be invaluable."

*agreements provide that when a worker outside of a B.C. employer is sent to work outside the province and is injured the worker can, for the first six months of that employment, claim compensation either in British Columbia or the place where the injury occurred. The agreements also provide that the employer will be assessed only by the province or territory where the worker is actually working. The agreements also make provision for the payment of the cost of the claim by the province or territory where the worker was injured in the event that compensation is claimed in the other province or territory."*¹⁵

A 1974 report to the assistant Commissioner responsible for workers' compensation broached the idea that compensation funds are not government funds and that the Workmen's Compensation Ordinance be administered separately from government.

In 1976, the Yukon Government's Management Board received a proposal to establish a four-member Workmen's Compensation Board to be appointed by the Commissioner for a three-year term. Board members chosen were H. J. Taylor, chair; Gordon Wagner, business representative; Thomas Walton, labour representative and Bob Moore.



H.J. (Herb) Taylor



G.E. (Ted) Wagner



Tom Walton



Bob Moore



Brian Booth

WCB administrator, Brian Booth, became secretary to the board. The minister was Florence Whyard who carried WCB matters through the legislature, but the board reported directly to Deputy Commissioner, Doug Bell.

The board was in place. The Yukon was on its own, although not as autonomous as recommend by some. And there was lots of work to do. The board proceeded to select the professional expertise required to carry out its mandate. They required legal counsel, medical counsel and actuarial advice. Ron Veale, a Whitehorse lawyer, was hired to assist them in the debate, interpretation and discussions in the legal aspects of their responsibilities.

An accompanying and vital need for professional advice and expertise was the medical aspect of the board's work. Dr. Aubrey Tanner, a Whitehorse physician and surgeon, agreed to act for the board in that capacity. Dr. Alan Reddoch, on occasion, assisted Dr. Tanner. In 1977 Dr. Reddoch accepted the position as chief medical consultant (CMC) and has been in the role ever since.

¹⁵ Workers' Compensation News Bulletin, Nov - Dec 1973

The role of the CMC has evolved over the years. Originally the CMC assessed what permanent disability a worker had. For example, if a worker lost a finger the CMC would determine the level of injury, estimate when the worker would be able to return to work and then suggest an appropriate level of pension.

Today, the CMC determines the level of impairment and possible physical changes. The board determines the pension and assesses the effect of the injury on the workers' life. The reason the board makes this decision is that it is composed of a representative group of people with broad knowledge of the workforce and work related data. The board can also call in experts and have representatives appear before them. The CMC is called as an expert witness for hearings, providing advice and assessment information on the condition of the person for the board, the worker and the employer.

Rehabilitation is another of the CMC's responsibilities. It too involves a group of specialists: the CMC, hospital therapists, outside rehabilitation centres and the WCB representative. They all work as a team directing and assisting the worker back to good health.

To determine the level of impairment, the Yukon became the first board in Canada to adopt the American Medical Association Disability Table replacing one that had not reflected the whole body in its assessment. It was recognized as a good third party evaluation system.

Another lesser known aspect of treatment was noted by Dr. Reddoch, when he observed that often, when workers arrive for medical examination or consultation with the CMC, *"there is a sense of hostility — a we/they syndrome."* This is often the first matter to be dealt with — to convince the worker that the doctor's role is to help.

It is here we begin to see the meshing required of the various disciplines involved in compensation. The chief medical consultant faces some vital questions in every accident:

- *Will this injury affect the person's life span? If so, how?*
- *What treatments will be needed?*
- *Will the level of treatments change?*
- *Will there be more or less treatment required?*
- *Will the level of impairment remain the same, or will it increase with time and aging?*

The board bases its decision on the answers to those and other questions, provided by the CMC and the actuary.

The new board also needed advice from an actuarial firm. The actuarial firm of Crawford, Laing and Associates was retained. Just as the medical questions are difficult and complex, so too are the questions facing the actuary. Although dealing with numbers, the beginning of the process for the actuary is to ask some very important questions, such as:

- *What accidents, or claims do you have?*
- *How much money will it take to cover these?*
- *How long will you have to pay each claim?*
- *How much must we allow for deterioration?*

For example, if a miner were unable to return to underground work. His level of impairment is determined with the assistance of the disability chart, and his desires and capabilities assessed and evaluated. Then he makes a choice to retrain in electronics. The focus is to help the worker.



(deterioration, in this case, is the claimant's health.)

- *Will the disability progress as the person ages and thus move that person from a 40 per cent to an 80 per cent disability?*

The fund! That's what it is generally called, though it is much more than a pool of money. Simply stated, the fund must have enough money in the kitty to pay for the accident. It is not a surplus. Every penny is necessary to pay the pensions. This is the fiduciary responsibility that must remain sacrosanct if the fund is to survive. The board is responsible to the stakeholders as trustees of the fund the employers provide. The board is the corporate director of the organization, ensuring that the funds are distributed precisely according to its mandate in legislation.

On the national scene, it was soon discovered that the Yukon group had both a need to know and the expertise to contribute. The files began to include papers explaining the national and international concerns and philosophies. Yukon representatives began attending events, to gather and exchange information and experiences.

In July 1977, a memorandum went from the workers' compensation offices to the Executive Committee recommending amendments to the Workmen's Compensation Ordinance. The recommendations were to change the name to Workers' Compensation, to extend compensation coverage to flight crews, to change Section 80 of the Act and increase compensation to 90 per cent of annual earnings and to increase the benefits payable. It listed the increases over the past three years: in 1975, widows \$189 per month, children \$61 (up 10.9 per cent); in 1976, another increase of 10.8 per cent to \$210 and \$68 respectively; and in 1977 recommending 7.5 per cent up to \$226 and \$73. They were approved. The amended Act came into force on January 1, 1978, establishing a corporate body, to be known as the Workers' Compensation Board consisting of four members, one representative of industry, one representing labour and the remaining from among representatives of the public at large, one of whom was designated as chair. The chair was not a member of the Public Service. The period 1973 to 1978 was later described by Brian Booth this way: *"I have experienced operating as a branch of government and the Workers' Compensation Board was dormant from 1973 to 1978 and only since we became a separate department reporting directly to the minister have we progressed."*

H. Taylor, George Wagner and Thomas Walton were reappointed to the board in October 1978.

On February 5, 1979, total control, responsibility and accountability for the workers' compensation process was put in the hands of the Yukon Workers' Compensation Board.

Events in workers' compensation were moving forward. The Workers' Compensation Boards of Canada had spent a long time considering the industrial disease, silicosis, and the problems evolving from identifying where and how it was contracted, especially since miners move from jurisdiction to jurisdiction as the minerals are depleted. This dilemma was to carry over into the next decade.

During this decade the Yukon had been undergoing intense scrutiny and discussions as a proposed pipeline from Alaska to the continental United States might cross the territory. Extensive public discussions were held. The Lysyk Report of July 1977, was the result. One comment from the document delves into some of the impacts we have noted from the Yukon's two major influxes of people - the gold rush and the Alaska Highway: "Although strong parallels may be drawn between the social and economic consequences of the temporary presence of a large number of construction workers on projects such as the Alaska Highway and the proposed pipeline, there can be no doubt that the continuing influence of a highway on the region through which it passes is of much greater magnitude than that of a pipeline. The most obvious difference may be seen in the changed pattern of settlement. The experience in the Yukon has been that the highways have the effect of a magnet. New communities have sprung up along the highways, whereas those that were passed by have long been abandoned. Four of the communities along the Yukon stretch of the Alaska Highway did not exist before its construction. Conversely, Fort Selkirk, once a major centre on the Yukon River near its confluence with the Pelly River, was quickly abandoned when the Klondike Highway passed it by. A pipeline has no comparable power to create or destroy communities."

CHAPTER TEN: 1980 - 1990

The Yukon Workers' Compensation Board entered the '80s as part of the Department of Justice. Brian Booth, Executive Secretary, reported to the deputy minister of Justice.

The following year the Workers' Compensation Board became responsible for administering the Victims of Crime Program. This work broadened their scope. The board remained responsible for Victims of Crime legislation until September 1992, when a new and separate board called Victims Compensation Board was formed.

Nationally, an increasing number of claims, new diseases and deficits were surfacing. In October 1981 the Financial Post reported that Canada's 12 compensation boards handled 1.2 million claims in 1980. About 55 per cent of these were straightforward claims and another 15 per cent involved only a few days off the job. But there were many complicated claims to deal with...To an outsider, the increasing number of claims may be surprising. The guiding principle of compensation boards is, after all, fairly straightforward - in any dispute, the benefit of the doubt should go to the injured worker. The burden of proof (under the acts) should always lie with the employer.

The Post article also pointed out that in the 1980s, it is sometimes no longer clear whether some types of industrial diseases have resulted from workplace exposure or from outside lifestyle. *"Complicating matters is a rise in white-collar stress claims,"* said the Post article.

The Yukon entered the national scene as full participants when on May 24, 1981, the Association of Workers' Compensation Boards of Canada opened their annual convention in Whitehorse. Brian Booth was secretary-treasurer of the national association. * Jean Banks, the Yukon's first woman board member, attended the conference along with Charles Friday and H. Taylor. Jean Banks and Charles Friday had been appointed to the board on June 18, 1980.

Injury prevention became a top priority in the '80s. It was also in the 1980s that a British Columbia Supreme Court judge ruled that workers appealing their compensation cases must have access to their files.

In 1981, the assessment rates in five industrial classifications were decreased and the number of classifications was reduced from 10 to eight. The overall assessment rate was decreased eight per cent.

The year was looking good. The Yukon population had reached a record 23,150 people. Whitehorse Copper had increased production. Gold and silver production accounted for 35 per cent of 1981 revenues and the copper concentrate was 47 per cent. The copper was shipped to customers in Canada, the United States and Europe. Other mines in the territory were operating at full capacity. The future seemed rosy.

Then, a sharp downturn in metal prices, escalating costs of production, especially energy costs, began creating

* Yukon staff at the time and working on the convention were: Debbie Arsenault, Laurie Bachmier, Patch Buckler, Kathy Fedorek, Madeleine Harper, Lynn Hicks, Irene Kosmenko, Mae Moffat, Wendy Nicholas, Laurie Ponto, Audrey Scobie, Dorothy Wasylynchuk, Dale Schmekel, John Waycott and Brian Booth.

In 1981, then occupational Health & Safety officer, Yukoner Gary McLaughlin, commented in Safety Canada magazine, February 1981: "Ninety-eight per cent of all workplace accidents can be prevented." He cited an example of a man he saw working at a grinder without safety glasses, then, leaving work, getting into his car, he put on an expensive pair of sunglasses to drive home!



A Press Release, January 1983
announced:

"The system allows little room for distinguishing between impairment and disability. The case of an accountant who loses two fingers is different from an instrument technician losing two fingers. The accountant suffers some discomfort, but ability to perform that job is totally unaffected. The worker is physically impaired, but not occupationally disabled. But the technician's ability to work with tools and earn a living doing so is sharply diminished. This worker is physically impaired as well as being occupationally disabled.

"Under the new system, the worker will get: a lump sum related to the severity of the handicap. The rationale is that a worker can do such major things as pay off his mortgage or buy a car; compensation to a maximum of 75% of any income loss as a result of the injury to the age of 65; an annual review of income loss to adjust for change in the worker's circumstances and inflation; any annuity at age 65.

"Under the present system, all permanent disabilities are determined by the board and all appeals are made to the board. Under the new scheme, a worker will be able to make appeals to three separate internal bodies who will not have made any previous decisions on the question. Under the old plan, the appeals are handled by the same personnel on the board. A medical and non-medical person will now make decisions on permanent disabilities, not the board. Also, independent operators will be permitted to apply for benefits under the new system."

financial squeezes for the mining industry. The downturn began in June 1982 when Yukon's largest mine at Faro, Cyprus Anvil suspended operation. The Yukon's venerable silver producer at Elsa, United Keno Hill followed suit in July and Whitehorse Copper announced it would close its doors permanently in December 1982. There was also a 30 per cent fall in the volume of placer mining activity.

By year's end 1,180 jobs were gone — 11 per cent of the workforce. Another 230 jobs were lost in exploration and in placer mining. The unemployment rate was almost 16 per cent.

A final result hit in October 1982 when the White Pass and Yukon Route railway announced it would shut down after 84 years. The numbers were depressing, especially when a seven per cent population decrease was announced as a result of all the bad news.

