THE PRICE OF LIVES AND LIMBS LOST AT WORK: THE DEVELOPMENT OF NO-FAULT WORKERS' COMPENSATION LEGISLATION IN BRITISH COLUMBIA, 1910 TO 1916

by

John Thomas Keelor
B.A., University of Victoria, 1993

A Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF ARTS

in the Department of History

We accept this thesis as conforming
to the required standard

[redacted]

Dr. Eric Sager, Supervisor (Department of History)

[redacted]

Dr. Peter Baskerville, Departmental Member (Department of History)

[redacted]

Dr. Norman Ruff, Outside Member (Department of Political Science)

[redacted]

Dr. William Carroll, External Examiner (Department of Sociology)

SUPERVISOR: Dr. Eric Sager

ABSTRACT:

This thesis examines the development of the workers' compensation system in British Columbia from 1910 to 1916. It focuses on how the shift from a fault-based to a no-fault-based method of interpreting accidents obscured the responsibility of employers regarding the cause of accidents. Assumptions about workers' moral culpability and immigrant labour's danger in the workplace by the factory inspector contributed to the belief that accidents were caused by careless workers. A statistical analysis of factory records reveals that working conditions were actually the cause of accidents. The social cost of accidents is evident in court cases and in the *Royal Commission on Labour*. In 1915 the *Committee of Investigation on Compensation Laws*, chaired by Avard Pineo, investigated compensation laws in North America and recommended a no-fault system which excluded the participation of insurance companies. Ultimately, the compensation system allowed the state to control the conflict between business and labour.

EXAMINERS:

[redacted]

Dr. Eric Sager, Supervisor (Department of History)

[redacted]

Dr. Peter Baskerville, Departmental Member (Department of History)

[redacted]

Dr. Norman Ruff, Outside Member (Department of Political Science)

[redacted]

Dr. William Carroll, External Examiner (Department of Sociology)

TABLE OF CONTENTS:

ii. Abstract
iii. Table of Contents

1. Introduction
6. Chapter One: What is Missing from an Analysis of Compensation Legislation?
24. Chapter Two: Blame and Culpability in the Factory Inspection System
43. Chapter Three: Undermining the Fault Analysis
64. Chapter Four: The Social and Economic Impact of Accidents
84. Chapter Five: The *Committee of Investigation* and the No-Fault Accident Tax
105. Conclusion: Compensation, the Police Power, and Minimum Wage Laws

111. Appendix One: Distribution of Fault in Industrial Accidents From Five Studies, Expressed as a Percentage
112. Appendix Two: Blame in British Columbia Fatal and Non-Fatal Sawmill and Factory Accidents during 1910
113. Appendix Three: Blame in British Columbia Fatal and Non-Fatal Sawmill and Factory Accidents during 1916
114. Appendix Four: British Columbia Fatal and Non-Fatal Sawmill and Factory Accidents in 1910, Listed by Season
115. Appendix Five: British Columbia Fatal and Non-Fatal Factory and Sawmill Accidents in 1916, Listed by Season
116. Appendix Six: Ethnic Proportion of Population, in Comparison to Injured Employees from the 1910 *Report Of Factories Inspector*, Expressed as a Percentage
117. Appendix Seven: Ethnicity and Severity of Accidents, Based on the 1910 *Report Of Factories Inspector*, Listed as Number of Cases
118. Appendix Eight: Ethnicity and Machinery, Based on the 1910 *Report Of Factories Inspector*, Listed as Number of Cases
119. Appendix Nine: Fault in Relation to Age From the 1910 *Report Of Factories Inspector*, Listed as Number of Cases
120. Appendix Ten: Injury, Cohort, and Machines, Based on the 1910 *Report Of Factories Inspector*, Listed as Number of Cases
122. Appendix Eleven: Injury and Size of Factory, Based on the 1910 *Report Of Factories Inspector*, Listed as a Percentage
123. Appendix Twelve: Deaths and Size of Factory, Based on the 1910 *Report Of Factories Inspector*, Listed as a Percentage
124. Appendix Thirteen: Categorization of Fault for Accidents in the 1910 and 1916 *Report Of Factories Inspector*

125. Bibliography

INTRODUCTION

In the late nineteenth and early twentieth centuries a significant change occurred in methods of interpreting workplace accidents. In the late nineteenth century workers relied on unions and their families for support after an injury; but by 1916 a state administered board paid compensation to injured workers regardless of fault. Before a no-fault system was established in British Columbia workers sued employers for compensation, and employers relied on insurance companies to protect profits. By 1916 this confrontational system changed. Workers received compensation from the state, and the introduction of no-fault insurance ensured that neither workers nor employers were held accountable for accidents in the capitalist production process. These changes are evident in the history of the early compensation system. In 1897 the Employer's Liability Act narrowed the defences available for employers against injured employees. Employers and employees still confronted each other in court to negotiate the terms of compensation, but legislation established the responsibility of employers to injured employees in large scale industrial enterprises. The 1902 Workmen's Compensation Act passed primarily due to the efforts of J.W. Hawthornwaite, a Socialist Member of the Legislative Assembly. This act designed an arbitration system and payment scale for injured workers. However, the option of suing under common law was still available to injured workers. The employer's liability and worker's compensation cases locked employer and employee in a conflict over how to assign blame and allocate compensation costs.

In 1908 the Factories Act passed, and enforcement began in 1910. Between 1910 and 1916 the provincial factory inspector reinforced the assumption that workers were

often responsible for accidents. Evident in the *Report of Factory Inspector* (hereafter referred to as *Report*) are the inspector's assumptions about workplace relationships and employee accountability for workplace safety.

Only after the 1915 *Committee of Investigation on Workmen's Compensation Laws* (hereafter referred to as *Committee of Investigation*) examined compensation legislation throughout North America was the factory inspection and employer's liability system replaced. The *Committee of Investigation* argued that accidents should not provide a basis for making moral claims of wrongdoing against employers or employees; accidents were natural components of the production process and accident victims should make a claim for compensation from the state. Employers would pay the state a tax for accidents, and they would raise revenue for this compensation fund by incorporating the cost of accidents into the cost of the finished goods produced by workers. The *Committee of Investigation*'s recommendations were ultimately incorporated into the 1916 Workmen's Compensation Act.[1]

The compensation acts passed in British Columbia were not a collection of isolated legislative developments. In fact, they were part of an evolving system which developed new methods of interpreting the behavior of, and compensating, accident victims. Specifically, the language of blame and moral culpability used by the Factory Inspector and in court cases was replaced by a compensation system which did not examine blame,

[1] Graham Geddes, "Agreement and Agitation: The Movement for Comprehensive Workmen's Compensation Legislation in British Columbia, 1891-1917," University of British Columbia, B.A. Honours Thesis, 1986, p. 1-73.

but instead, used funds raised from consumers of finished products to pay workers for limbs and lives lost in the production process.

This thesis examines several aspects of the compensation system in British Columbia and shows how employers ultimately avoided taking responsibility for death and injury on the job through the creation of a no-fault system. Chapter One, a review of American and Canadian compensation histories, demonstrates how compensation was erroneously understood to benefit labour, and its effect on female participation in the workforce was never considered. Chapter Two examines the British Columbia Factory Inspector's assumptions about workplace injuries. The inspector used language of blame and moral culpability to implicate workers, not working conditions, as the cause of accidents.[2] Chapter Three studies why the assumptions of the inspector regarding fault in

---

[2] The Factory Inspector *Reports* are used in this thesis to explore accident analysis techniques prior to the creation of the Worker's Compensation Board in 1917. It is important to note that other documents, such as the annual *Report of the Minister of Mines*, also show how the state interpreted accidents. The descriptions of accidents provided in the Mines reports shared many characteristics with the Factory Inspector *Reports*. For example, Mines reports distinguished between ethnic groups as to rates and types of accidents. Also, the Mines reports always defined accidents in relation to production levels; in each report the number of accidents was expressed in relation to tons mined. This thesis focuses on the Factory Inspector *Reports* since they clearly reveal the value capitalism placed on injury and death. The Factory Inspector *Reports* are not the only source which proves how the state interpreted accidents; but the *Reports* are a valuable indicator of the type of analysis used by the state to blame workers and protect employer profits. See "Annual Report of the Minister of Mines for the Year Ending 31 December, 1910." British Columbia Sessional Papers. Victoria: Richard Wolfenden, 1911, pp. K1-K269; see also: "Annual Report of the Minister of Mines for the Year Ending 31 December, 1911." British Columbia Sessional Papers. Victoria: William H. Cullen, 1912, pp. K1-K313; "Annual Report of the Minister of Mines for the Year Ending 31 December, 1912." British Columbia Sessional Papers. Victoria: William H. Cullen, 1913, pp. K1-K347; "Annual Report of the Minister of Mines for the Year Ending 31 December, 1913." British Columbia Sessional Papers, Volume 1. Victoria: William H. Cullen, 1914, pp. K1-

accidents did not consider the power employers had in the workplace. Chapter Four examines court cases which were the other component of the pre-1916 compensation legislation system. Here, the effect compensation court cases had on class conflict and the family structure is significant. Also, Chapter Four examines the *Royal Commission on Labour* and shows why workers and employers agreed on the need for a new compensation system. Finally, Chapter Five considers how the *Committee of Investigation* redefined how accidents were interpreted. This chapter examines their justification for a no-fault system, and shows how no-fault compensation passed the cost of accidents to the consumer, who paid for accidents just as they paid for repairs to defective machinery.