The impact of an economic downturn on workers' compensation is not always immediately apparent although a slipping economy is usually followed by an increase in claims. *"People are sitting at home and are not as active, and aches and pains start developing again,"* said Brian Booth.¹⁶

During the economic turmoil, a territorial election was held on June 7, 1982. The Yukon Progressive Conservative party, who had gained power in 1978, retained their role in government. The minister responsible for WCB following this election was Clarke Ashley.

In government circles there was gloom over the economic scene, but as with all governments, services must be provided, especially to those affected by these negative economic forces. All departments now reported to elected ministers who were members of the executive committee, or cabinet. With this change came the sudden, often unexplainable shifts in the work environment of government departments. The workers' compensation group was in a state of flux for some time as it was shifted from department to independence and back to dependence upon another deputy minister over the period of the 1980s.

On January 1, 1983, Brian Booth was appointed chair of the Workers' Compensation Board for a 5 year-term. During 1983, Bill #9, was introduced to the Second Session, 25th Legislative Assembly to amend the Workers' Compensation Act.

"The purpose of this Act is to introduce a more equitable system for the payment of compensation, to specify more directly the responsibilities of the Workers' Compensation Board and to provide for the extension of workers' compensation coverage to independent operators, employers and directors of corporations. A procedure for the review of applications for compensation is to be specified and amounts of compensation are to be increased. Other minor amendments and extensive changes in terminology are also made."

Board membership was reduced to three with a full-time chair.

It was at this time that the Yukon's board ended a discussion which had begun in 1980, and now that all of the

¹⁶ undated article, Whitehorse Star, WCB files.

ramifications had been researched, became fact. Brian Booth gives us the detail:

"In 1980, the Yukon WCB people began talking about changing to a Wage Loss system. The amending legislation was introduced December 1, 1982 in the legislature. The law came into force January 1, 1983. The main reason for making the change was to try to keep control of the ever expanding costs - and to try to get back to the original concept of workers' compensation in Canada - which was a contract of indemnity..

"We felt then - and still do - that the heavy reliance which had come to be placed on determining the medical impairment (the 'meat chart' approach) had moved the emphasis too much away from an indemnity for loss of earnings towards an automatic life pension depending on the degree of impairment.

"The benefit of a wage loss system, plus an award for functional or physical impairment and loss of enjoyment, is that we can treat the injured worker as a person and consider the human needs. Under the pension system, the worker was paid a pension and basically forgotten, whereas in the wage loss system, each individual is treated in a more equitable manner; depending on his or her loss and we can provide the rehabilitation necessary to overcome that loss."

The 1983, statistics for the board showed an increase in the Yukon's workforce. WCB spent \$2,967,000 in claims costs: 336 sprains/strains, 233 lacerations and 142 abrasions. The total number of claims reported was 1,059 compared to 1,394 during 1982.

On January 1, 1984, Brian Booth, formerly Chair and Chief Executive Officer became Deputy Minister of Worker's Compensation. A Cabinet shuffle in July 1984, saw Workers' Compensation moved to the Department of Justice. Departments were consolidated from 17 to one; ministers reduced from six to four, and six deputy minister positions.

By 1985, the economy was improving and another election campaign had begun. New Democratic Leader, Tony Penikett, said that if elected, the NDP planned to set up a Small Business Mortgage Fund to keep the compensation fund money inside the territory. He said \$4.2 million of this money was available for investment in 1983, earning an average interest rate of 10 per cent.

On May 13, 1985, the New Democrats won the election and more changes were ahead for the Workers' Compensation Board. The new minister was Roger Kimmerly. Board independence was a continuing issue. Legal advice from the then legal advisor to the board, Bruce Willis, seems clear:

"Reviewing the Yukon Act, 1952-53, as amended, it is clear that there is nothing contained in the Yukon Act that is inconsistent with Section 10.1(i) of the Act. Therefore, until the Act is amended by the Commissioner in Council, all administrative duties that exist under the Act have been delegated to the Board. Any attempt for the Board to either delegate to another tribunal, or to the government itself, is beyond its powers of the Act. Any attempt by government to do this in the absence of an amendment to the Act would be beyond the powers of the legislature."

The independence of the board, part of the 'historic compromise' appeared to be in jeopardy. This appeared to some to be a certainty when a move came, from somewhere in the Department of Justice, to remove fiscal and financial responsibilities from the Workers' Compensation Board. There were suggestions that such a move was in contradiction of the Act itself. A submission to the Minister from Brian Booth quotes from the Act:

"The Board may administer this Ordinance and the exercise of its powers under this Act the Board shall be deemed to be acting on behalf of the Commissioner and the Commissioner shall delegate to the Board all administrative duties under this ordinance that are not inconsistent with the provisions of the Yukon Act."

Writing in a Vancouver newspaper, economic columnist Michael Walker, commenting about the B.C. Board and its pay-as-you-go approach:

"The real problem with pay-as-you-go, the method used for the Canada Pension plan as well, is the potential for trouble if the number of insured workers should dramatically shrink, as recently occurred in the Yukon. There, the collapse of mining activity has meant a drastic reduction in the number of insured employees. Under pay-as-you-go, the remaining employees and their employers would have faced intolerable increases in premiums. Fortunately, the Yukon board was fully funded. Money to pay for all claims against the board has been set aside in the past when the claims occurred."

While the internal debate continued, so naturally did daily work. Under its responsibility for the Victims of Crime program, assumed in 1981, the Workers' Compensation Board accepted four claims in 1981/82 and two claims in the 1982/83 year. The board awarded \$1,340 to an assault victim for loss of earnings and pain and suffering caused by a stab wound and \$3,063 to an applicant assaulted during a hockey game. The board had accepted four claims under the program in the 1983/84 fiscal year totalling nearly \$20,000.

The 1985 Yukon Government Annual Report states:

"Assessment rates remained unchanged in 1983 and 1984 and four classifications of industry out of seven were decreased in 1985. Even with decreasing rates we have been able to increase the benefits payable each year in accordance with changes in the Consumer Price Index and also increase the maximum age rate each year which also increases the maximum compensation payable each year. Application of compensation is extended to proprietors, independent operators and active directors of Limited Liability Companies, who are given the option of coverage, whereas prior it was compulsory. Workers are provided with earning loss benefits for as long as total or partial loss in earning capacity exists or to age 65, whichever occurs first. At age 65, the basis for compensation changes from earning loss to loss of retirement pension. The board is required to set aside an additional 10 per cent of all earnings loss benefits paid. This sum collects interest and serves as a basis for an annuity at age 65. In addition, workers who suffer a permanent impairment receive a lump sum payment of not less than \$500 and not more than \$25,000. Benefits to spouses and dependent children were substantially increased in 1983. The policy of the board is to fund fully the cost of all accidents in the year that they occur, so that there will be no unfunded liability in respect of prior years accidents at any time. Having to meet such unfunded liability in an economic downturn could impose an undue hardship on remaining employers. The Board is pleased to report that the policy has been successful, in spite of the severe economic conditions.

During 1984 the Board decided to obtain professional investment advice in order to take advantage of the high rates of interest prevailing. These were at a historically high level, taking into account the low level of inflation that existed. Because there is a known liability for payment of pensions in future years, it was possible to restructure part of the investment portfolio to match the outflow of pension payments over the next 22 years, by using a combination of existing bonds and stripped coupons from Government of Canada long term bonds. For this dedicated portfolio it was possible to obtain a guaranteed rate of return of 13 per cent compounded over the next 22 years, without any need for reinvestment of interest. The cash flow for pension outgo included a substantial allowance for future automatic cost of living increases to pensioners."

In November 1986, a new Occupational Health and Safety Act was proclaimed. The Act emphasized motivation and training rather than strict enforcement.

Negotiations were taking place to transfer Mine Safety from the federal to the Yukon government. This too would fall under the Act and under the responsibility of the Department of Justice.

The year ended with good news for employees and employers. Justice Minister Roger Kimmerly, announced in the legislature December 14, 1986 that because of investments that had paid off handsomely for the Workers' Compensation Board, it would increase its monthly benefits to workers and lower employer premiums by 22 per cent in 1987.

A great deal of the board's time and energy in 1986 was devoted to philosophy behind amendments to the Act including public notification, seeking employer and employee advice and including a merit rebate system. The board announced:

"The Board is pleased to advise that no negative representations were received and the new Merit Rebate and Safety Incentive Program has been adopted effective January 1, 1987" which culminated in April 1987 with the passing of the Act.

Also in 1986, moves were being made to remove the Workers' Compensation Board from the Department of Justice and establish it as an independent body reporting to the minister. The principle of independence had been recognized once again.

On April 7, 1987, proposed changes to the Workers' Compensation Act were announced. WCB changes included:

1. *In December, 1986, the Act was amended to increase surviving spouses pensions from \$747 to \$1,000 per month and pensions to dependent children were increased from \$190 to \$300 per month, plus, effective January 1, 1987, these amounts were increased in accordance with changes in the consumer Price Index along with all amounts of compensation. The amount of the increase was 4.1 per cent.*
2. *In 1987, where a worker loses earnings because of work-related injury, the worker will receive 75 per cent of the earnings up to a maximum of \$33,000 compared to 1986 maximum of \$31,000.*
3. *In 1987, the board increased the dollar value of the percentage of physical impairment rating schedule from the minimum of \$500 to \$1,000 and from \$25,000 to \$40,000 for total physical impairment. Also, the board adopted the American Medical Association Evaluation of Permanent Physical Impairment Guide...the loss of vision in one eye was considered 16 per cent impairment, under the old schedule; under the new schedule the impairment is 24 per cent.*
4. *The board has adopted a new Merit Rebate Safety Incentive Program. The maximum rebate payable is 30 per cent of the assessment for the year considered. 25 per cent was previously payable. The employer's current year assessment must exceed \$500, whereas \$100 was previously required. The board will also consider all on-site safety reports by Occupational*

As reported in the Yukon News, December 1986:

"Quoting from the Annual Report of the Workers' Compensation Board, Rovere revealed that 1,024 compensable on-the-job accidents occurred in the Yukon in 1985, one for every six people in the labour force. The accidents resulted in a total WCB payout of about 6.5 million dollars, almost \$6,300 per accident and an average of \$868 for every person in the Yukon. Rovere says the number of accidents compared to the size of the labour force is almost double the average in the rest of Canada. Only the NWT has a comparable accident rate. Rovere says the high accident rate has three fundamental causes: negligible job-site training in safety; cursory supervision; and the lack of any ongoing safety program on the part of most employers. And despite public perception, job safety IS the employer's responsibility."



Health and Safety personnel allowing it to have a bearing on the merit rebate received. A rebate may be reduced or withheld if an employer does not have an operating safety committee or a safety representative in compliance with appropriate Safety Act. A fatality during the years considered shall automatically disqualify the employer for a merit rebate. All employers receiving a rebate of under 10 per cent will be investigated and a summary will be prepared for the board's Review Committee explaining the circumstances and recommending action. All employers not receiving rebates will have their experience reviewed so as to assist them in establishing a safe workplace. The board believes that these changes will significantly improve the plan by assuring that all employers are considered for merit rebates based on their claim experience and their regard for safety and occupational health.

- 5. Age limits for dependent children who receive monthly benefits have been increased from 16 years to 18 years and for children attending post-secondary institutions have been increased from 18 to 21 years.*
- 6. The previous practice of paying a lump sum to surviving spouses when they remarry has been changed to allow the monthly payments to continue until death, even if the spouse remarries.*
- 7. The previous practice requiring common-law relationships to be in effect for three years has also been eliminated. The benefits will apply to the common-law spouse who is dependent on the worker at the time of death.*
- 8. The maximum allowable amount for the transportation of a deceased worker has been eliminated. This will now allow the Board to pay the necessary costs, in Canada, required to transport a worker's body to the usual place of residence.*
- 9. Sections of the Act which deal with silicosis have been repealed to remove its discriminatory two year exposure clause and for all silicosis claims to be treated the same as any other industrial disease.*
- 10. The duties of the chair and chief executive officer has been changed. There will be a part-time chair and a full time chief executive officer. This will eliminate the potential problem which might occur if appeals made as the result of a decision of the chief executive officer are referred to the Board.*
- 11. April 28, 1987, was proclaimed a Day of Remembrance by the Yukon government to commemorate Canadian workers killed or injured in the workplace. The Government Leader asked all Yukoners to observe a minute's silence at 9:30 that morning.*
- 12. In the near future the Board will be conducting a review to provide better service to workers in the area of claims and vocational rehabilitation.*

The changes began to be seen quickly. On June 26, 1987, Roger Kimmerly, the minister responsible, announced the



appointment of Whitehorse resident, John Wright, as the board's new chair, replacing Brian Booth, who continued as the board's executive director. On October 15, 1987, the government reiterated the objective of the board for the public:

*"The Workers' Compensation Board is established to act as a body, independently and impartially, in the administration of compensation without fault and collective liability, on behalf of workers and employers; to invest profitably assessments levied on employers; to adjudicate equitably all claims on behalf of workers and their dependents; to pursue an active and effective rehabilitation program."*¹⁷

In 1988, there was consideration being given to a proposal for a Workers' Compensation Board building in Whitehorse.

February 20, 1989, was Territorial Election Day. Tony Penikett and his New Democratic government achieved re-election. It was business as usual for the Workers' Compensation Board.

An act was passed in the final year of this decade proclaiming April 28 as the official day of mourning for Victims of Workplace Injuries. *"This is a time for all Yukoners to pay their respects to friends, family members and co-workers who have been injured or lost their lives on the job,"* were Minister Margaret Joe's words, as she tabled the act. It was passed unanimously.

The Minister responsible for Workers' Compensation announced:

"This appointment was made possible with amendments to the Worker's Compensation Act during the spring session of the legislature. The Act was amended so there would be a separate chair to hear appeals filed by workers against a decision of the board's administration." About the appointee, the minister added, "John Wright was a former Justice of the Peace, a member of the justice review panel and had experience in mediation and arbitration." 17

A national newspaper, the Financial Post [Vol. 82 No.21] complemented the northern boards, while speaking of the problems facing other jurisdictions: "The financial crisis facing provincial workers' compensation plans... mandates a fast fix. Latest complete data show only two provinces, the Northwest Territories and the Yukon are without unfunded liabilities for their plans. The unfunded liability represents the shortfall when the long-term costs - such as pension liabilities for those with permanent disabilities - are added up."





CHAPTER ELEVEN: 1990 - 1993

The decade began with a new president of the Workers' Compensation Board of the Yukon. On January 17, 1990, the Yukon's Miscellaneous Statute Law Amendment Act, 1989 was amended. One of the amendments read: *"In the Workers' Compensation Act the title 'President' is substituted for the title 'Executive Director'."*

Brian Booth, who began his Yukon career as assessment administrator on January 1, 1974, was now president of the Yukon Workers' Compensation Board. The board was in good financial health, had good staff morale and was looking forward to a decision about the possibility of having their own building.

One month into the decade, Brian Booth was murdered in Montreal. Linda Engels became Acting President. It was at this time that the board was in the process of shifting direction in workers' compensation to stress prevention, workplace safety and occupational health. Patricia Cumming became president in September, 1990. She provided more detail on the change of direction in her message in the 1990 annual report:

"In 1990 the Workers' Compensation Board of the Yukon undertook philosophical and practical changes...Early in the year the Board of Directors reviewed the Workers' Compensation Board mandate. In the past, the board's work focussed on assessing the needs of injured workers and processing compensation claims. This year the board called for a more active approach to preventing worker injuries and earlier intervention when injuries occur. The board recommended that prompt attention be given to medical, vocational and social rehabilitation in order to return Yukon workers to their jobs sooner and reduce the financial and social cost of worker injuries.

"To achieve its goals, the Workers' Compensation Board planned or started several new programs in 1990. Negotiations with the Department of Health and Social Services regarding a rehabilitation program took place during the year. The program will treat injured workers to help prevent re-injury when they return to the workplace. With the new program in place, more Yukon workers will receive specialized treatment for their injuries without having to travel outside the Yukon. The rehabilitation program will use the new Health and Social Services extended care facility."

By the end of 1990, this board had processed 1,783 claims. Assessable payrolls were \$394 million. A good collection record and good investments contributed to lower assessment rates. The Yukon Workers' Compensation Board had the lowest write-off rates for unpaid assessments in Canada.

In the spring of 1991, a new program to test workers' hearing began. Audiometric testing booths were installed in Dawson, Mayo and Watson Lake. The equipment would also be available for testing the hearing of other residents, especially school children.

Board members at the beginning of this decade were Thomas Mickey representing industry (appointed to the board September 1, 1984, served two terms, was reappointed April 1, 1990 for a one-year term) Heiko Franke representing labour (appointed to the Board October 2, 1987, was re-appointed April 1, 1990 for a three-year-term) and the chair, John Wright, (appointed to the board June 29, 1987, was re-appointed April 1, 1990 for a two-year term). The minister responsible for the Workers' Compensation Board was Margaret Joe.



From National Debates - CBC Venture Program, February 1993:

"The Workers' Compensation system is at a crossroads. Mismanagement and misspent generosity over the years have created a system that is going broke. It's started a debate long overdue about what Canadians expect from Workers' Compensation and what the system can afford. Premiums in Toronto have tripled. It's the same story in many provinces and board after board is sinking deeper and deeper into debt. From Alberta to Newfoundland, boards are paying out more than they're collecting. Added together, the provinces in debt have a \$14 billion deficit. Business and industry are worried it'll have to pay the bill or else the taxpayers in those provinces could be left picking up the tab."

New YWCHSB Building

An occupational health and safety seminar marked the official beginning of the Yukon's workplace *Risk Reduction Program*. The program was a joint initiative of the Workers' Compensation Board and the Occupational Health and Safety Branch of the Department of Justice. The program was developed to reverse the trend of increasing accidents in the Yukon and to reduce the human and economic losses associated with workplace injuries.

The seminar was offered free to anyone interested in the program and featured an examination of accident causes and preventions; review of the new Safety Merit Rebate program; workshops on safety, self-audits, safety program evaluations and employer responsibilities.



YTG Photo

Also in 1991, an architect was hired to develop plans for a new building for the offices of the Workers' Compensation Board. The building opened less than a year later on January 27, 1992. The official opening ceremonies were held on April 20. While the original estimated construction cost was \$2,665,400, the actual cost was \$2,613,479.

The changes in philosophy and programming emphasized the need for new legislation. The minister responsible, Piers McDonald, announced that "*Yukoners can expect a simplified, modernized Workers' Compensation Act by next spring. The Act will be in plain English and will reflect the nature of today's workplace. The first step will be public hearings throughout the Territory, beginning September 23, 1991.*"¹⁸

To initiate discussion, a comprehensive set of documents was prepared for distribution. They explained and explored, the meaning of various programs of workers' compensation. The public consultation paper was called "*Building on the Basics*". It was one of the most comprehensive set of public documents produced by the Yukon Workers' Compensation Board. Arranged a bit differently, it could be used to establish the basics for a short course in the basics of workers' compensation. The board, the president and minister, responsible for this fine work were John Wright, chair; Barbara Moyle, industry member; Heiko Franke, labour member; Pat Cumming, president, Piers McDonald, minister.

¹⁸Whitehorse Star, September 10, 1991

From *Building on the Basics* we know that the WCB has as strong record of success in the Yukon, including a compensation fund that is financially sound with all current liabilities provided for. The success of the fund was based on solid secure investments, comparatively low assessment rates, effective enforcement of delinquent assessments and a multi-faceted five-year risk reduction program. And business was concerned. The Whitehorse Chamber of Commerce entered the debate supporting the merit rebate, but had no problems with the current remittance levels and classification system. The chamber emphasized that the business community would not accept a rate increase. Many questions were asked as the issues were discussed: *Who should be covered by compensation? What workers should be, or should not be, covered? If covered, should their coverage be automatic (and thus mandatory for employers to pay on their behalf) or optional?*

Industrial disease has never been an easy matter. It has been accepted within the definition of 'accident', though to suggest it is settled would be erroneous. The subject still raises many questions. Now chronic stress has become one of the issues of the '80s and '90s. Every board in Canada currently has a different approach to stress.

Looking for answers to complex questions is the daily bread of workers' compensation boards and administrative staff.

On the matter of stress, the Canadian Institute of Stress said that the Yukon government's decision not to enshrine stress leave in the new Workers' Compensation Act is a good one because there is not yet a widely shared understanding of stress.

Following the public discussions things moved quickly to prepare a new Act. By January 1992, the first stage of the review had been completed. Pat Cumming, president, advised that the next step would be the drafting of the Act by a committee composed 50/50 of industry and labour. It happened quickly.

On January 20, 1992, a five member committee of industry and labour was struck to draft changes to the Workers' Compensation Ordinance. They were appointed by Minister Piers McDonald. The committee was chaired by Pat Cumming. Representing business was Glenis Allen, with the City of Whitehorse and Tom Mickey, business person. Representing labour was Dan Stewart, International Union of Operating Engineers and Michael Miller, Yukon Federation of Labour.

When announcing the move of the Occupational Health and Safety Unit from the Department of Justice to Workers' Compensation, the minister said,

"The Workers' Compensation Board is a major stakeholder when it comes to health and safety concerns in the workplace. This reorganization will allow the board to participate actively in the area of occupational health and safety. This move reflects the views expressed by labour and business during recent consultations on the Workers' Compensation Act review."

Six people were named to the board. *"This year's new*

"A night shift worker at a corner store who, over the course of a month was robbed twice. The third robber, who pulled a knife, may have been the last straw for this worker's mental health."



Board appointments:

Chair:	W.J. (Bill) Klassen
Alternate Chair:	Scott Widmeyer
Employer/Ind. Rep:	Arden Meyer Barbara Moyel
Worker Rep:	Heiko Frankie Chris Haddoch

Some of the new maladies that worry people were identified at the conference in Whitehorse - many, unheard of and unknown in past times - more of that continuous change that is another hallmark of compensation. Occupational malignancy, occupational lung disease, hand arm vibration syndrome, occupational hearing disorders, multiple chemical sensitivity, repetitive strain injuries, strain injuries, human rights issues, cost containment in rehabilitation, the dilemma of occupational diseases, the management of chronic pain, hard metal lung disease, the management of head injuries, work environment coping skills and health, to name a few.

workers' compensation legislation creates the five member board (two representatives each from labour and industry and a chair) from what was known as the Workers' Compensation board. An alternate chair has also been named. The new board is also responsible for Occupational Health and Safety (OH&S), recently merged with Workers' Compensation Health and Safety Board from the Department of Justice. This amalgamation gives the board responsibility for the Workers' Compensation Act and the Occupational Health and Safety Act.

"Major Yukon business and labour organizations were asked to nominate people for this board," said the minister. "The current appointments have been made based on their suggestions."

On October 19, 1992, the Yukon had a new government and the Workers' Compensation Health and Safety Board (YWCHSB) had a new minister. The new minister was Bill Brewster (Yukon Party) from Haines Junction. On January 4, 1993, Jean Besier became acting president. The new president, Ron Farrell was appointed on April 5, 1993.

His first major role came only a month later, as host to the annual conference of the Association of Workers' Compensation Boards of Canada. The 67th Conference was being hosted by the Yukon board for the second time. *'Occupational Disease - A Challenge for the '90s'* was the theme.

The theme introduction was:

"How will compensation boards deal with the looming issue of occupational disease?" In the next decade, compensation boards will be increasingly challenged to find a balance between the needs of the escalating numbers of claimants who suffer from occupational diseases and the employers who fund the system.

"Occupational diseases are manifesting themselves at alarming rates. As a result, compensation boards across the country are feeling the strain caused by increased liability, pressure on existing treatment options, the need for greater diagnostic resources and the search for workable preventative measures."

"The resources, in human and financial terms, do not meet the demand for solutions. Our task in the next decade will be to examine new ways of doing business to adapt our systems to meet the challenges of occupational disease."

The Yukon Workers' Compensation Health & Safety Board has progressed from an era when people collected donations to help widows to today's \$41,000 compensation payment. We cannot, of course, make direct comparisons, but we can say that we have made considerable progress in this field.

The Yukon Workers' Compensation Health & Safety Board can look forward to the future with optimism because of the efforts of past members and the dedication, effort and care put into their work by the board's employees.