Ultimately, this analysis addresses the issue of why little was achieved to fix the accident problem during the transformation from factory inspection legislation to worker's compensation legislation. It will show how the state used health and safety legislation to shape the conflict between business and labour, and on an ideological level, to re-interpret the meaning of accidents. This re-interpretation had significant impact on how workers received compensation, how accident victims were perceived, and how the position of the male breadwinner was reinforced. Worker's compensation legislation also explains the role of the state in the economy. Since the state created compensation legislation which limited

---

K459; "Annual Report of the Minister of Mines for the Year Ending 31 December, 1914." British Columbia Sessional Papers. Victoria: William H. Cullen, 1915, pp. K1-K54; "Annual Report of the Minister of Mines for the Year Ending 31 December, 1915." British Columbia Sessional Papers. Victoria: William H. Cullen, 1916, pp. K1-K473; "Annual Report of the Minister of Mines for the Year Ending 31 December, 1916." British Columbia Sessional Papers. Victoria: William H. Cullen, 1917, pp. K1-K547.

the profits of insurance companies it is clear that the state was semi-autonomous from the capitalist class. Although the state tended to support capitalism, it did have autonomy from the capitalist class since it could limit profits of one group of capitalists while making concessions to workers in the form of social legislation. British Columbia's compensation legislation ultimately avoided the fault analysis by taxing consumers for the deadly working conditions capitalism created.

CHAPTER ONE:
WHAT IS MISSING FROM AN ANALYSIS OF COMPENSATION LEGISLATION?

The most significant aspect in the history of British Columbia's workers' compensation legislation was its transformation from a system which emphasized blame into a method to obscure management's role in causing injury and death on the job. The compensation system, evolving during a twenty-year period, reflected the conflict between labour, business, and the state over the value placed on workers' lives. Previous analysis of compensation movements throughout North America considered several factors, including labour and business interaction, the legislative process, and economic change as explanations for the creation of compensation acts. An alternative method emphasizes the changing analysis of fault in accidents revealing the extent to which injury and death on the job were attributed to the worker or to the production process. The alternative method also considers the social impact of accident analysis and examines how the perceived normative family structure was reinforced by changing compensation legislation. The transition from fault-oriented to no-fault-oriented workplace accident legislation obscured the direct connection between the employer as the cause of injuries and the employer as the source for compensation.

Over the last thirty years, historians and social scientists interpreted accident regulation legislation in several ways. Compensation and factory legislation were described as part of election platforms, or as by-products of the social conflict between business and labour, or as inevitable developments given the economic conditions of the early twentieth century. Overall, the analysis lacked consideration of how accidents were perceived

differently by workers, employers, and the state, or how compensation payments to male breadwinners affected the family structure. A review of this historiography reveals the need for a new approach.

Martin Robin, Margaret Ormsby, and George Woodcock interpreted compensation legislation in British Columbia as a part of election platforms designed to ensure support for a weakened Conservative government. In The Rush for Spoils, published in 1972, Martin comments that during the 1916 election "the government introduced several bold new measures during the final session. A Workmen's Compensation Act, recommended by the recent *Royal Commission on Labour*, was passed providing for a system of state insurance against industrial accidents."[3] In British Columbia: A History Ormsby comments on worker compensation legislation only three times. In each instance she stressed its significance as a legislative tool to further support for a political party. Her analysis only considered compensation legislation as part of an election campaign or as a gift to better workers' lives.[4] George Woodcock, in his 1990 book, British Columbia: A History of the Province, interpreted the 1916 compensation act as legislation designed to ensure labour support for the Conservative Party in British Columbia. Woodcock suggested that the Workmen's Compensation Act was passed by the Conservative government in British Columbia in order to win the September 1916 provincial election following the resignation of premier Richard McBride. The new premier was the former Attorney-General, William

[3] Martin Robin, The Rush for Spoils: The Company Province, 1871-1933 (Toronto: McClelland and Stewart Limited, 1972), p. 159.

[4] Margaret Ormsby, British Columbia: A History (Toronto: MacMillan of Canada, 1964), p. 332, 426, 486.

Bowser. While still Attorney-General, Bowser commissioned an inquiry into compensation legislation in the United States. After he became premier his government lost two by-elections in Vancouver and Victoria. Thus, the government "received virtual votes of no confidence in the two principal cities where more than half of British Columbia's population lived."[5] To appeal to voters, Bowser designed legislation which would ensure that the "lot of workers was to be bettered by improving Workmen's Compensation and Factories Acts."[6] Unfortunately for Bowser, even though a compensation act was passed on May 31, 1916, the September election was still lost to the liberals under the leadership of Harlan Brewster.[7] From the perspective offered by Robin, Ormsby, and Woodcock the creation of compensation legislation was explained by the workings of a legislative process designed to ensure that voters support the Conservative Party.[8]

Analysis of legislative politics alone fails to capture the significance of the compensation system's evolution. Almost every state and province in North America created similar compensation legislation between 1900 and 1925, and this legislation was designed for reasons other than just to ensure an election victory. In 1917, J.E. Rhodes argued in his book Workmen's Compensation that "the subject of workmen's

---

[5] George Woodcock, British Columbia: A History of the Province (Vancouver: Douglas and McIntyre, 1990), p. 196.

[6] Woodcock, p. 196.

[7] Woodcock, p. 196.

[8] Note that Jean Barman's book The West Beyond the West makes no mention of workers' compensation legislation at all. Her discussion of the 1916 provincial election includes no comment on the *Committee of Investigation* or the development of new compensation legislation. See Jean Barman, The West Beyond the West: A History of British Columbia (Toronto: University of Toronto Press, 1991), p. 199-201.

compensation...cannot be considered as an isolated instance of a certain form of social progress, but the movement must be considered as a world movement and in its proper place in the programme of social reform."[9] Compensation was not part of an isolated election platform; rather it was part of a world-wide reform movement which addressed the issue of injury and death on the job in an industrial setting. In failing to acknowledge the development of similar legislation in North America, Woodcock, Ormsby, and Martin missed the social context surrounding the development of compensation legislation in British Columbia.

Furthermore, "though politics was everything in...[their] approach to history, the state- that is, the object of political conflict and the prize of political success- was nothing."[10] The lack of analysis of the state as a complex set of institutions, and not merely the government, contributed to their failure to portray the forces that created the legislation.[11] Leo Panitch explained that the term 'state' should refer to "not merely the government, far less just the central government. The state is a complex of institutions, including government, but also including the bureaucracy the military, [and] the

---

[9] J.E. Rhodes, Workmen's Compensation (New York: MacMillan Company, 1917), p. 202.

[10] Allan Greer, and Ian Radforth, "Introduction," Colonial Leviathan: State Formation in Mid-Nineteenth Century Canada ed. Allan Greer and Ian Radforth (Toronto: University of Toronto Press, 1992), p. 4.

[11] Leo Panitch, "The Role and Nature of the Canadian State," The Canadian State: Political Economy and Political Power ed. Leo Panitch (Toronto: University of Toronto Press, 1977), p. 6.

judiciary."[12] Philip Resnick defined the state in similar terms. Resnick contends that "the state is a network of institutions, centered in, and not limited to, executive, legislative, and judicial branches called government."[13] Robin, Ormsby, and Woodcock did not give any indication of why or how workers' compensation changed because they did not analyze the process which contributed to the new compensation legislation through various state institutions. They failed to conceive of the state as anything more than legislative government. The input of labour, business, and state representatives in the 1916 Workmen's Compensation Act was not analyzed and there was no consideration of how accidents contributed to working-class poverty, or strengthened the perceived family structure by compensating a disabled male breadwinner.

When examining the development of social security legislation, such as factory acts or compensation acts, some accounts presented classes and individuals as "passive agents carrying out the task assigned to them by larger historical processes."[14] An example of a work that adopted this approach to legislative and economic change is The Emergence of

---

[12] Panitch, p. 6.

[13] Philip Resnick, The Masks of Proteus: Canadian Reflections on the State (Kingston: McGill-Queen's University Press, 1990), p. 255.

[14] Eric Tucker, Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850-1914 (Toronto: University of Toronto Publishers, 1990), p. 7; see also: Rennie Warburton, "Conclusion: Capitalist Social Relations in British Columbia," Workers, Capital and the State in British Columbia, Selected Papers ed. Rennie Warburton and David Coburn (Vancouver: University of British Columbia Press, 1988), p. 263-288; Rennie Warburton and David Coburn, "Introduction," Workers, Capital and the State in British Columbia, Selected Papers ed. Rennie Warburton and David Coburn (Vancouver: University of British Columbia Press, 1988), p. 7.