TIME LINE

Date/Event

Specifics

1895	NWMP	First Detachment arrived at Fortymile. Built Fort Constantine.
1897	First Workmen's Compensation Act	<p>"The first Workmen's Compensation Act in Canada was passed in 1897. It put the full responsibility on the individual employer to compensate his own workers for their injuries. The law was very limited in its application, it only applied to dangerous employment and there was no liability on the employer if the worker was solely to blame. The benefits were very low but the law prohibited employers from contracting out its provisions. There was no requirement that an employer insure his risk and there was no protection for a worker against non-payment by his employer. The new law became effective on July 1, 1898. It provided for a two week waiting period and benefits at 50% of wages with a maximum per week of only one pound. It was far better than any prior law in providing for the worker, but it was still an individual liability system as we now use that term. A worker retained his rights to sue under the Employer's Liability Act. The common law and the Fatal Accidents Act was still in effect for dependents. This was the English law that was studied by Professor James Mavor of the University of Toronto in 1899 and described in his Commission Report to the Ontario legislature in 1900. He concluded that it was too soon to determine how effective it would be and that Ontario's Workmen's Compensation for Injuries Act of 1897, a law based on the English Employer's Liability Act of 1880, was all that Ontario could afford at the time. That system reduced an employer's liability to pay where the worker was guilty of contributory negligence. It put most of the burden on workers who contributed to sick benefit schemes, or on society where charity was the only rescue. In 1906 the English Workmen's Compensation Act was amended to apply to all workers except casual and outworkers and that was the law studied by Sir William Meredith in 1911." (from a Paper - "Origins of the Canadian Workers, Compensation system by Kenneth E. Harding, presented at the First Canadian Workers' Compensation College, Dunsmuir Lodge, Sidney, B.C, December 5, 1988.)</p>
1897	Appointment - Federal	Major James Morrow appointed Chief Executive Officer of the Yukon.
1897	Appointment - Federal	T. H. McGuire appointed Judge of Court of Yukon Provisional District.
1898	Yukon Act - Federal	Assent June 13, 1898. Not representative government.
1898	Appointment - Federal	William Ogilvie appointed Commissioner of the Yukon.
1899	Amendment - Yukon Act	Allows election of two members to council for two year term. (Indians were excluded from voting.)
1901	Appointment - Federal	James Hamilton Ross appointed Commissioner.
1902	Amendment - Yukon Act	Created five elected Council positions. Another act established a Yukon Seat in the House of Commons.
1902	Yukon MP	Alexander Ross elected as Yukon's first MP.
1903	Appointment - Federal	Frederick Tennyson Congdon appointed Commissioner.
1905	Appointment - Federal	William Wallace Burn McInnes appointed Commissioner.
1907	Appointment - Federal	Alexander Henderson appointed Commissioner.
1908	Employer's Liability Ordinance	Passed.
1909	Political Campaign	Y.L.L.A. (Yukon Legislative Labour Association) platform included plan for "a more equitable liability act."
1909	Political Campaign	G. Black campaign promise, "Labour protection laws need amendment."
1909	Yukon Election	Victors sworn in July 14. The First session of the Wholly Elected Council speech from the throne promised a bill "to provide compensation for injuries to workmen in certain cases."
1910	Legislation Package	"It was reported that Mr. Murphy would reintroduce his compensation bill."



Time Line

1912	Yukon Territorial Council	"George Black made a speech praising the good work of past Councils in passing much needed bills for the protection of labour."
1912	Appointment - Federal	George Black appointed Commissioner.
1912	Lord Macnaughten	"The Act is the workman's charter." Ball vs Hunt, 1912, AC946.
1913	Political Campaign	"Thanks to the Yukon News' policy of reprinting articles from outside newspapers, people in Dawson were well aware of efforts in the south to organize labour unions to fight for safer working conditions and better pay."
1913	Workmen's Compensation	Ordinance "Mr. Tabor was an active leader throughout the session, introducing numerous bills dealing with routine amendments, and the most important item which was a new Workmen's Compensation Ordinance. He had drafted the bill in consultation with officials in British Columbia and Ontario during his winter travels. . . Mr. Tabor announced at the end of the session that it would be laid over for another year. Thus labour concerns passed from the Council agenda with no firm actions taken on any issue."
1913	Meredith Report	October. By Judge William Meredith titled "Final Report on Laws Relating to the Liability of Employers." Note: Sir William Meredith was appointed in 1910 to conduct this study. His report became the foundation for all worker's compensation laws in Canada.
1914	Yukon Territorial Government	The 1914 Council: Planning for Permanence was their theme. "the major issues were similar to those of the previous session with Dawson utilities and the Workmen's compensation Ordinance was at the top of the list. . . The bill was laid over again for more study."
1915	First National WCB Law	On January 1, the first WCB legislation was put into effect in Canada, and the first Board of Commissioners was appointed.
1915	Political Campaign/Platform	"Council elections were the central focus of attention after the Commissioner declared March 4, 1915 as polling day. . . 'labour issues' influenced many voters, as a large percentage of men were employed by the mining and transportation companies. They no doubt would have welcomed a comprehensive Workmen's Compensation Ordinance, plus a reduction in their hours of work, both of which the previous Council had rejected." Liberal Norman Watt also presented a draft Workmen's Compensation Ordinance.
1916	Yukon Council Sitting	"The Commissioner for his part did not see anything 'extraordinary' for the session. He was preparing a new draft of a Workmen's Compensation Ordinance based on consultations with the chairman of the Ontario Workmen's Compensation Board.
1916	Appointment - Federal	George Norris Williams appointed Commissioner.
1916	First National Guide Issued	A guide was issued in 1916 to (Canadian WCB) to evaluate the type and degree of permanent disability.
1917	Ordinance Passed	Assented to April 24, 1917: "An Ordinance Respecting Compensation for Injuries Sustained in the course of Their Employment." (Short Title: The Workmen's Compensation Ordinance)
	The amount of compensation	<ul style="list-style-type: none"> • in the event of the death of a workman, dependents entitled to \$2,500 • where a workman leaves no dependents, such sum for the expenses of his burial, medical attendance, nursing, care and maintenance shall be paid by the employer to the persons to whom such expenses are due, but not exceeding in all \$500; • total disability \$3,000 • partial disability <ul style="list-style-type: none"> • loss of thumb \$500; • any other finger \$200; • loss of any other toe \$150; • loss of a hand \$1,500; • loss of a foot \$1,500; • loss of an eye \$1,500; • loss of the nose \$600; • loss of index finger \$300; • loss of great toe \$300; • loss of first joint of above, one -half of above amounts; • loss of an arm \$2,000; • loss of a leg \$2,000; • loss of an ear \$250; <p>Injuries causing temporary disability, weekly payment of 50% of average daily wage, to a maximum of six months.</p>



1917	Medical Aid Added	Medical aid was added to (Canadian WCB) the benefits payable.
1917	Medical Aid established	Medical aid was added to benefits payable.
1917	W.C.O. YT	Assent April 24, 1917.
1917	Council Elections	"The Liberal and Conservative platforms shared a number of old issues...Both parities supported the enactment of a Workmen's Compensation Ordinance... The Yukon Women's Protective League proposed an elective board of three members to make compensation award, "whose decisions shall be final."Federal
1918	Imposition	The office of commissioner and Administrator were abolished. The powers were vested in the office of Gold Commissioner.
1918	Appointment - Federal	George Paton McKenzie appointed Gold Commissioner.
1919	Catastrophic Accident	Evening of May 26, 1919. "That same evening a number of Yukon Gold Company employees became ill after eating a meal at the company messhouse on Hunker Creek. They were rushed to the hospital in Dawson, but all efforts to save them failed. Twelve workers died from ptomaine poisoning which was later identified as the cause of their illness. Some of them left families with young children and the \$2,500 settlements awarded widows by the Y.G.C. must have been meagre in the face of Dawson's high costs."
1920	Territorial Election	One candidate, Mr. Gavin Fowlie promised, among other things, shortening the work day to eight hours.
1921	Notes of Interest	<p>In February, Louis Boivette visited Dawson en route to the south and told the Yukon News that miners were experiencing problems with dust hazards in the new silver mines at Mayo.</p> <p>95% of the Mayo miners and workers formed Yukon Labour Union #1 with Archie N. Martin as President early in 1921.</p>
1925	Rehabilitation	Vocational rehabilitation was added (Canadian WCB) to services provided.
1925	Appointment - Federal	Percy Reid appointed Gold Commissioner.
1928	Appointment - Federal	George Ian McLean appointed to Gold Commissioner.
1929	Legislation of Interest	A bill was passed to regulate the hours of labour in placer mining operations.
1932	Federal	The powers and duties of the Gold commissioner were transferred to Comptroller.
1932	Appointment - Federal	George Allen Jackell appointed Comptroller of the Yukon.
1932	Report Justice Middleton	<p>A Report on the Workmen's Compensation Act of Ontario.</p> <ul style="list-style-type: none">• "Any attempt to bring all the excluded industries under the operation for the Act would impose a tremendous burden upon the board and would be impracticable. The expense of administration would be disproportionate to any benefit that would result."• Changes time claim from 6 to 12 months.
1938	W.C.O. Amendments	Assent May 2, 1938.
1939	W.C.O. Amendment	<p>Assent May 2, 1939. Additions.</p> <p>Industrial disease defined. (Industrial disease shall mean and include silicosis, lead poisoning or its sequelae, and arsenic poisoning or its sequelae, mercury poisoning or its sequelae, and infected blisters." Note: Section 2.(3) reads in part, "the judge in deciding . . . shall, if he finds any amount of compensation is properly payable, apportion the liability therefore among the several employers, or fix the total liability on one such employer as he deems just." Presumption: if known danger of contracting disease due the industries work, and is contracted, the disease shall be presumed to have been caused there unless contrary proved.</p>
1940	Union Formation	
1942	Mining Regulations	Assent July 21, 1942. Act name changes: Quartz Mining Regulations to Yukon Quartz Mining Act.



Time Line

1943	Workmen's Compensation Ordinance	Addition, Section 17. Cases where compensation payable under laws of U.S.A. Employers not liable if worker entitled to payment by U.S. plus some cosmetic changes.
1944	Territorial Council	Sitting May 1944. NOTE OF INTEREST: Dawson was hit by a flood during the sitting.
1944	Amendment to YWCO	Assented to May 12, 1944. Adding "for te loss of a tooth or teeth, the actual cost of replacing the same by an artificial tooth or denture . . ." (see below). (Addition to Section 3 covering loss of teeth.) " The most progressive action taken by the members wan an amendment to the Workmen's Compensation Ordinance to provide that dental work resulting from a job injury should be full compensated." (L.J. Vol. 2, Ch 8, pg 35)
1946	W.C.O. Amendments	Councillor Smith introduced some new amendments regarding workmen's compensation and hours of labour.
1947	Appointment - Federal	Office of Commissioner re-instated. John Edward Gibben appointed Commissioner.
1947	W.C.O. Amendments	Amendments subsection (a), Section 1, Chapter 11, 1917 ordinance. Dollar amount increases, eg. loss of thumb \$1,000; index nger \$600; great toe \$600; hand \$3,000; arm \$4,000; foot \$3,000; leg \$4,000; eye \$3,000; ear \$500; nose \$1,200.
1947	W.C.O. Amendment Disallowed	February 11, 1947 letter to F.J. Moon, Casualty Supt., Royal Insurance Group, Montreal from J.E. Gibben, Acting Controller, Y.W.C.O., Dawson: "For your information, I am enclosing herewith a copy of the Workmen's Compensation Ordinance of the Yukon Territory. I may say that the 1946 session of the Yukon Territorial Council passed a further amendment to this Ordinance which, having been protested by certain employers of labour, was in due course disallowed by the Federal Authorities."
1948	Appointment - Federal	John Edward reappointed Commissioner of the Yukon.
1948	W.C.O. Amendments	Assent July 23, 1948. Amendment and addition. Loss of teeth: the actual cost of replacing, plus the amounts payable shall be on scale provided by Section 4 during treatment.
1950	Appointment - Federal	Andrew Herald Gibbon appointed Commissioner.
1951	Appointment - Federal	Frederick Fraser appointed Commissioner.
1952	Appointment - Federal	Wilfred George Brown appointed Commissioner.
1952	Report - Gordon McG. Sloan	A report relative to Workmen's Compensation British Columbia. "It is difficult to name any industry or any hazard which is not now covered, or which is not entitled to coverage under the elective system. Any new industry in which a hazard exists will doubtless become within the Act by Regulation of the board."
1952	W.C. O.	Repealed 1917 and 1908 Acts (Yukon).
1952	Edmonton Office	Joint office opened, in Edmonton, to administer Yukon Territory and Northwest Territories W.C. O. (NWT passed their act in 1952 as well.)
1953	New W. C. O.	Came into force January 1, 1953 (was modelled on Alberta Act).
THE WORKERS' COMPENSATION ACT		The Workers' compensation Act is a Yukon law that provides financial protection, medical benefits and rehabilitation services to workers and their dependents in case of injury or death arising out of and in the course of employment. The principle of collective liability: The basic principle of the Act as it applies to employers is collective liability. This means a pooling of risk and a sharing of the cost of compensating injured workers, by employers within their industrial classification.
1953	Territorial Council Session	April
1953	Employer/employee Statistics	One hundred and ninety-five businesses, as defined by the W.C.O. Ordinance arried on business in the Yukon Territory. Four hundred and two accidents were reported January through to October 1953.



1953	Edmonton Office	Cost of operating Edmonton office Employers insured April 1 thru Oct, 1953 - 176 October 15, 1952 thru March 31, 1953: Chg to NWT \$1,708.86 1953 est. Revenue - \$23,882 Chg to YT 1,713.91 1953 est. Expenditure - \$5,908 TOTAL: \$3,422.77																																			
1955	Appointment - Federal	Frederick Howard Collins appointed Commissioner.																																			
1956	YWCB Fourth Annual Report	“Industrial activity in the Yukon Territory during 1956 . . . has remained constant with that of the previous year’s operations. The slight increase in the number of employers who were insured is largely due to the business of ‘big game guides’, which was designated as an industry under the Ordinance.” NOTE: This annual report lists every company in the Yukon under WCO. I would think it is very valuable archival data.																																			
Insured employers are holding insurance policies with companies as follows:		<table><tr><td>Prudential Assurance Co. Ltd.</td><td>198</td><td>Travellers Insurance Co.</td><td>2</td></tr><tr><td>Lloyd’s of London</td><td>31</td><td>Commercial Insurance</td><td>1</td></tr><tr><td>Employers’ Liability Assurance Corp</td><td>19</td><td>Aetna Casualty & Surety Co.</td><td>1</td></tr><tr><td>Law Union & Rock Insurance Co. Ltd.</td><td></td><td>America Underwriters</td><td>1</td></tr><tr><td>(Osler, Hammond & Nanton Ltd.)</td><td>5</td><td>Liverpool & London</td><td>1</td></tr><tr><td>General Accident Assurance Co. of Canada</td><td>2</td><td>London & Lancashire Ins. Co.</td><td>1</td></tr><tr><td>Royal Insurance Co.</td><td>2</td><td>U.S. Fidelity & Guaranty Co.</td><td>1</td></tr><tr><td colspan="2"></td><td>TOTAL</td><td>265</td></tr></table>				Prudential Assurance Co. Ltd.	198	Travellers Insurance Co.	2	Lloyd’s of London	31	Commercial Insurance	1	Employers’ Liability Assurance Corp	19	Aetna Casualty & Surety Co.	1	Law Union & Rock Insurance Co. Ltd.		America Underwriters	1	(Osler, Hammond & Nanton Ltd.)	5	Liverpool & London	1	General Accident Assurance Co. of Canada	2	London & Lancashire Ins. Co.	1	Royal Insurance Co.	2	U.S. Fidelity & Guaranty Co.	1			TOTAL	265
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Edmonton Office		Office accommodations at 10187 - 99th Street, Edmonton																																			
Personnel		Mr. J.P. Cooper until May 1956; Miss Dorothy Wasylynchuk effective August 1, 1956; Miss Viola B.P. Jefferson, Steno Grade 3 effective November 1, 1956 replacing Miss Wasylynchuk in that capacity; Miss S.J. Bender, Steno effective May 1, 1956 to August 15, 1956; Miss Bender left to get married and was replaced by Miss Pearl Wasylynchuk effective December 1, 1956, who was formerly with Department at Fort Smith, NWT.																																			
1956	Employer/employee Statistics	(Source - Fourth Annual Report 1956) 295 employers, 265 insured, rest held exemptions. 794 accident claims calendar year 1956, of which 576 noncompensable, 200 temporary disabilities, 10 permanent partial disabilities and 8 fatalities. Medical expenses - \$69,324.90; Comp. payments - \$105,806.63.																																			
EDMONTON OFFICE MAINT. EXPENSE FEDERAL FISCAL YEAR 1956-57 SHARE		COMP. ACCT. EXPENDITURE	N.W.T. SHARE	Y.T. SHARE																																	
Salaries & Wages		\$ 8,529.12	\$4,264.56	\$4,264.56																																	
Office Rental		1,200.00	600.00	600.00																																	
Public Utils. & Phone		147.54	36.89	36.88																																	
U.I. Commission		20.09	10.04	10.05																																	
TOTAL:		\$ 9,896.75	\$4,911.49	\$4,911.49																																	
ENFORCEMENT OF W.C.O		\$ 4,252.36	\$2,126.18	\$2,126.18																																	
GRAND TOTAL		\$14,149.11	\$7,037.67	\$7,037.67																																	
1956	Edmonton Office Staff	C. E. McKee, Administration Officer 2 D. Wasylynchuk, Clerk 4 P. M. Wasylynchuk, Steno 2		D. H. Warner, Clerk 4 V. E. P. Jefferson, Steno 3 W. R. Kolm, Clerk 2A																																	
1958	Report Honourable W.F.A. Turgeon	Workmen’s Compensation Commission 1958 Manitoba. “We must bear in mind that Workmen’s Compensation was the first major social insurance measure enacted.”																																			
1958	Yukon Office	Due to complaints about delays and non-payment, Yukoners proposed that a Workmen’s Compensation representative be appointed in the Yukon Territory.																																			

Time Line

1958	Employer/employee Statistics	312 employers operating in the Yukon Territory: 3,295 workers; 673 accidents. Annual pay out \$10,143,609.73 insurance coverage.
1959	Yukon Ordinance	Memo August 10, 1959 from H. Taylor to C.E. McKee, Edmonton: Section 7 of the Workmen's Compensation Ordinance was repeated at the first session of Council in 1958 and as of December 31, 1958, Chapter III has been our legal authority in the Territory for action on Workmen's Compensation matters."
1959	Employer/employee Statistics	334 employers - annual pay out \$10,221,076.26; 3,686 workers; 656 accidents.
1960	Feasibility Study (author?)	Result - Not economical to put Workmen's Compensation Board in the Yukon Territory.
1960	Employer/employee Statistics	399 employers - annual pay out \$9,944,741.29
1961	Employer/employee Statistics	441 employers - annual pay out \$11,324,452.61; 3,981 workers; 549 accidents
1962	Report	Prudential Assurance co. Holds approximately 73% of all policies sold in 1962/63. The Northern and Employer's Groups, 22%. The twelve other companies which sold insurance, the remaining 5%.
1962	Yukon employer/employee Stats	481 employers - annual pay out \$11,738,047.57; 4,315 workers; 734 accidents
1963	Yukon Office?	Yukon Legislative Assembly raised questions again. Should we establish an office in the Yukon Territory?
1965	Report - Mr. Justice Tysoe	Commission of Inquiry Workmen's Compensation Act, B.C. 1965. "I deplore any proneness to await action by another province or by another Workmen's Compensation Board before making changes in provisions of the Act or in administration principles or procedures."
1966	The Legge Report	Chair: B.J. Legge, Q.C.; Members: D.H. Young, C.W. Pritchard; Secretary: C.W. Gilchrist "Being a detailed review of the Workmen's Compensation Ordinance of the NWT and the YT."
1966	Ordinance -Coming into Force (Smith)	CO 1966/156, December 21, 1966. "Pursuant to Section 62 of Workmen's Compensation Ordinance. . . shall come into effect April 1, 1967."
1967	Volunteer Firemen Coverage	D. Wasylynychuk memo to file ". . . Pearson agrees with our letter of June 13, 1967 to Prudential. The volunteer firemen of the City of Whitehorse should definitely be covered, as the fire department has a large roster of volunteer firemen who have specific duties. YTG provides a water truck and appoints a fire chief in most communities; however, any help that the fire chief gets in fighting fires is usually under the conditions as that at Dawson City."
1969	Yukon Office	Dorothy Wasylynychuk moved from Edmonton office to Whitehorse to "set up the office." (2 years only) First staff were: Office Manager, D. Wasylynychuk and Pat Cummings.
1971	Staff	K. Fedorek began employment with Workmen's Compensation Board.
1972	Appointment	September 27, 1972. CO 1972/334. Ronald G. Wilson appointed Inspector.
1973	Appointment	October 13, 1972. CO 1972/351. D. Wasylynychuk designated to determine claims in respect of temporary disability.
1973	Note of Interest	"In Yukon legislation prior to 1973, employers were obligated to insure with a commercial insurance company to meet their liabilities at law, to compensate workers and their dependents. In that year, the Government-backed insurance scheme was financed by assessments from employers . . ." As time went on, the administration of the Act became difficult and considerable inconvenience was caused to employees in the adjudication of claims. To remedy this difficulty, the government established a Worker's Compensation Advisory Board in Whitehorse on November 1, 1976. The Advisory Board acted as referee and gave financial and administrative advice concerning the Act to the Yukon government. The positive decision taken at the time was that when the Board was sufficiently experienced, the full administration & responsibility for the Act would be transferred to the Board and the government would not continue to carry the day-to-day responsibility

		of the decisions of the Board. To make this change would require amendments to the Act. (On January 1, 1983 this change was accomplished.) (from a paper by B. Booth, September 23, 1983 to Management Board regarding proposal to centralize administration of Crown Corporations.)
1973	Worker's Compensation Board	<p>Five year forecast for fund operation issued March 2, 1973 to H.J. Taylor, Territorial Secretary by W.D. Hough:</p> <p>"... I have set the forecast up using six classifications with sub-classes in all but class two, which covers the lumbering industry, which is rather small at the present time. My opinion would be that the sub-classes form a part of the overall class when looking at the financial picture, as some of the sub-classes are small and one bad accident would prove very costly if they were on their own.</p> <p>"... I have set up a provision for reserves which over the five years totals \$562,894 and is to cover silicosis, rehabilitation, disasters and enhanced disabilities, to which was charged during the same period \$172,750, leaving a surplus of \$390,144.</p> <p>"I have also set up over the five years the sum of \$1,635,630 to provide for unfinall claims ... The main source of concern is the mining industry, which ... could increase or decrease to a considerable extent.</p> <p>"In allocating the administration and general expenses, I have used 15% of the assessment in my forecast, which should be changed once a fund is set up, and should take into consideration the amount of work involved in each classification and the actual expenses prorated on this basis.</p> <p>"Some of the rates could be reduced further as the overall surplus for the five years amounts to \$1,937,430; however, with a new fund, there is no harm in building up a good surplus while the economic situation is good, as it is much easier to reduce rates at a later date ..."</p>
1973	Union Participation	<p>WCB Bulletin May-June 1973:</p> <p>View expressed by Joe Morris, Ottawa, Executive Vice President of the Canadian Labour Congress (regarding International Symposium on the Rehabilitation of the Industrially Injured sponsored by British Columbia Worker's Compensation Board and held in Vancouver April 24-27, 1973). "Full union participation in the rehabilitation of injured workers is hampered by the reluctance of many government, social and employer organizations to accept organized labour as a full and equal partner in the work that must be done."</p>
1973	Assessment Rate Change	CO 1973/400. September 17, 1973.
1973	Workmen's Compensation Ord.	CO 1973/399. WCO assented to July 31, 1973 shall come into force. Regulations attached. Also, CO 1967/24, 1971/94, 1971/409, 1972/457 and 1973/293 revoked.
1973	Per Diem Allowance Change	(Fingland) CO 1973/412. October 2, 1973. Per diem subsistence per sub-section 51(5) to \$16.00.
1973	Statistics	Total claims 1,167
1973	Compensation Fund	<p>Quote from 1975 Annual Report"</p> <p>"The compensation fund was established on October 1, 1973 pursuant to the Workmen's Compensation Ordinance 1973 (Third Session).</p> <p>"The objective of the fund is to provide compensation for injury or death by accident arising out of, and in the course of employment. Assessments are levied upon employers usually on the basis of a percentage of their payroll."</p>
1974	Selective Employment	WCB Bulletin March-April 1974 and Section 32. Some disabled workers underestimate their ability to return to work, and these feelings can affect the duration of rehabilitation.