Social Security in Canada by Dennis Guest.[15] In his 1980 book, Guest argued that during the early 1900's the Canadian state shifted from a residual to an institutional concept of social welfare. By 1900 "the idea of limiting social security organizations to a role residual to those of the private market and the family had gradually given way to the view that social security organizations must be designed as a first line of defense."[16] Institutionalized welfare systems developed to address poverty and workers' health. He characterized the development of the workers' compensation system in Ontario as the "first stage of the modern era." His goal was to show that state-administered compensation legislation was modern, progressive, and efficient.[17]

In his book, Guest suggested that workers' compensation developed because of economic change. He noted that the number of industrial accidents rose at the turn of the century "as a result of the application of steam and then...electrical energy to the industrial process, which required people to work in close proximity to machinery that was heavier, faster, and infinitely more dangerous to life and limb."[18] He further suggested that workers' compensation was a benefit for employers. They no longer faced the risk of lawsuits from employees, and employee relations improved because the adversarial court system was not used to settle accident claims. He concluded that "the introduction of the Ontario Workmen's Compensation Act with its modern focus, conferring right to benefit,

---

[15] Dennis Guest, The Emergence of Social Security in Canada (Vancouver: University of British Columbia Press, 1980), p. 2.

[16] Guest, p. 2.

[17] Guest, p. 40.

resulted in a hair-line crack appearing in the residual mold of Canadian social security provision."[19] Compensation legislation was a significant advantage for labourers who enjoyed improved protection through a state regulated insurance plan and it was also a benefit for businesses which were freed from costly litigation.

Several problems exist with the analysis provided by Guest. He assumed that legislative developments extending health and injury insurance to labourers were essentially positive, and were examples of modern, enlightened legislation. He failed to recognize that what is characterized as 'modern' may not be beneficial to every member of a community. Specifically, by legitimizing the legislative activity of the state, he failed to prove who benefited from compensation, and how they benefited. Guest did not show, for example, that workers' compensation legislation was not designed to cover occupations dominated by female employees, nor did it universally cover workers in all classes of society. However, in Guest's work the development of state administered compensation was presented as a machine-like progression, through which the state addressed concerns that 'obviously' needed attention.[20]

As well, Guest suggested that economic change alone explains the development of compensation legislation. He argued that economic conditions necessitated reform of compensation laws because the production process was industrialized and accidents were increasing. In highly industrialized working conditions, employees were injured more often because of exposure to complex machines. Given these conditions, compensation

---

[18] Guest, p. 40.

[19] Guest, p. 47.

legislation *had to be passed*. The assumption, however, that economic change alone necessitated legislative change is false because it fails to account for the roles that various actors like organized labour, associations of businesses, and insurance companies played in shaping the type of compensation legislation created. This account of the development of compensation is "significantly weakened by the misplaced assumption that the identification of changing 'needs' in itself explains the development of new institutions to meet such needs."[21] Furthermore, there is no guarantee that because a public need is identified (in this case the public need is the reduction of the high accident rate created by industrialism in the early twentieth century), that the public need will be addressed 'fairly' by the state. Often, "the logic of industrialism...[was] seen as a sufficient explanation of the rise of welfare state institutions without identifying the political and historical actors and forces which were to make such changes happen."[22] Eric Tucker noted that

> Canadian historians such as Bryan Palmer and Gregory Kealey have produced a body of work which stresses the importance of examining the working-class experience of, and response to the development of, industrial capitalism. Their approach rejects the view that workers passively accept the capitalist transformation of the social formation or that history can be understood as the unfolding of forces largely beyond the reach of human agency. Rather, they have emphasized the need to appreciate and take account of the way class struggles both shaped and were shaped by the contours of capitalist accumulation.[23]

---

[20] Greer and Radforth, p. 4.

[21] Christopher Pierson, Beyond the Welfare State? (University Park: The Pennsylvania State University Press, 1991), p. 20.

[22] Pierson, p. 21.

[23] Tucker, Administering Danger in the Workplace, p. 7.

To understand why compensation legislation developed in British Columbia, it is necessary to consider the individuals who played a role in shaping the legislation and understand how accidents were interpreted.

A number of historians have analyzed compensation in Canada and the United States with assumptions different from Guest, Woodcock, Martin, or Ormsby. Other historians described how the relationship between business groups and labour organizations affected the outcome of compensation legislation reform. An analysis of these works reveals how consideration of the underlying power structure in the relationship between business and labour is necessary to know why a shift from fault to no-fault compensation legislation occurred.

James Weinstein was an advocate of the argument that compensation legislation benefited business while undermining the power of organized labour. In his 1967 essay, "Big Business and the Origins of Workmen's Compensation," he argued that big business in the United States came to accept workers' compensation because they saw it as a legal way to undermine the power of organized labour. He argued that the activities of business and civic organizations, not organized labour, were crucial in implementing compensation legislation. By 1920 every state in the United States, except six in the south, had compensation legislation, primarily because of the activities of the National Civic Federation and big business.[24] This legislative development "represented a growing maturity and sophistication on the part of many large corporation leaders who had come

[24] James Weinstein, "Big Business and the Origins of Workmen's Compensation," Labor History vol. 8, (1967), p. 174.

to understand...that social reform was truly conservative."[25] Weinstein viewed workers' compensation as a conservative reform to mask the negative effects of industrialism and accidents. The legislation helped regulate the economy, and although it offered benefits to labour, it was social legislation operating within a capitalist system.

Roy Lubove, in his 1967 essay, "Workmen's Compensation and the Prerogatives of Voluntarism," agreed in principle with Weinstein's argument. Lubove argued that workers' compensation in the north eastern United States was accepted by business and labour because it was an expedient method of addressing the growing number of workplace injuries occurring in the early 1900's. Employers responded favorably to the possibility of compensation legislation since it would reduce their costs and because they were exposed to the ideas of workplace safety through various studies of accidents.[26] Employers in the United States realized that because of statutory modifications to the common law in the early twentieth century, employees suing employers following accidents had a much more favorable position. "Employers and insurance officials complained...of the tendency of lower-court juries to favor the plaintiff, necessitating appeals and further litigation. The employer, in a sense, confronted a practical choice between compensation and continued erosion of his common-law advantage."[27] Faced

---

[25] Weinstein, p. 174.

[26] Lubove cites Crystal Eastman's study of accidents in Allegheny County, Pennsylvania. Eastman examined the social impact of accidents on working-class families. Her book included a statistical analysis of accidents in Pennsylvania. Roy Lubove, "Workmen's Compensation and the Prerogatives of Voluntarism," Labor History vol. 8 (Fall, 1987), p. 255; see also: Crystal Eastman, Work-Accidents and the Law (New York: Charities Publication Committee, 1910), p. 85.

with the possibility of higher costs from court cases and injuries, employers embraced compensation as a way of lowering accident insurance premiums. Lubove directly discounted the idea that compensation was initiated for any other reason than to further the interests of business. He stated "compensation...could not have been established without the cooperation of employers. Indeed, they often assumed the initiative in sponsoring worker's compensation and the program ultimately was shaped by their objective rather than the need of the injured."[28] Here again, compensation legislation was conservative reform reflecting a business victory over labour.

In contrast to the these arguments was Robert Wesser's 1971 essay, "Conflict and Compromise: The Workmen's Compensation Movement in New York, 1890's-1913." Wesser concluded that workers' compensation legislation in New York was a benefit to labour, and his argument was directed at contradicting the research of Weinstein and Lubove. Wesser suggested that by 1910 every major social group in the United States wanted reform to compensation laws. Yet, there was never any harmony between business and labour, and furthermore, organized labour played a much more significant role in securing pro-labour compensation legislation. Wesser showed that between 1910 and 1913 organized labour and the Democratic Party were gaining power in New York. There was some support for compensation legislation by business in the state, but by 1913 they were on the far right wing of the compensation movement which was directed by labour. The result was a pro-labour compensation bill, later viewed as one of the most progressive in the country. He concluded by stating that "in balance it was hardly an affirmation of the

[27] Lubove, p. 260.

'prerogatives of voluntarism,' to use Roy Lubove's term; nor was it, as James Weinstein has intimated, a movement for the political rationalization of the needs of business."[29]

Robert Asher outlined the problems of business and labour relations over the issue of workplace safety in his 1987 essay "The limits of Big Business Paternalism: Relief for Injured Workers in the Years before Workmen's Compensation." Highlighting the United States Steel Company, he concluded that economics and politics, not benevolence, drove them to invest in a workplace safety plan for their employees.[30] Employers embraced compensation because of the threats of adverse publicity, antitrust action, unionization, and political socialism. "Even then, corporate paternalism was contradictory, stressing safety and higher levels of accident compensation while striving for a greater intensity of labour, which increased the likelihood of fatigue and accidents."[31] Corporations in the United States strove to maximize their control over the labour process and minimize the cost of accidents; workers' compensation legislation gave them the chance they needed. Compensation legislation shifted the workers' dependence from the union to the company, as workers looked to corporations rather than unions to provide them with relief when injured.