Time Line

1974	Statistics Annual Report	Total claims 1,663; Estimated assessable payroll \$49,537,215
		Statement of Administrative and General Expenses for year ended December 31, 1974:
		Salaries and Employee Benefits \$128,902
		Professional Services 15,491
		• Communications 6,977
		• Office supplies & services 9,190
		• Rent 10,483
		• Travel 1,988
		• Miscellaneous 761
		TOTAL \$173,792
1975		Administration and General Expenses \$245,119.
1975	Claims Statistics	Accidents reported 1,599; Fatal accidents; Permanent awards 9
1975	Assessment Statistics	Employers registered 1,318; Maximum earnings \$11,000; Payrolls reported \$67,699,000
1975	Appointments - Inspectors	CO 1975/13. January 28, 1975 Appoints Douglas F. Wooton, Dennis C. Connelly and Humphrey A. Fedoriak
1975	Schedule Change (Smith)	CO 1975/134. July 4, 1975
1975	Appointment - Inspector (Smith)	CO 1975/160. July 25, 1975. Appoint James Hugh Moore
1975	Authorization	November 21, 1975. Allan L. Forster authorized to "be a person to examine the books and accounts of every employer, and to make such other inquiry as he deems necessary to ascertain the Ordinance being complied with."
1975	Rate Change (Smith)	CO 1975/266. November 13, 1975. Revokes 1975/1. Effective January 1, 1976 maximum rate \$12,000 per annum.
1976	Claim Statistics	Administration and general expenses \$274,275; Accidents reported 1,426; Fatal accidents 4; Permanent awards 36.
1976	Assessment Statistics	Employers registered 1,331; Maximum earnings \$12,000; Payrolls \$77,180,000.
1976	Authorization	CO 1976/25. January 15, 1976. Raymond P. Cummings, authorized "to be a person to examine books, etc." (same language as Forster, above).
1976	Authorization	October 12, 1976. CO 1976/269. J.W.C. Bunker, Assessment auditor, "to be a person to examine books, etc." (as Forster) (Gillespie).
1976	Appointment - Board	November 1, 1976. CO 1976/280. H. Taylor, public, to December 31, 1978; Bruce Moore, public, Vice Chair to December 31, 1979; Thomas Walton, labour, to December 31, 1979; Gordon Wagner, industry to December 31, 1978.
1976	Appointment - Inspector	September 10, 1976. CO 1976/251. Gary McLaughlin, Inspector.
1976	Claims	Total reported 1,426 compared to 1,599 for 1975.
1976	Assessment	1,331 employers registered, compared to 1,318 for 1975. Assessment rates remained unchanged for the third consecutive year. Estimated assessable payroll \$17,179,183, an increase of \$9,510,944 over 1975. 1976 maximum wage \$12,000.
1976	Actuary Appointed	C.E. Laing & Associates
1977	Claim Statistics	Accidents reported 1,536; Fatal accidents 2; Permanent impairment awards 24.
1977	Assessment Statistics	Employers registered 1,375; Maximum earnings \$13,000; Payrolls reported \$84,710,000.
1977	Memorandum to Executive	Committee June 14, 1977. Requesting Excom approval to rewrite WCO. The formal beginning of an ordinance change. Much discussion, many meetings, perhaps outside influences, technological changes may have helped precipitate the changes.
1977	Memorandum to Exec Comm	July 19, 1977. Same as above entry, with suggested changes.

1977	Appointment - Board	CO 1977/248. Taylor, Moore, Walton, Wagner. Also gives Board power of Referee.
1977	WCO Amendment	CO 1977/254. Effective January 1, 1978.
1977	Accident Prevention	Regulation revision underway in consultation with industry and labour.
1977	First Aid Program	Agreement made with St. John Ambulance whereby they would assume responsibility to teach first aid to industry. Standard First Aid courses were offered at no charge to workers who come under the scope of Workmen's Compensation.

1978 WCB Organizational Chart

ORGANIZATIONAL CHART
FEBRUARY 1, 1978

MINISTER
OF CONSUMER AND CORPORATE AFFAIRS

	ACCOUNTING CLERK (Mrs. A. Scobie)	CLAIMS ADMINISTRATOR (Ms. D. Wasylynchuk)	ASSESSMENT ADMINISTRATOR (Mr. J. Waycott)
1978	Claims Statistics	Accidents reported 1,706; Fatal accidents 5; Permanent awards 29.	
1978	Assessment Statistics	Employers registered 1,451; Maximum earnings \$17,000; Payrolls reported \$100,272,000	
1978	Appointment - First Yukon Board	January 1, 1978. WCB Ordinance, Section 10.1(2). Board order appointed B. Booth, Executive Secretary. Signed by G. Wagner, T. Walton, and Acting Chairman.	
1978	Appointment - Board	CO 1977/248. January 3, 1978. Appoints H. Taylor, Public, Chair to December 31, 1978; B. Moore, Public, to December 31, 1979; T. Walton, Labour, to December 31, 1978; G. Wagner, Industry, to December 31, 1978.	
1978	Appointment - Board	October 13, 1978. CO 1978/201. Effective January 1, 1979. Revoked CO 1977/248. Moore, Taylor, Wagner and Walton as above.	
		As Workers' Compensation is a very complex operation, the members have now gained some experience in the field of Workers' Compensation and have performed satisfactorily. It is our opinion that these members be reappointed for another term of three years, at the end of which, two members would be replaced so that the administration would not be working with a complete new Board every three years. It is estimated that, in three years, it may be necessary to have a full-time Chairman employed by the Board.	
1978	WCO	CO 1978/105. Insertion paragraph 9(a) (Pearson).	
1978	Appointment - Nominees	October 10, 1978 memo from B. Booth to Dr. J.C. Hibberd, Minister, recommending: Public, H. Taylor, B. Moore, J. Smith and S. Lindstrom; Management, G. Wagner, K. Byram, L. Stokes; Labour, T. Walton, R. Ayers and W. Palmer.	
1978	Appointment - Board	CO 1978/201. October 13, 1978. Appoints: H. Taylor, Public, Chair until December 31, 1981. G. Wagner, Industry, until December 31, 1981; T. Walton, Labour, until December 31, 1980; B. Moore, Public, until December 31, 1979. Also empowers Board to act as Referee. Revokes 1977/248.	
1979	Claims Statistics	Accidents reported 1,778; Fatal accidents 4; Permanent awards 29.	
1979	Assessment Statistics	Employers registered 1,347; Max earnings \$19,000; Payrolls reported \$15,492,000.	
1979	Record of Recommendation	February 5, 1979. Approved by Commish I. Christensen: Member A3, Code - Regulation, WCO, "To delegate all administrative duties to the Workers' compensation Board."	
1979	Transfer/delegation of powers	Christensen)CO 1979/20. All administration duties delegated to WCB. Letter of April 4, 1978 with similar delegation revoked.	



Time Line

1979	Appointment - Board	October 4, 1979. CO 1979/198. Effective October 3, 1979. Revoked appointment Bruce Moore, appointed B. Booth.
1979	Appoint/revocation - Board	(Christensen) OIC 1979/198. October 4, 1979. Appoint B. Booth, revoke B. Moore (term not specified).
1980	Appoint/revocation - Board	Record of Decision June 16, 1980: revoke CO 78/201 appointing G. Wagner and CO 79/198 appointing B. Booth. Appoint J. Banks and C. Friday to be on the WCB.
1980	Claims statistics	Accidents reported 1,939; Fatal accidents 6; Permanent awards 30.
1980	Assessment Statistics	Employers registered 1,782; Maximum earnings \$19,000; Payrolls \$178,453,000.
1980	Whitehorse Hosts WCB Annual	Convention Whitehorse will host, for the first time on May 24, the conference of the Association of Workers' Compensation Boards of Canada. Approximately 220 delegates are expected to attend May 24 to 27. The conference brings together delegates once a year to discuss local developments in the workers' compensation field.
1980	Safety Programs	First aid courses were offered at no charge to workers who came under the scope of WCB.
1980	Appointment - Board	May 12, 1980. News release by Minister Meg McCall. No longer Commissioners Orders, now Record of Decision. Jean Banks, first woman on Board and Charlie Friday, replacing G. Wagner.
1980	Benefit Change	May 1, 1980. Press release: 9.1% increase based on CPI effective January 1, 1980, eg. Widow pension \$353 per month from \$324; widow expenses \$899 from \$815. Transportation of body \$180 from \$165. Burial expenses \$1,018 from \$933. Existing pensions up 9.1%. Maximum earning for compensation was \$19,000. Minimum compensation payable for disability \$84 per week. Dependent children \$116 from \$106. Lump sum to widow who remarries \$4,452 from \$4,081.
1980	Appointment - Board	OIC 1980/165. June 18, 1989. (Bell) Jean Banks, Public to December 31, 1982; Charles W. Friday, Industry, to December 31, 1983; OIC 1980/305. December 2, 1980 (Bell) Thomas Walton, Labour until May 31, 1981.
1980	Note of Interest	The British Columbia Board had a deficit of \$390 million in 1980, up from \$260 million the year before. Globe & Mail, September 19, 1981, byline Andrea Maitland, Vancouver.
1980	Introduction to Wage Loss System	Paper by B. Booth "we began talking about changing to a wage loss system in the Yukon during 1980. The main reason was to try to keep control of the every-expanding costs and try to get back to the original concept of Workers' Compensation in Canada which was a contract of indemnity, as the legal beagles would say."
1981	Compensation Rates	OIC 1981/60, effective January 1, 1981. Amount of compensation to be paid shall be as set out below: Section 25(9) <ul style="list-style-type: none"> • (a) Clothing - lower limb prosthesis \$187 • (b) - upper 92 Section 30(1) <ul style="list-style-type: none"> • (a) Burial expenses 1,121 • (b) Additional burial expenses 979 • (c) Transportation of body 198 • (d) Widow or widower 389 • (e) Dependent child 128 • (f) Dependent invalid child 148 • (h) Child - no surviving spouse 18 • (I) Widow or widower illness 31 • (j) Dependent child illness 31 Section 34 <ul style="list-style-type: none"> • (l) Lump sum upon remarriage 4,902 Sections 38(l), 39(l), 40(l) and 41(l): <ul style="list-style-type: none"> • Benefits payable increased to 10.1% Section 45 (l) <ul style="list-style-type: none"> • (a) Minimum compensation 92 Section 46(3) <ul style="list-style-type: none"> • Semi-monthly pay 39

1981	Claims Statistics	Accidents reported 2,018; Fatal accidents 6; Permanent awards 45.
1981	Assessment Statistics	Employers registered 1,963; Maximum earnings \$21,000; Payrolls \$212,757,000.
1981	Payments Increase	YTG News release, May 11, 1981: Increase effective January 1, 1980 - 9.1%; dependent widow/ers to \$353 per month from \$324; dependent children to \$116 per month from \$106; lump sums to remarried widow/ers to \$4,452 from \$4,081; additional expenses payments to dependent widow/ers to \$899 from \$815; burial expenses payment to \$1,018 from \$933; payment for body transportation to \$180 from \$165; existing disability pension 9.1%; maximum earnings inc. To \$19,000; minimum weekly disability payment to \$84; first aid courses free to workers.
1981	Appointment	OIC 1981/141. June 8, 1981. G. Dobson appointed Labour June 1, 1981 to May 31, 1984.
1981	Change Schedule	OIC 1981/60. Establish schedule for year 1981.
1981	Accidents	2,018
1981	Appointment	September 3, 1981. Press release: Tony Hall appointed to new position, Education Officer for WCB, responsible for encouraging accident prevention in the workplace.
1981	Victims of Crime Statistics	4 claims
1981	Rate Change	YTG News release, November 10, 1981: Minister Howard Tracey. Assessment rates paid by employers in five industrial classes decreased and number of classifications cut from 10 to 8 ("favourable accident experience"). Maximum assessable earnings for Yukon workers increase to \$24,000 from \$21,000. Employers in public administration will get largest decrease, to \$.80 from \$1.25 (36%). Rates for heavy construction and truckers to decrease to \$7.50 from \$8.50 (12%). Service industry to decrease to \$2.00 from \$2.25 (11%). Light construction decrease to \$4.50 from \$5.00 (10%). Trades contractors decrease to \$3.50 from \$3.75 (7%). OVERALL DECREASE TO \$3.51 from \$3.82 (8%).
1981	International Year of Disabled Persons	The Yukon WCB provides training and financial assistance to people who become disable due to accidents on the job. (Press release from Office of the Government Leader)
1981	Board Under Fire	September 19, 1981, Globe & Mail: WCB under fire for extending viewing privileges for employers, although not fought out in court. WCB decided same because employees authorized to see files, so felt employers should also have that privilege because they, too are affected. BCMA said doctors would be inhibited from expressing medical opinions if workers able to read WCB files.
1982	Claims Statistics	Accidents reported 1,354; Fatal accidents 7; Permanent awards 40
1982	Assessment Statistics	Employers registered 2,061; Maximum earnings \$24,000; Payrolls \$199,304,000
1982	NDP Plan for YWCB Funds	Yukon News Article, June 2, 1982: If elected, NDP would set up small business mortgage fund using some WCB funds to encourage Yukon business initiatives in growth potential.
1982	Victims of Crime Statistics	2 claims
1982	WCB Statistics	WCB spent \$2,940,00 in claims costs
1982	Appointment	OIC 1982/357. December 29, 1982, B. Booth appointed Chairman of WCB for a five year term effective January 1, 1983.
1982	Annual Report	Tenth annual report
1982	Fairer Compensation Changes	Star December 15, 1982
1983	Board	On January 1, 1983 the membership of the Board was reduced to 3, and the Chairperson became full time. The Chairperson also became the Chief Executive Officer of the Board, a public servant and an employee of the Yukon government.