---

[28] Lubove, p. 274.

[29] Robert Wesser, "Conflict and Compromise: the Workmen's Compensation Movement in New York, 1890's-1913," Labor History vol. 12 (1971), p. 372.

[30] Robert Asher, "The Limits of Big Business Paternalism: Relief for Injured Workers in the Years before Workmen's Compensation," Dying For Work: Workers' Safety and Health in Twentieth-Century America ed. David Rosner and Gerald Markowitz (Indianapolis: Indiana University Press, 1987), p. 30.

[31] Asher, "The Limits of Big Business Paternalism," p. 31.

Michael Piva's analysis in "The Workmen's Compensation Movement in Ontario," published in 1975, also concluded that compensation legislation benefited business by rationalizing the new industrial order. Piva criticized previous attempts to analyze compensation, stating "Canadian historians have been loathe to investigate the movement for worker's compensation. They have doffed their hats at the passage of the act but have neglected to examine the socio-economic dynamics behind the compensation movement. Because of this lacuna in Ontario social history it is necessary to examine the Ontario worker's compensation movement from the perspective of the two social groups most vitally involved: the workers and the businessmen."[32] He drew some comparisons with the United States showing that businesses in Canada supported state insurance because they believed that it would reduce costs further than private insurance. Also, he demonstrated that this conflicted with the opinion in the north eastern United States where business tended to support the presence of competing insurance companies. Overall, Piva's argument characterized the development of Ontario's compensation system as a conflict between business and labour.[33]

Regardless of the conclusions drawn by these historians, the theme that united all of their works is that they saw compensation as benefiting workers and employers differently. Compensation was not justified by any of them as a step to further equality or social justice; rather it was seen as another example of how the power struggle between business and labour was worked out. The material advantages of compensation were not

---

[32] Michael Piva, "The Workmen's Compensation Movement in Ontario," Ontario History vol. 62 (1975), p. 39.

equal, and the types of compensation legislation designed in Ontario and the United States reflected the relative powers of the participants rather than the benevolent concerns of the state. Thus, compensation legislation is either a benefit to workers, ensuring, in a small way, that they have more power in the economy since they have some funding even if injured. Or, compensation legislation is an example of business and the state shortcoming some of the gains made by workers by making small token reforms, rather than addressing the underlying issue of the power workers have in the economy.

Notable in the analysis of compensation by Weinstein, Asher, Lubove, Wesser, and Piva is that all of them presented the conflict over the creation of the compensation system only as a conflict between labour and business elites. None of them "lay out the forms of class struggle that helped induce these elites to push for replacing the employers' liability system"[34] For example, Piva focused on the conflict over the design of Ontario's workers' compensation legislation between the Canadian Manufacturer's Association and organized labour, but not until the end of his article did he address the underlying issue of compensation legislation, namely, the way it treated the accident victim. Piva noted that "for the worker, compensation offered only a modicum of security against the dangers of industrial occupations. A severed limb could not be replaced and the reduced earning capacity of a maimed worker could not wholly be supplemented by pension. Important as compensation undoubtedly was, it could not address itself to the fundamental problem -

---

[33] Piva, p. 56.

[34] Anthony Bale, "America's First Compensation Crisis: Conflict Over the Value and Meaning of Workplace Injuries Under the Employers' Liability System," Dying For Work: Workers' Safety and Health in Twentieth-Century America ed. David Rosner and Gerald Markowitz (Indianapolis: Indiana University Press, 1987), p. 34.

industrial accidents."[35] Weinstein's analysis revealed the desires of those involved in the design of a compensation system; yet his analysis focused on elites. He noted "success, in the sense of legislation enacted, followed upon the adoption of particular reform programs by big business leaders."[36] Yet, the significance of the shift from employer's liability to workers' compensation legislation was that accidents were interpreted differently with unique implications for the power that both labour and business enjoyed. Accidents had a severe social impact and the response to accidents reflected a growing concern about how the breadwinner and the family were affected by injury and death on the job. None of the authors cited above clearly articulated their assumptions about the power labour or business had, particularly when it came to the ideology of accident interpretation. One reason for the absence from the historiography of any extensive commentary on compensation was that the struggle for compensation reform "was acted out largely through adjudication of individual cases, rather than through collective action."[37] Unfortunately, with the twenty-five years of historiography referred to here, the analysis only focused on the interaction between labour and business elites.

An alternative method of analysis focuses on both how accidents were perceived by the state, and how the changing method of reviewing fault in accidents contributed to reinforcing the family structure. The issue of how accidents were interpreted is significant

---

[35] Piva, p. 56.

[36] Weinstein, p. 157.

[37] Bale, p. 35.

because in 1915 and 1916 the state in British Columbia shifted the focus from fault to no-fault interpretations of accidents. This transition in addressing accidents also reflected perceptions of the family structure and female workers.

As Eric Tucker noted, analysis of the parties in the struggle for compensation legislation reform is essential, but it does not reveal all of the reasons for the legislative change.[38] Examining the relationship between labour and business, as most research has done, did not reveal how "power was mediated, in more or less complex ways, through various institutional structures."[39] Thus, analysis of how the state shaped and controlled the conflict between business and labour over the meaning of accidents is needed to explain how the ideology of accident interpretation was so drastically altered.[40] This type of analysis is important because "much of what goes on around workplace injuries in the courts, press, regulatory arena, shop floor, unions, etc. constitutes a discourse concerning the meaning and consequences of these events."[41] Dealing specifically with accidents, an accident created a puzzling situation for business, labour, and the state because no legislation defined what an accident was, and when an accident occurred, individuals tried to interpret responsibility, and then, determine who was at fault. Thus, it is essential to examine how the state attributed blame in accidents in order to understand how and why compensation was allocated.

---

[38] Tucker, Administering Danger in the Workplace, p. 211.

[39] Tucker, Administering Danger in the Workplace, p. 211.

[40] Panitch, p. 6; see also: Tucker, Administering Danger in the Workplace, p. 6; Resnick, p. 225.

The conflict over the meaning of accidents focused on how to interpret accidents and translate accidents into either moral claims against the employer for compensation or as economic claims against the state. The transition from the fault to the no-fault system in British Columbia revealed how the interpretation of accidents affected the social relations of classes in the province. Since accidents, after 1916, were interpreted on a no-fault principle, any basis for claims workers could make against their employers for accidents was gone. Changing workplace safety legislation revealed the lengths the state undertook in order to present accidents to workers as a basis for making economic claims rather than moral claims about wrongdoing.[42]

Workers, especially female workers, were affected dramatically by no-fault compensation legislation. Efforts were made to limit the participation of women in factories, and to restrict their access to compensation coverage in industries dominated by female labour. It is necessary to consider how perceptions of the roles women played in the workplace influenced the compensation system. Throughout the efforts of the Factory Inspector, and in the development of the 1916 Workmen's Compensation Act, evidence suggested that compensation legislation was designed to limit the role women played in the workplace and reinforce the male breadwinner of the family. Male accident victims were compensated for their injury so that they would not be dependent on income from their spouse or children.[43] Underlying the development of the compensation system in

---

[41] Bale, p. 35.

[42] Bale, p. 34-35.

[43] Joy Parr, The Gender of Breadwinners: Women, Men, and Change in Two Industrial Towns, 1880-1950 (Toronto: University of Toronto Press, 1990), p. 176.

British Columbia is a transition in the treatment of accident victims from morally culpable workers to blameless by-standers, and a shift of responsibility in paying for accidents from the employer to the consumer.

CHAPTER TWO:
BLAME AND CULPABILITY IN THE FACTORY INSPECTION SYSTEM

Production in the late nineteenth and early twentieth century created health and safety risks for producers.[44] The employees of factories and sawmills throughout British Columbia were injured and killed because they worked in a mechanized production process. C.R. Gordon, the provincial factory inspector between 1910 and 1916 blamed most accidents in his annual *Report* on worker carelessness or unavoidable conditions of employment and production. The interpretation he gave of the causes and consequences of workplace accidents failed to acknowledge the position of workers in the capitalist economy. By suggesting that workers were injured or killed because of their carelessness, or that their accidents were unavoidable given the nature of work, Gordon failed to acknowledge the central cause of workplace accidents. He failed to explain the strong relationship between the work process in an industrial economy, controlled and regulated by employers, and the injuries and deaths that the work force sustained.