Time Line

1983	Legislation	The Workers' Compensation Act was amended by the Legislative Assembly in 1982, effective January 1, 1983.
1982	Claims Statistics	Accidents reported 1,059; Fatal accidents 1; Permanent awards 32
1983	Assessment Statistics	Employers registered 1,545; Maximum earnings \$25,000; Payrolls \$182,698,000
1983	Appointment/Revoked	CO 1983/178. August 22, 1983, appoints Richard Allen Rovere as Inspector.
1983	Board Appointment	YTG New release, January 10, 1983: Minister Clark Ashley appointed B. Booth as first full time Chairman for five year term. Booth will represent the government on the Board with two others representing industry and labour.
1983	WCB Statistics	WCB spent \$2,967,000 in claims costs: 336 sprains/strains; 233 lacerations and 142 abrasions. Total number of claims reported was 1,059 compared to 1,394 during 1982.
1983	Victim of Crimes Statistics	Four claims paid, almost \$20,000
1983	Appointment	OIC 1983/269. December 23, 1983, Steven Coull, Industry representative appointed January 1, 1984 for a three year term.
1983	Proposed Act Amendments	An indicator of change is that we now find on file documents "Communication Strategy"
1983	Administrative Expense	\$716,000
1984	Board	In July 1984, the government's management board decided that the Yukon Housing Corporation, the Liquor Corporation, as well as the Workers' Compensation should be amalgamated into existing government departments. Workers' Compensation and Yukon Liquor Corporation were assigned to the Department of Justice effective November 20, 1984.
1984	Statistics	Annual report has statistics comparison for year 1975 to 1984 on claims and assessments.
1983/84	Investments	Government of Canada coupons, non-interest bearing bonds, interest bearing bonds, Treasury bills, provincial and provincial guaranteed bonds, other: Total par value \$73,068,000, December 31, 1983, Total Market Value \$29,970,000, December 31, 1984, Total Market Value \$35,552,000.
1984	Claims Statistics	Accidents reported 1,029; Fatal accidents 1; Permanent awards 22
1984	Assessment Statistics	Employers registered 1,915; Maximum earnings \$27,000; Payrolls \$201,312,000
1984	YWCB Actuarial Opinion	December 31, 1984, Crawford E. Laing "... value of the liability for existing pensions at December 31, 1984, together with the increases which became effective from January 1, 1985, was \$9,699,997."
1984	Appointment	OIC 1984/133. May 25, 1984, G. Dobson, Labour representative appointed for a three year term, effective June 1, 1984.
1984	Appointment	OIC 1984/235. August 21, 1984, T. Mickey, Industry representative appointed for a three year term, effective September 1, 1984. Revokes 1983/269, Steven Coull as Member of the Board.
1984	Victims of Crime	Minister A. Philipsen, News release, two claims. First nine months, 84 paid.
1984	DB Research	"He points out, for example, that if the British Columbia Board had faced the recent traumas for the Yukon and NWT Boards it would have failed the test. The reason is that while the B.C. Board agrees to replace income lost by people hurt on the job, the nest egg set aside in most cases is too small to cover complete costs of those future requirements." The Province, December 9, 1984, Michael Walker. (The "he" referred to is C. Laing).
	Administrative Expenses	\$751,000
	Increased Benefits	Annual Report: Increase in compensation amounts resulted from provisions of Section 79 which ties increase to CPI. January 1, 1984 increase 5.8%. Widow/er

		lump sum (if remarried) increased to \$6,465 from \$6,111. Dependent widow/er pensions increased to \$688 per month from \$650. Dependent children pensions increased to \$175 per month from \$165. Additional expense payments to widow/ers increased to \$1,291 from \$1,220. Burial expense payments increased to \$1,478 from \$1,397. Body transportation expenses increased to \$261 from \$257. Existing permanent disability pensions increased by 5.8%.
1985	Compensation Awarded to Crime	VictimsYTG Press release, January 15, 1985: The WCB awarded \$4,403 in two claims under the victims of crime program in the first three quarters of 1984, Justice Minister Any Philipsen announced. \$1,340 to assault victim for the loss of earnings and pain and suffering caused by a stab wound. \$3,063 to applicant assaulted during a hockey game. Board accepted four claims under program in 83/84 fiscal, total near \$20,000. Two claims accepted in 82/83. Four claims accepted in 81/82.
1985	CHANGE OF GOVERNMENT	
1985	Employer/employee Statistics	1,024 compensable on-the-job accidents. Almost double average for the rest of Canada. One for every six people in the labour force. Pay out net to WCB approximately \$6.5 million. 197 accidents in service industry; 175 government; 112 mining; 145 heavy construction. Employers 1,465; Payroll 220.1 million.
1985	Average Cost of Claims	Total costs regarding 1985 claims, \$2,174,000. Average cost of claims \$2,090; Fatalities 2.
1985	Annual Report	

WORKERS' COMPENSATION BOARD

1. Assessment rates remain unchanged in 1983 and 1984, and four classifications out of seven were decreased in 1985. Even with decreasing rates, we have been able to increase the benefits payable each year in accordance with changes in the Consumer Price Index and also increase the maximum age rate each year, which also increases the maximum compensation payable each year.
2. Application of compensation was extended to proprietors, independent operators and active directors of limited liability were given the option of coverage. Prior to this, it was compulsory.
3. Workers were provided with earning loss benefits for as long as total or partial loss in earning capacity exits or to the age 65, whichever occurs first. At age 65, the basis for compensation changes from earning loss to loss of retirement pension. The Board is required to set aside an additional 10% of all earnings loss benefits paid. This sum collects interest and serves as the basis for an annuity at age 65. In addition, workers who suffer permanent impairment receive a lump sum payment of not less than \$500 and not more than \$25,000. Benefits to spouses and dependent children were substantially increased in 1983.
4. The policy of the Board is to fund fully the cost of all accidents in the year that they occur so that there will be no unfunded liability with respect to prior years' accidents at any time.
5. During 1984, the board decided to obtain professional investment advice in order to take advantage of the prevailing high interest rates. These were at an historically high level, taking into account the low level of inflation that existed.

Because there is a known liability for payment of pensions in future years, it was possible to restructure part of the Investment Portfolio to match the outflow of pension payments over the next 22 years, by using a combination of existing bonds and striped coupons from Government of Canada long-term bonds.

For this dedicated portfolio, it was possible to obtain a guaranteed rate of return of 13.0% compounded over the next 22 years, without any need for reinvestment of interest. The cash flow for pension outgo included a substantial allowance for future automatic cost-of-living increases to the pensioners.

1986	Board	Cabinet submission made (see excerpts above, December 1, 1986) to seek independence of the Board from the Department of Justice, and have it report directly to a Minister.
1986	Rate Reduction/Benefit Increase	Minister R. Kimmerly, Press release: WCB increasing benefits to workers and 22% reduction in premiums it charges employers to begin 1987. Benefit ceiling up from \$31,000 to \$33,000.
1986	Investments	Minister R. Kimmerly, from above press release: Fund invests in reliable Canadian and U.S. stocks, bonds, debentures. Largest \$61.5 million federal government bonds yield 15%. Provincial and provincial agency bonds account for \$13.4 million plus \$1.5 million Royal Bank Mortgage Corporation.



Time Line

1986	Act Amendments	Act amended to increase surviving spouses pensions from \$747 to \$1,000 per month; dependent children from \$190 to \$300 per month, plus effective January 1, 1987, these amounts are increased in accordance with changes in Consumer Price Index along with all amounts of compensation. Amount of increase was 4.1%.
1986	WCB Changes	<p>Star December 15, 1986:</p> <p>"Because of investments that have paid off handsomely for the WCB, it will increase its monthly benefits to workers and lower by 22% the premiums it charges to employers in 1987."</p> <p>Justice Minister Roger Kimmerly, who made the announcement in the legislature, cautions it is a one-time only event, and that the Board's investments are expected to stabilize next year. The fund, created in 1973, had investments of almost \$77 million as of a year ago, and its next annual report will show a growth since then, Kimmerly said.</p> <p>In 1987, where a worker loses earnings because of a work-related injury, he will receive up to 75% of his earnings from the Board, to a ceiling of \$33,000 in earnings, compared to the 1986 limit of \$31,000 in earnings.</p> <p>Next year, where a worker dies in a work-related accident, the Board will pay the widow or widower \$1,000 a month, compared to the current \$747 a month for life, unless he or she remarries or starts cohabiting. Dependent children will get \$300 a month next year, instead of the current \$190 a month. There are currently no invalid children receiving benefits.</p> <p>Now, 22 widows, 29 children and two guardians are receiving Board pensions. Based on that, the Board expects the 1987 payouts to be just over \$1 million for the widows, \$172,000 for the children and \$282,000 for the guardians, Kimmerly said.</p> <p>The benefits are not susceptible to rollbacks if the fund's investments fall on harder times.</p> <p>Employers are assessed obligatory premiums on every \$100 of their payroll. For the mining industry, the 1987 rate will go to \$3.00 for every \$100 in pay from \$3.50 this year. The comparable figures for heavy construction and trucking are \$4.00 and \$5.50; light construction \$3.50 and \$4.50; specified trades \$2.25 and \$3.00; service industries \$1.25 and \$2.00; and professional business or public administration \$.75 and \$.80.</p> <p>The government does not complement those premiums with its own payments into the fund. "As industry will obtain a substantial benefit from the high rate of return on the investments by having much lower 1987 rates," Kimmerly told the legislature, "and injured workers will receive an increase in compensation, dependents who are receiving benefits should also share in the windfall."</p> <p>On the advice of a chartered accountant firm, the fund invests in reliable Canadian and U.S. stocks, bonds and debentures. The largest investment has been \$61.5 million in a type of federal government bond, some of which were bought years ago and have yielded interest rates as high as 15%, Kimmerly said. Provincial and provincial agency bonds account for \$13.4 million, and there has been a \$1.5 million investment in the Royal Bank Mortgage Corporation.</p>
1986	WCB Move within YTG	<p>December 1, 1986. First draft of a cabinet submission to remove WCB from Justice.</p> <p>The workers' compensation Board is established to act as a body independently and impartially in the administration of compensation without fault and collective liability, on behalf of workers and employers.</p> <p>To invest profitably assessments levied on employers, to adjudicate equitably all claims on behalf of workers and their dependents, to pursue an active and effective rehabilitation program. (From a new release October 15, 1987).</p>
1986	Legislated Increase	Effective December 18, 1986. Section 30 was amended to increase base pensions. "Pensions to dependent widows, or widowers, were increased to \$1,000 from \$747 per month. Pensions to dependent children were increased to \$300 from \$190 per month."
1987	Safety Incentive Program	WCB Newsletter: New Merit Rebate and Safety Incentive. Program adopted effective January 1, 1987. Will increase amount of allowable merits for employers with favourable accident experience from 25% to 30% of their assessment. Will recognize employers with adverse experience and provide incentive to improving safety in the workplace. Merit rebate raise proposed from 25% to 30%.
1986/87	Yukon Government Annual Report	May 14, 1987. Letter to D. Senger from Joanne Ambrose, Director of Finance, WCB. "The following is the Workers' Compensation Board's submission for the government's annual report.