The annual *Report* provides an opportunity to examine the perceptions one inspector had of accidents suffered by the working-class. The inspector's perceptions are evident by reviewing the origin and purpose of British Columbia's factory safety legislation. Accidents were blamed on employees and attributed to unavoidable conditions of employment in a higher proportion in the British Columbia *Report* than in United States factory inspection records. Comparing the British Columbia records to the American records reveals the ideological assumptions of the inspector and provides a basis to see

[44] Tucker, Administering Danger in the Workplace, p. 5.

how employers and the state interpreted the meaning of accidents. Also, the assumptions of the inspector regarding accidents and regarding the role of the male breadwinner in the family are evident. During this period, blame and culpability were key concepts in the analysis of accidents. The morality and behavior of accident victims, not the conditions of employment which workers were subjected to, was the focus of the inspector's work.[45]

Factory inspection occurred in British Columbia between 1910 and 1916. The 1908 Factories Act provided the legal basis for government inspection of factory conditions in British Columbia and worked in conjunction with the 1902 Workmen's Compensation Act to regulate the conflict over workplace death and injury. Under the 1908 Factories Act, a single inspector, C.R. Gordon, was appointed to review and report on factory safety. The legislation defined a factory as any "building, workshop, structure, or premises" that used "steam, water, or other mechanical power" in moving or working machinery, and which employed five or more people.[46] The inspector examined the conditions of employment for men and women in the factory, ensured that children were not working, and fined employers who failed to follow government guidelines on hours of employment and sanitation. Strict guidelines were imposed regulating female labour. The guidelines regarding female labour both restricted their employment opportunities and

---

[45] In terms of the words "blame" and "culpability" it is important to note that there really are two things going on here. Blame refers to the process of attributing responsibility for some action. Culpability, however, means something different altogether. Culpability means that the individual is *deserving* of the blame. The inspector blamed workers *because* he believed their actions contributed to accidents.

[46] Factories Act, 1908. 8 Ed. 7.

demonstrated the concern for how accidents directly affected the family. Women were not allowed to be employed in work that could cause permanent injuries, nor could they be employed for more than forty-eight hours in a week.[47] The inspector also had the power to impose safety regulations on any factory. The most significant aspect of this legislation was its requirement that employers voluntarily report all workplace accidents. Sections thirty-eight and forty specified that in the case of an accident which disabled an employee for more than six days, or in the case of a death, the employer had to send notice to the inspector. The Factories Act, although passed in 1908, was not enforced in British Columbia until it was amended in 1910. The amendment prevented factory inspectors from being called as witnesses in civil trials when an employee was suing an employer for compensation after an accident.[48] Since the inspector could not testify against employers, the only purpose of the Factories Act was "the prevention of industrial casualties and the conservation of human resources, rather then the establishment of the" employer's liability.[49] The Factories Act guided inspectors in their examination of workplace accidents from 1910 until 1916.[50]

---

[47] Factories Act, 1908.

[48] Factories Act, 1910. 1 Geo. 5.

[49] Rhodes, p. 80.

[50] Factories Act, 1908; see also: Factories Act, 1910; Avard Pineo, David Robertson, James McVety, Report of the Committee of Investigation on Workmen's Compensation Laws (Victoria: William Cullin, 1916), p. 8-9.

Gordon, the inspector for British Columbia, published an annual *Report* on factory conditions and accidents in 1910, 1912, 1913, and 1916.[51] In each *Report* he described his activities as inspector, commented on safety conditions in factories, and related the responses of employers and employees to his work. Only the 1910 and 1916 *Report* listed all the accidents reported to the inspector during the year. In 1910 Gordon reported that one hundred nineteen accidents and additional fifteen fatal accidents occurred.[52] In 1916 he claimed that there were one hundred sixty-six accidents with twenty additional fatal accidents.[53] For every accident, the 1910 *Report* listed several pieces of information in a table. The *Report* gave the date of the accident, the name of the employer, the city of employment, the industry, and the name and age of the person injured. As well, a brief description gave information on how the accident happened, the extent of the injuries suffered, and an indication of who was at fault. Descriptions of fatal accidents were listed in a separate table. A third table in the 1910 *Report* listed businesses inspected, power used, and the number of male and female workers employed in each factory or sawmill.

---

[51] C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26. (Hereafter referred to as 1910 *Report*)
See also:
C.R. Gordon, "Report of Factories Inspector, 1912," British Columbia Sessional Papers (Victoria: William H. Cullen, 1913), p. M13-M15. (Hereafter referred to as 1912 *Report*)
C.R. Gordon, "Report of Factories Inspector, 1913," British Columbia Sessional Papers, Volume 2 (Victoria: William H. Cullen, 1914), p. Q23-Q29. (Hereafter referred to as 1913 *Report*)
C.R. Gordon "Report of Factories Inspector, 1916," British Columbia Sessional Papers, Volume 1 (Victoria: William H. Cullen, 1918), p. B101-B119. (Hereafter referred to as 1916 *Report*)

[52] 1910 *Report*, p. I5.

[53] 1916 *Report*, p. B102.

The 1916 *Report* listed all fatal and nonfatal accidents in an appendix. The 1916 *Report* provided information on the date of the accident, occupation of the injured or killed worker, and description of how each accident occurred. Although the descriptions given of each accident were brief, the information provided was generally complete, and the cause of all accidents was determined.[54]

This study uses tables from the annual *Report* to construct a database of factory and sawmill accidents in British Columbia for 1910 and 1916. All the accident cases listed in the *Report* for those two years were entered into the database. The description of each accident was used to determine what type of machine caused the accident, the type of injuries sustained, what part of the person's body the injury affected, and who was at fault for causing the accident. Although Gordon didn't always explicitly specify who was at fault for the accident, the language he used to describe each accident generally indicated who he thought was responsible. For all accidents, the person or conditions blamed were listed in the database as either the employee, employer, fellow employee, unavoidable, or unclear.[55] The ethnic origin of each of the 1910 accident victims was determined from the name of the employee listed in the 1910 *Report*. Individuals were divided into four ethnic categories: Anglo-Saxon, Native Indian, Asian, and other non-Anglo-Saxon.[56] Since it was

---

[54] Only seventy-eight out of one hundred thirty-four cases in the 1910 *Report* list the age of the accident victim. One hundred thirty-three out of one hundred thirty-four cases from the 1910 *Report* list a name of the injured employee. Finally, one hundred eighty-one out of one hundred eighty-six cases in the 1916 *Report* list a date for the accident.

[55] Appendix Thirteen describes how I determined who was at fault for an accident.

[56] Asians include East Indians, Chinese, and Japanese. Other non-Anglo-Saxons include Southern and Eastern Europeans and Jewish names. To determine the ethnic origin of a

possible to determine which industry employed the injured worker from both the 1910 and 1916 *Report*, accidents were classified as having occurred in sawmills or in factories. Information on the size of factories also existed in the 1910 *Report* and all factories which reported accidents were listed in the database. Factories were recorded as either large, employing over fifty people, or small, employing under fifty people. The database, through the categorization of fault, recreated the perception the inspector had of the causes of workplace accidents.

Historians have noted that limitations exist in using the annual *Report* as a source for determining the conditions of employment experienced by the working class. Limitations exist in the usefulness of the source because the inspector depended on employers to report accidents. Michael Piva stated that the "statistics from the factory inspectors do not tell the whole story...The accidents reported to the inspectors...illustrate only the tip of the iceberg."[57] Piva believed that it was common for employers not to report accidents.[58] However, Eric Tucker noted that the reporting of deaths, which employers could not conceal easily, was accurate.[59] Although these historians were commenting on the Ontario factory inspection system, the criticisms they

---

worker based on the name, I used three sources: Patrick Hanks and Flavia Hodges, A Dictionary of Surnames (New York: Oxford University Press, 1988); Elsdon Smith, American Surnames (Philadelphia: Chilton Book Company, 1969); Surnames in the United States Census of 1790: An Analysis of National Origin of the Population (Baltimore: Genealogical Publishing Company, 1969).

[57] Piva, p. 40.

[58] Piva, p. 40.

[59] Tucker, p. 181.

raised are equally as valid for British Columbia. Each annual *Report* is useful because it demonstrates how the expectations of the inspector affected his explanation for who was at fault in accidents, even if it doesn't accurately show the real number of accidents.

In both the 1910 and 1916 *Report*, Gordon attributed a higher proportion of accidents to the fault of employees and to working conditions than other inspectors did in North America. The inspector's world-view and methodology account for the higher proportion of accidents blamed on workers. Comparing the British Columbia records to American factory safety records reveals three patterns. These patterns highlight how the power imbalance between employers and labour in British Columbia was reinforced through the inspector's *Report*. Gordon's 1910 *Report* showed that initially, employees were blamed more often for their accidents in British Columbia than workers elsewhere in North America. British Columbia employers were rarely held accountable for accidents in 1910 and 1916, while employers in other areas were blamed in as many as 50% of the factory accidents reported.[60] Finally, most accidents in British Columbia were categorized as resulting from unavoidable conditions of factory employment, and no one was blamed for causing the accident. The language Gordon used, both in the form of the tables he created and in the *Reports*, to attribute fault in accidents revealed his assumption that the power imbalance between workers and employers had little to do with the cause of injuries and deaths.

---

[60] See Appendix One.

The high proportion of employees blamed for accidents is consistent with the expectations of the inspector. As Appendix One shows, 31.3% of accident descriptions indicated that the employee was to blame in the 1910 *Report*, while 12.9% of accidents were described by Gordon as being caused by employees in the 1916 *Report*. The rate at which employees were blamed in Germany, New York, Pittsburgh, and Wisconsin ranged between 7.6% and 28.8%.