The purpose of the Workers' Compensation Board is to provide compensation to the worker for wage loss due to disability from personal injury by accident arising out of employment without recourse to litigation. It ensures promptness and certainty of payment to the workers or dependents without unduly burdening the employer.

In keeping with its objective to ensure that the spouses and dependent children of workers killed in industrial accidents are provided with an adequate income, the Workers' Compensation Board increased pensions for widowed spouses and dependent children in December 1986. The base spousal pensions were increased from \$747 to \$1,000 per month; and dependent children's base pensions were increased from \$190 to \$300 per month. Base pensions are increased each year by an amount equal to the increase in the Consumer Price Index.

The above was accomplished without raising the cost to employers. Assessment rates were decreased for the Heavy Construction industry class from \$6.00 to \$5.50. All other classification rates remain unchanged." (This is the complete text of the letter.)

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| 1987 | WCO Amendments | Minister R. Kimmerly, Press release April 7, 1987. Improvements to benefits to dependent children and spouses; changes regarding common-law relationships; increases in maximum amount payable for transportation of deceased worker. Duties of chairpersons and CEO amended. Silicosis two year exposure clause removed. |
| 1987 | Board Appointed | Minister R. Kimmerly, Press release June 26, 1987. Appoint John Wright as Board Chair. Current chairperson, B. Booth, to continue on as Board Executive Director. Kimmerly: "This appointment was made possible with amendments to the Workers' Compensation Act during the Spring session of the Legislature. The Act was amended so that there would be a separate chair to hear appeals filed by workers against a decision of the Board's administration. We want to avoid the possibility of having the chief executive officer hear an appeal filed against a decision by the Board's administration." |
| 1987 | Annual Report | Increased pensions for widowed spouses and dependent children in December 1986. Increased from \$747 to \$1,000 per month; dependent children from \$190 to \$300 per month. Assessment rates for Heavy Construction Industry class reduced from \$6 to \$5.50. |

"Effective April 16, 1987, the practise of paying a lump sum to surviving spouses when they remarry, has been discontinued. Now, the monthly payments to surviving spouses will continue for life. The age limits for dependent children have been increased from 16 to 18 years of age and for children attending post secondary institutions, the age has been increased from 18 to 21 years of age."

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| 1987 | Administrative Expenses | 1,217,000 |
| 1987 | WCB Remembrance Day | Yukon News, September 2, 1987: Press release by R. Kimmerly: We've decided, as a New Democratic government, to agree with a proposal by organized labour to honour workers killed or injured on the job through a Day of Remembrance. This year, our government flew flags at half mast n April 28 to mark this occasion. |

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| 1986 | New Occupational Health and Safety Act | Proclaimed in November. |
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| 1987 | Objection to Board | From December 10, 1987 Yukon Hansard: |
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MR. McLACHLAN: "Why, when presented with a list for nomination to the board, did (the Minister) choose to ignore those recommendations and appoint someone else not on the list - someone of his own choosing?"

MR. KIMMERLY: "It is totally inaccurate to say that I ignored the nominations of various unions. The fact of the matter is I called a meeting of the two people nominated by different unions, and I discussed the pros and cons of the appointment of them and other individuals at some length along the line of the principles that should apply"

From October 26, 1987, Whitehorse Star:

John Sheppard, President of the Yukon Federation of Labour, says he's upset the YTG didn't appoint the Federation's nominee to the Territorial WCB. That nominee was himself. He's not disputing Franke's ability to do the job, but is unhappy with the process used to choose Franke.

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| 1987 | Appointment | Heiko Franke, Labour representative. |
| 1988 | Workers' Compensation 75 Years Later | A Perspective from Labour |

"This year marks the seventy-fifth anniversary of the Meredith Report. In October 1913, Judge William Meredith issued his famous 'Final Report on Laws Relating to the Liability of Employers' to the Ontario Government. His report became the foundation for all workers compensation laws in Canada.



Time Line

"... the workers compensation system exists to deal with the failures of occupational health and safety ... in fact, employers are now challenging each of the five principles of the historic compromise of workers compensation. The principles to which they now vigorously object were principles accepted 75 years ago in much more socially conservative times. It is easy to conclude, therefore, that it is not the principle, it's the money. . ."

1988	Financial Crisis	Financial Post press release: The financial crisis facing provincial workers' compensation plans documented by the Financial Post's Fred LeBolt mandates a fast fix. Latest complete data show only two provinces, and the Yukon and NWT, are without unfunded liabilities for their plans.
1988	WCB Building	July 15, 1988, Minister R. Kimmerly: "A planned new building for WCB won't be competing in the rental market, although if there's extra space in the building, that might be rented out in the open market. The policy is, they will not enter the market and compete." Executive Director Brian Booth appeared to contradict Kimmerly in early June when he said that any extra space in the building would be rented out on the open market.
1988	Administrative Expense	\$1,171,000
1988	YTG Annual Report	Section 89, allowing compensation increases with changes in the CPI, prompted the Board to raise benefits by 4.4% January 1, 1989. Also on January 1, 1989, Board reduced assessment rate for one industry classification and maintained existing rates for four industry classes.

Maximum assessable earnings from \$33,000 in 1987 to \$36,000 for 1988. Pensions to dependent widows/widowers increased to \$1,087 from \$1,041 per month. Pensions to dependent children increased to \$326 from \$312 per month.

Additional expenses resulting from death of worker increased to \$1,523 from \$1,459. Burial expense payments increased to \$1,745 from \$1,671. Total number of claims in 1988 - 2,000; 1987 - 1,661. Total work force in 1988 - four fatal accidents; 12 cases referred for vocational rehabilitation; 2 to retraining programs, 2 to educational upgrading, 3 to job search program, 3 rehabilitation assessments, 2 returned to workforce. Claims Review Committee reviewed 18 claims (1987-12) and Board considered 5 appeals (1987-12). Four cases were referred to independent specialist (1987-2) due to opinion differences on medical issues. Board continued to cooperate with Occupational Health & Safety Branch of YTG. Board paid the government \$139,000 (1987-\$127,000) to cover program costs. First Aid courses offered free to workers under WCB Act. Board has developed an audiometric test program and a Back Clinic.

1989	Consumer Price Index	Board raised benefits 4.4% January 1, 1989.
1989/90	YTG Annual Report	YWCB highlights/objectives: YWCB and Occupational Health & Safety Branch of the Department of Justice sponsored a Risk Reduction Project to improve prevention programs and reduce risk of injuries in the workplace. Health and safety training courses were developed and delivered and WCB claims cost merit rebate program was replaced with one stressing prevention incentives. Extensive public consultation took place with labour and business reps in Whitehorse, Dawson, Mayo, Faro, Ross River, Watson Lake and Haines Junction, as well as with the Association of Yukon Communities. Above consultations took place to obtain advice and assistance on WCB merit rebate program. Proposal to adopt modified term placing emphasis on risk reduction in the workplace received positive response from labour and business. New program to be implemented in 1990 merit year. Section 89, which allows compensation increases with changes in CPI, prompted WCB to raise benefits by 5% January 1, 1990. No rate changes to industry classifications made in 1990, and maximum assessable earnings per worker remained at \$40,000.
1990	Miscellaneous Statute Law	Amended January 17. One section reads: "in Workers' Compensation Act the title "president" is substituted for the title "executive director."
1990	Appointments	OIC 1990/73. May 7, 1990. Appoints John Wright to March 1992; T. Mickey to March 31, 1991; Heiko Franke to March 31, 1993.
1990	WCB Hearing Testing	YTG Press release September 13, 1990: Expanding to communities, a Yukon WCB program to test workers' hearing is expanding to help all residents of several Yukon communities, especially school children, M. Joe announced today. The Board has installed audiometric testing booths for Dawson City, Mayo and Watson Lake.

A List of Employees Through the Years

1970's, or before:

TAYLOR, H.J.
WASYLYNCHUK, Dorothy
CUMMING, Patricia N.
HAWRYLUK, Roy
FE DOREK, Kathy
HOUGH, Bill

HUNTER, Helen
LERNER, Louise
MIDDLEBROOK, Shirley
SMITH, Evelyn
WOOD, Mary

1970's and 1980's:

AMBROSE, Joanne
ANDERSON, Jean
BACHMIER, Laurie
BAKK, Rita
BARRETT, Deborha
BARTEAUX, Barb
BOOTH, Brian
BOYD, Charlene
BUCKLER, Patch
BUNKER, John
CARROTHERS, Carol
CHISSON, Jane
CHAMBERS, Donna
CLARKSON, Laura
CORMIER, Doreen
DAWS, Nora
DeFORREST, Leah
DRUMMOND, Dorothy
ENNIS, Darlene
GRANT, Marie
GUNDERSON, Lynda
HALL, Anthony C.

HANSEN, Betty
HARPER, Madeleine
HEDDLE, Helen
HICKS, Lynn
HOENISCH, Ulrich (Rick)
HOLMBERG, Linda
HUNTER, Sandra
JACKSON, Debbie
KING, Catherine (Bonnie)
KOSMENKO, Irene
KRESS, Georgina
LAMBERT, Cindy
LAMOUREUX, Dawna
LATTIN, Cheryl
LEE, Ila
MacDONALD, Sheilagh
MATTESON, Linda
METCALFE, Elaine
MOFFATT, Mae
NICHOLAS, Wendy
O'DONNELL, Charolette
OZARUK, Helen

PONTO, Laurie
PRINGLE, Judy
PULLEYBLANK, Mariann
PUMPHREY, Patricia
REDL, Sherree
RENAUD, France
ROBINSON, Carrie-Lyn
SAUVE, Paula
SCHMEKEL, Dale
SCOBIE, Audrey
SCOTT, Grace Elizabeth
STERLING, Angela
TAIT, Louise
TAYLOR, Dawn
VARGA, Irene
WALTON, Marilyn
WARBURTON, Lorraine
WAYCOTT, John
WOOD, Janet
WOODS, Mary
WREN, Debbie
YAMADA, Kay
ZRAL, Janet

1990's:

ARMSTRONG, Tony
BAIRD, Ken
BARRICK, William
BEAUCHEMIN, Charlene
BERRIMAN, Joan
BESIER, Jean
BORDAGE, Isabelle
BORGSTROM, Shannon
BOYLAN, Marie-Louise
BRISEBOIS, Janine
BROWN, David
BRUCE, David
BURNARD, Stacey
BUSH, Cathy
BYRNE, Mary Rose
CLARK, Al
CARLSON, Mary
DAIGLE, Karen
DOCHERTY, Julie
DYMACEK, Fay
EAGLES, Alexis
ENGELS, Linda
FARRELL, Ron
FIENDELL, Phyllis
GROSSINGER, Gilles (Red)
HEYENEN, Doug

HOBBS, Patricia
HOLMES, Derek
HOOKEY, Ellen
IRWIN, Barbara
JACK, Dorothy
JANSEN-GELOK, Liza
JOHANSON, Vernna
KITCHEN, David
LANE, Greg S.
LILLES, Sheila
LUNDBERG, Donna
LYONS, Donna
MANTEI, Ann
MASON, Fran
MATTESON, Linda
MacDONALD, Carolyn
MacDONALD, Wendy
McCLURE, Robert
McGRATH, Susan
MORGAN, Claudia
MULLEN, Stephanie
NEUMAN, Conrad
NOSEWORTHY, Irene
OULTON, Brenda
PANTER, Karen
PARRY, Jacqueline

PETERS, Gloria
PRASAD, Naresh
RICE-JONES, Leslie
RITTENHOUSE, Sharilyn
ROBERTSON, Heather
ROBINSON, Gerald (Larry)
ROSS, Susan
RUFFIANGE, Mary
SANDERSON, Donna
SCOTT, Candice
SCOTT, Robert
SEWELL, Sandy
SNOWDON, Sarah
SPECHT, Sharon
STEELE, Joan
STETKIEWICZ, George
SUTHERLAND, Nina
TISCHER, Michael P.
TYLER, David
TYRNER, Colleen
VENASSE, James (Ossie)
WEST, Cheryl
WOLSKY, Ginger
YENDALL, Diana
ZRAL, Richard



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**YUKON WORKERS'
COMPENSATION
HEALTH AND
SAFETY BOARD**

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