A greater proportion of accidents were blamed on workers in the 1910 *Report* than in all other inspector reports listed. For example, the inspector described one accident in 1910 in which an apprentice injured himself. In the description he highlighted how the apprentice violated a safety rule by touching a machine while it was in motion. He stated that the "apprentice was running [a] boring-machine, shut off [the] power and tried to stop [the] bit with [his] hand...Hand struck revolving knife."[61] Also in 1910, the inspector reported how a worker's little finger was severed because of their misconduct. The worker had "undertook to pull sliver from between lath-bolter saws while running, and his hand was pulled into [the] saw."[62] The decrease in the number of cases between 1910 and 1916 in which Gordon attributed the cause of the accident to the employee is consistent with his claim that by 1916 more employers were enforcing safety rules in the workplace.[63] Thus, more of the accidents reported in 1916 were described as unavoidable under any circumstances, rather than the fault of a specific employee.[64] For example, one accident

---

[61] 1910 *Report*, p. I22.

[62] 1910 *Report*, p. I25.

[63] 1916 *Report*, p. B101.

involved a worker who was electrocuted. The worker was "employed by smelting company, but had been loaned to power company to remove some insulators from their auxiliary line. He met his death while doing his work"[65] These accidents were viewed as unpreventable under any circumstances. Still, the proportion of accidents blamed on workers in the 1910 and 1916 *Report* reflects the assumption that accidents were caused by careless workers.[66] Gordon clearly stated that he believed workers were careless. He noted in 1910 that around belts and pulleys, "workmen will take risk to save a few moments in many cases to save stopping work of the shop to put on or take off a belt."[67] The carelessness of the worker was blamed, not the production process in the factory.

Appendix One also shows that the inspector avoided blaming, or did not have any evidence to blame employers for creating the conditions which caused accidents. The British Columbia *Report* showed that no accidents were blamed on employers in 1910, and only 1.1% of accidents indicated that the employer was at fault in 1916. These figures are much lower than the proportion of employers blamed in the United States for causing factory accidents. The employer was blamed in 11% of the accidents in Wisconsin, 39.1% of the accidents in Pittsburgh, 49.5% of the accidents in New York, and 16.8% of the accidents in the German study. The responsibility of employers for creating conditions

---

[64] 1916 *Report*, p. B101.

[65] 1916 *Report*, p. B110.

[66] See Appendix One.

[67] 1910 *Report*, p. I5.

which caused accidents was acknowledged in the United States studies and denied by Gordon in British Columbia.[68]

The reason why few employers were blamed for causing accidents in British Columbia was partly because of the method Gordon used to gather evidence and because the inspector favored persuading employers to create reasonably safe working conditions rather than prosecuting them for safety violations.[69] In 1910, when factory inspection began in British Columbia, Gordon was unwilling to criticize *any* employer for violating safety regulations, hoping that he would eventually develop a good relationship with the province's manufacturers.[70] In the 1910 *Report*, Gordon noted that his methodology as inspector would be to persuade foremen and employers to make their working conditions more safe by trying to prove to them that safe factories were efficient factories. By 1916 only 1.1% of accidents were described by Gordon using language which would imply that the employer was to blame for causing the accident. Although the inspector said in the 1916 *Report* that the "modern manufacturer is always glad to receive suggestions that will improve the conditions or secure the safety of the workmen in his employ", he stated that he met "with some opposition to orders and the enforcement of the law".[71] Gordon blamed employers for accidents if evidence was provided showing that they did not enforce safety regulations by providing guards for machines, and by ensuring that

---

[68] See Appendix One.

[69] 1910 *Report*, p. I8.

[70] 1910 *Report*, p. I8.

[71] 1916 *Report*, p. B101.

machines were not defective.[72] In the 1914 *Report*, he had stated that "a large number of accidents could be avoided if those in charge of factories would insist upon their rules being obeyed."[73] By not holding employers responsible for causing accidents, Gordon showed that he thought workers simply had to accept a level of inherent risk in their work, even when their employers followed safety regulations.

Finally, a higher percentage of British Columbia accidents were described by the inspector using language that would suggest the accident was unavoidable. As Appendix One shows, between 65.7% and 79.6% of accident cases in British Columbia were described as unavoidable in 1910 and 1916. The German, Wisconsin, New York, and Pittsburgh studies cited the cause of accidents as unavoidable in between 14.6% and 50% of cases. The reason why accidents were viewed as unavoidable is evident in his *Report*. In 1912 Gordon stated that "the best authorities, after careful consideration, are unanimous in the opinion that a large percentage of industrial accidents can be prevented if the proprietors or managers of factories take up the question seriously in their establishments."[74] The inspector in British Columbia believed that once employers educated workers about safety conditions, any accidents that did occur were almost always the unavoidable consequences of production.[75]

---

[72] 1914 *Report*, p. Q25.

[73] 1914 *Report*, p. Q25.

[74] 1912 *Report*, p. M13.

[75] 1916 *Report*, p. Q25. For example, Gordon noted in several accident descriptions that although an employee was injured, a guard or safety device was in use on the machine, suggesting that the accident was unavoidable.

The inspector's assumptions were reinforced through his method of reporting accidents. Gordon relied on employers to inform him of injuries and deaths, and, despite the threat of fines for not reporting accidents, he noted that "many accidents I first learn of through the newspapers".[76] As a result of his method, the inspector was never certain that he recorded all the factory and sawmill accidents in his *Report*. As well, an even more complicated issue arises in his methodology which predetermined the conclusions he could draw from his interviews with workers and employers. Inspectors often interviewed the employees and foreman of an injured or killed worker to determine who was to blame for the accident. The testimony given to coroners and inspectors regarding workplace injuries and deaths was very prejudicial:

> [Testimonies almost always had] a tendency to lean to one side. The witnesses are employees of the company, including almost always the superior of the man killed. It is to his interest first to clear himself of all implication; second, to clear his employer. The easiest and safest way of accomplishing these ends is to blame the dead man. The same motives, in perhaps lesser degree, affect the fellow workman who testify.[77]

The inspector's assumption that careless workers or harsh working conditions killed or injured countless workers was reinforced in his evidence because of the method he used in questioning witnesses. The inspector did not think that accidents were caused by the

---

[76] 1910 *Report*, p. I5.

[77] Eastman, p. 85; see also Andrew Mason Prouty, More Deadly Than War: Pacific Coast Logging, 1827-1981 (New York: Garland Publishing Inc., 1985), p. 117. Prouty noted that workers were often reluctant to blame sawmill owners for accidents because they wanted their children to one day have a job in the mill.

conditions employers created in the workplace because he rarely received indicators of this cause in the descriptions of accidents.

Again, evidence from the accident tables in the 1910 and 1916 *Reports* confirms that the method of investigating accidents resulted in more employees being blamed. Because the inspector questioned employees, foremen, and the employer to determine who was responsible, more fatal accidents were blamed on the worker than non-fatal accidents. In 1910, 46% of fatal accidents were blamed on the dead worker. Appendix Two also shows that in 1910 only 29% of non-fatal accidents were attributed to the actions of the worker. In 1916 a dead worker was blamed twice as often as a worker with a non-fatal injury. Appendix Three shows that 11.45% of non-fatal accidents were blamed on workers while 25% of fatal accidents were blamed on workers. This evidence confirms that although fewer workers were blamed for accidents in 1916 the inspector still blamed dead workers, presumably because they could not defend themselves from the accusations made by fellow-employees, employers and the inspector himself that they caused the accident.

The ideology of factory inspectors concerning accidents throughout North America had four common components. First, inspectors believed that accidents were either preventable or non-preventable.[78] Preventable accidents were accidents that could have been avoided had the employee followed safety regulations, or had the employer enforced those regulations. Non-preventable accidents were those that resulted from

---

[78] Tucker, Administering Danger in the Workplace, p. 159-160.

chance or misfortune. The implications of an inspector's ideological assumptions for his understanding of the causes of accidents was clear:

> To the extent that...[the inspector] recognized a connection between the labour process and the accident rate, he still tended to blame the worker, or consider the accident unpreventable, presumably on the basis that monotonous or intense work presented hazardous conditions that workers had to adapt to while accepting the risk of injury. The [inspector] did not feel [that he]...could interfere with the way management organized this aspect of the labour process.[79]

In British Columbia, Gordon never openly criticized management in his *Report*. He did indicate, however, that some factory accidents were unavoidable while noting that machinery must be guarded "as far as practicable."[80] Gordon did blame workers for accidents. In 1913 the inspector stated that

> the reason why accidents tend to increase in number with the growth of industry is easily discovered when we examine the general cause of the accidents: personal shortcomings on the part of employees such as recklessness, carelessness, ignorance, forgetfulness, [and] incompetence...New employees, youths, or newly arrived immigrants...are constantly being introduced into our industrial undertakings...every increase in the labour force by the addition of new men increases the accident risk.[81]

The inspector sought to eliminate economically unacceptable risks to management by suggesting guards for machinery, thus reducing the likelihood that an injured employee would have a basis to sue an employer when injured. The economically acceptable risks,

---

[79] Tucker, Administering Danger in the Workplace, p. 160.

[80] 1910 *Report*, p. I7.

[81] 1913, *Report*, p. Q25.

like the way employers organized labour in shift work or used piece work were never criticized.[82]

A second component of an inspector's world-view was his assumption that employers would naturally want to cooperate with inspectors in eliminating accidents from their factories. Inspectors assumed that factory owners were socially responsible and violations of the Factories Act were more likely because the owner was not familiar with the laws rather than because they were deliberately trying to create unsafe conditions for workers. In Ontario "regret was expressed when employers resisted recommendations that involved substantial expense, but this did not detract from the overall positive perception of employer co-operation...They were not to be treated as potential offenders who had to be carefully monitored in order to detect deviant behavior, but rather were to be assisted in their efforts to conform to the law."[83] In British Columbia a similar pattern is evident. Gordon cautioned readers of his *Report* regarding his methods:

> It will be apparent that all the work of an inspector cannot be recorded. Most of the work that he does cannot be seen; it does not appear on the surface, but lays the foundation of good results in the future conversation with a superintendent or foreman about better conditions. Telling him how good conditions are in other factories will often turn the superintendent's or foreman's thought in the right direction, and good results will likely follow.[84]

Thus, employers were viewed as responsible industrialists who were attempting to eliminate unnecessary accidents. The policy of persuading employers assumed that their

---

[82] Tucker, Administering Danger in the Workplace, p. 206.

[83] Tucker, Administering Danger in the Workplace, p. 161.

breadwinner ideology, in which it was assumed that men receive wages sufficient to support a dependent wife and children, women were treated differently by men in factory work. "The gender dimension is especially salient in a history of occupational health and safety regulation because legislation embraced gender-based protective measures."[88] In the case of female labour, the factory inspector, representing the values of middle class reformers, feared that factory work posed special hazards to female labour. Behind this theory was no scientific evidence to support a claim that women were any more susceptible to accidents than men. What motivated factory inspectors in North America in general, and in British Columbia in particular, was a belief that "the natural sphere for a woman was in the home, raising a family."[89] By claiming that women had to be protected in factories, their employment was restricted and jobs were reserved for males. The inspector's assumption that women needed separate, special treatment reinforced the role of the male breadwinner. For example, on several occasions he noted how the 1908 Factory Act called for a forty-eight-hour work week for women. He noted how a 1913 strike at the Western Cloak and Suit Company resulted in the employer requesting permission to have a fifty hour work week for women, two hours in excess of the forty-eight-hour work week.[90] Also, in 1916 he noted how due to the First World War, female employees worked longer than forty-eight hours a week.[91] The inspector reported several times how he enforced sanitary conditions in factories to ensure that separate washroom

[88] Tucker, Administering Danger in the Workplace, p. 8.

[89] Tucker, Administering Danger in the Workplace, p. 84.

[90] 1913 *Report*, p. Q27.

facilities existed for women and men. Important here is how the inspector ensured that employers had extra expenses to employ female labour, and how women were restricted from working in excess of forty-eight hours a week.[92]

Konrad Jarausch and Kenneth Hardy have noted that "since figures are always collected with a specific and often political purpose in mind, it is essential not to adopt them on faith but to investigate their origin and intention in order to make some judgment on their likely accuracy."[93] To a large extent, the observation they made applies to the *Report*. Accepting the proportion of accidents blamed on workers or the nature of their work necessitates believing that most accidents were unavoidable. Through these documents, the inspector consistently denied the context in which injuries occurred. The inspector never criticized the management process in its treatment of workers. The ideology of the inspector was evident in the language he used to describe accidents, blaming a disproportionate number of accidents on causes other than the political and economic system which controlled employees.

The factory inspector's analysis of the accidents in 1910 and 1916 gives a glimpse of how the state and employers interpreted death and injury on the job. The inspector's world-view created the interpretive mechanisms which gave meaning to the accidents he

---

[91] 1916 *Report*, p. B106.

[92] 1911 *Report*, p. I8.

[93] Konrad Jarausch and Kenneth Hardy, Quantitative Methods for Historians: A Guide to Research, Data, and Statistics (Chapel Hill: University of North Carolina Press, 1991), p. 26.

encountered. This view, however, was only one side of the meaning given to accidents. A closer analysis of those accidents in 1910 and 1916 reveals why and how labour responded. More importantly, the factory inspector began the process of interpreting accidents as chance misfortune, and, by 1916, did not blame as many workers for accidents. Gordon had stated that "by proper supervision…at least one-third of the present annual sacrifice of life and limb can be prevented, thus increasing our national assets".[94] Latent in his work is the assumption of a male breadwinner, and the idea that men, rather than women, should work in factories. His assumption about gender roles started a process of using accident regulation legislation to maintain the family structure with dependent women and children. His investigations represent the beginning of a search for a new way to incorporate accidents into the production process.

[94] 1913 *Report*, p. M14.

CHAPTER THREE:
UNDERMINING THE FAULT ANALYSIS

An alternative explanation to the worker-fault model provided by British Columbia's factory inspector consists of examining the theory that capitalist organization and mechanization of the workplace had an adverse effect on worker health. Four indicators from the 1910 and 1916 *Report* support the theory that capitalism affected worker safety. Reviewing these indicators shows how the pace of work over the year, the ethnic background of injured workers, the age of workers, and factory size were all factors which must be considered to understand why accidents occurred. The impact of industrialization, and, most importantly, the new social relations it brought to the workplace, was the cause of most accidents. The interpretation of accidents that the factory inspector provided only obscured the causes of injury and death on the job. His language of blame and culpability is not supported by any quantifiable evidence.

The capitalist system reorganized labour, and consequently, affected the rate and severity of workplace accidents by taking control of the productive process away from workers.[95] Historians like Bryan Palmer have noted that employer control had adverse effects on the workplace in the late nineteenth and early twentieth centuries. "Hours at the workplace were long,...and ventilation was poor, safety measures were minimal, and the production process was likely to be accelerated because of the reorganization of work."[96]

---

[95] Tucker, Administering Danger in the Workplace, p. 9.

Employers controlled the workplace and the way they organized work affected employee safety. Once limits on working hours were imposed, employers restructured and intensified the work process to extract as much productivity from labourers as possible.[97] "In other words, once employers established when their time began and when it ended, they set about getting as much labour power out of the worker during that time as they possibly could. Mechanization was one technique of intensifying the labour process....Intensification, however, was also achieved through innovations in organization and control, with or without extensive mechanization."[98] Taylorism was one of these forms of employer control. Frederick Winslow Taylor's management process "called for centralized planning, systematic analysis of each operation, detailed instruction and supervision of each worker...and wage payments designed to induce workers to follow instructions."[99] Although historians disagree on how to interpret the influence Taylor had on the workplace, it remains clear that "employers did succeed in intensifying the labour process by using a variety of means."[100] Yet, organization alone did not cause accidents. The specific historical circumstances of employer control of the workplace created

---

[96] Bryan Palmer, Working-Class Experience: Rethinking the History of Canadian Labour, 1880-1991 (Toronto: McClelland and Stewart, 1992), p. 165; see also: Gregory Kealey, Toronto Workers Respond to Industrial Capitalism, 1867-1892 (Toronto: University of Toronto Press, 1980), p. 82; Parr, 174-175; Tucker, Administering Danger in the Workplace, p. 2-37.

[97] Tucker, Administering Danger in the Workplace, p. 26-28.

[98] Tucker, Administering Danger in the Workplace, p. 28.

[99] Tucker, Administering Danger in the Workplace, p. 179.

[100] Tucker, Administering Danger in the Workplace, p. 179.

conditions in which accidents occurred, and were used as a basis for criticizing the value of workers.

Employer control of the workplace directly affected worker safety in three critical ways. First, it was difficult for workers to protect themselves given the power imbalance in their relationship with their employer. Workers faced dismissal if they refused to perform hazardous work.[101] Also, "workers were frequently required to spend long hours performing monotonous tasks at machines that demanded their full attention. Momentary lapses of concentration on unforgiving machinery frequently resulted in serious mishaps."[102] Finally, workplaces employed large numbers of unskilled labourers, and the work process used a sophisticated division of labour which required that workers cooperate with each other while using machinery.[103] A "consequence of this form of work organization was the increasing danger that the activities of one employee would harm another."[104] The existence of a power imbalance between workers and employers shows that when inspectors attributed injuries to unavoidable conditions of employment they masked the fact that those conditions of employment were created without the consent of workers. Some inspectors did not believe that the conditions of employment had significant consequences for workplace safety; the effects of the power imbalance between

---

[101] Tucker, Administering Danger in the Workplace, p. 29.

[102] Tucker, Administering Danger in the Workplace, p. 29.

[103] Guest, p. 39; see also: Tucker, Administering Danger in the Workplace, p. 30.

[104] Tucker, Administering Danger in the Workplace, p. 30.

worker and employer were never a significant factor in their analysis of the causes of accidents.[105]

A second aspect of industrial life was the effect machines and power supplies had on worker safety. The fundamental aspect of any factory in the late nineteenth or early twentieth century was its use of a centralized power supply.[106] The most common power supply for factories was steam, which created numerous hazards since the boilers used to produce steam were often poorly maintained.[107] The 1916 *Report* illustrated the danger of boilers in factories. One accident description read "suffocated. At time of the fatality he was relieving the day engineer. His duties consisted of keeping steam up in boilers for the use of dry-kiln....The supposition is that [he] entered the fuel-bin...[and while shoveling sawdust, a fire started]."[108] Power was transmitted throughout the factory from the boiler by a series of rotating shafts.[109] Shafting in factories was deadly. Workers knew that if they allowed any part of their body to come in contact with the rotating shaft, whether it be their hair, arms, or legs, they would most likely have that part instantly torn off. In 1910, the British Columbia inspector reported thirty-three shafting accidents.[110] One account of a shafting accident read "Cassford and...[a] man were repairing [a]...belt, [he]

---

[105] Eastman, p. 84-104.

[106] Tucker, Administering Danger in the Workplace, p. 20.

[107] Tucker, Administering Danger in the Workplace, p. 20.

[108] 1916 *Report*, p. B110.

[109] Tucker, Administering Danger in the Workplace, p. 20.

[110] 1910 *Report*, p. I21-I26.

climbed up post and stood on pipe...passed end of belt over shaft to man on floor. He had on gloves...[the] long finger-ends...[turned] around shaft, tearing out arm. No projections on shaft, perfectly smooth."[111] Equally as deadly to the shafting were the pulleys and belts that transferred power from the shafts to the machines.[112] In the 1910 *Report* Gordon described one accident involving belts that killed a worker: "[his] stomach ruptured and bowels and liver torn, dying shortly afterwards. [He placed] a loose belt on a pulley with the aid of a piece of 1 X 2 cedar about 4 feet long. The stick, slipping off the belt, struck the inside lower half of pulley which was running towards him, driving the stick back, striking him."[113] Within the workplace, accidents occurred due to boilers, shafting, belts and pulleys.

Within machines, however, were gears and cogs that had to be oiled frequently. Employers rarely permitted employees to stop machines for minor maintenance, and many accidents occurred as employees oiled and adjusted machines while they were in motion.[114] In 1910 Gordon reported that a worker had "one finger broken and three others cut. Undertook to clean out shavings from underneath gears on planer while machine in motion."[115] Finally, there was the actual working part of the machine. Wood processing

---

[111] 1910 *Report*, p. I21.

[112] Tucker, Administering Danger in the Workplace, p. 20-21.

[113] 1916 *Report*, p. B110.

[114] Tucker, Administering Danger in the Workplace, p. 21.

[115] 1910 *Report*, p. I24.

exposed workers to the most dangerous machines.[116] Saws, planers, and lathes were often unguarded, and the repetitive work performed with them often caused many injuries. The 1916 *Report* illustrated this in the following accident description which read: "three fingers of right hand amputated. Employed as sweeper. Tripped over a shovel, causing him to fall toward lathe. In an effort to save himself, his right hand was caught in the change gears of turret-lathe, such gears crushing the boy's fingers."[117] Of course, it was not just the machinery that created risks for workers; rather, it was the social relations which accompanied the introduction of this machinery into the workplace which directly threatened the health of workers.[118] Under industrial capitalist production, workers not only performed work using machines, but the conditions in which they used those machines were out of their control. It is this lack of power over the conditions of the workplace that the factory inspector did not believe had any significance for the rate and severity of worker injuries.

The cause of many accidents was revealed through the yearly pattern of deaths and injuries listed in the 1910 and 1916 *Report*. The pattern showed that worker safety was compromised by the employer's control of the workplace and production speed. Examining accidents in sawmills and factories reveals how employers caused injuries and deaths through their organization and intensification of work in seasonal or yearly cycles.

---

[116] Tucker, Administering Danger in the Workplace, p. 22.

[117] 1916 *Report*, p. B111-B112.

[118] Tucker, Administering Danger in the Workplace, p. 25.

Accidents in sawmills during 1910 and 1916 occurred in a yearly cycle. Appendix Four shows that of the ninety accidents reported in sawmills in 1910, seventeen occurred in winter, twenty-eight in the spring, twenty-seven in the summer, and eighteen in the fall. Deaths also don't appear to be random occurrences throughout the year since six of the thirteen deaths reported in sawmills occurred in the fall. In other words, 46.2% of all deaths reported in sawmills occurred in one season. Appendix Five shows that forty-four accidents were reported in sawmills in 1916. The pattern of accidents in 1916 was similar to the pattern found in the 1910 data since the number of accidents in 1916 rose steadily over the year, peaking in the summer with sixteen accidents, and then dropping off in the fall. Deaths also occurred in the final months of 1916. Four deaths were reported in sawmills in 1916. Two deaths occurred in the summer, and two occurred in the fall. Deaths and injuries occurred in patterns which mirrored when work was most intense in sawmills.

Jean Barman has noted that the seasonal intensification of work was common in the sawmill industry even into the 1950's.[119] She noted that "many small enterprises were still engaged in logging and sawmilling...on a seasonal basis in between farming or fishing."[120] Since accidents were dispersed in a seasonal pattern, relating to the times in which employees were working most intensely in sawmills, the increase in accidents was due to management's concentration of workers near complex and dangerous machinery. Several accident descriptions from 1910 and 1916 confirm that employees of sawmills

---

[119] Barman, p. 285.

[120] Barman, p. 285.

were working quickly and disregarded safety rules. For example, one 1910 accident described how an employee was killed while "passing between two saws 16 inches apart."[121] Another accident report from the same year stated that the employee was killed while "trying to jump on saw-carriage while in motion."[122] In 1916 an accident killed a sawmill employee when the "sawyer...stepped in front of saw-carriage [and]...either neglected to lock lever or locked it loosely. [The] carriage ran away and pushed him through saw, cutting him to pieces."[123] The description of these accidents suggests that employees were working quickly in sawmills and possibly taking greater risks which they wouldn't normally take. Although not conclusive given the brevity of the accident descriptions, there is strong evidence in support of this conclusion since five of the thirteen fatal sawmill accidents which occurred in 1910 included a description suggesting that the employee was working quickly; and in 1916, three of the four fatal sawmill accidents include descriptions suggesting that speed of work was to blame since the worker momentarily did not pay attention to safety either because of fatigue or anxiety.[124] Employees were forced to risk their lives at work when their employers increased "the pace of production...through the threat of discipline, piece-rate payment systems, and the

---

[121] 1910 *Report*, p. I26.

[122] 1910 *Report*, p. I26.

[123] 1916 *Report*, p. B110.

[124] Asher, "The Limits of Big Business Paternalism," p. 20. Asher argued that workers, fatigued and suffering from anxiety over poor working conditions and constant poverty, suffered many accidents because of their economic worries.

speed of the machine."[125] Accidents occurred due to the risks of production forced on workers, not worker carelessness.

In factories during 1910 and 1916, "a close correlation existed between the rise in accidents during periods of prosperity and increasing production".[126] In 1910, as Appendix Four indicates, more accidents occurred in factories during the winter and summer months than in the spring and fall months. In the winter thirteen accidents were reported, while in the summer twelve accidents occurred. The spring and fall months reported nine accidents each. The pattern of injuries and deaths in 1910 is consistent with the seasonal nature of some British Columbia manufacturing industries.[127] The inspector reported most manufacturing accidents in 1910 were concentrated in the sashes and doors, repairs, and shingle factories. Although information about the production process in each factory was not listed in the annual *Report*, the increases in accidents during the summer and winter months most likely reflect an increase in production output of factories.

As Appendix Five indicates, accidents in factories during 1916 increased from twenty-five in the winter, to thirty-two in the spring, to thirty-five in the summer, and to forty-seven in the fall. Deaths also increased steadily throughout the year from three in the winter to six in the fall. The reason for the increase in deaths and injuries over the course

---

[125] Tucker, Administering Danger in the Workplace, p. 28.

[126] Piva, p. 41.

[127] Barman, p. 119. Fish canning is one industry which experiences seasonal variations in its employment and production process. Unfortunately, fish canneries were not inspected in 1910. The information on the seasonal variation of injuries in these plants in 1916 shows that all accidents which occurred in the canneries happened in either mid summer or late fall.

of the year is related to an increase in wartime production of the oil industry and shipbuilding industries.[128] During the First World War, "the stagnation of international trade caused by curtailment of shipping was soon offset by growing domestic demand. Not only were the provinces staple commodities critical to the war effort, but a new industry of shipbuilding was stimulated. Massive federal subsidies assured the construction of needed vessels, and both Victoria and Vancouver benefited from the largesse."[129] The effect of the expansion in shipbuilding on worker health is clearly evident in the 1916 accident records. Ten of the one hundred and eight-six accidents reported occurred in shipbuilding yards. As well, fourteen additional accidents occurred in oil companies over the year. These accidents reflect the increase in production which was occurring in various industries during the First World War.

Clearly, deaths and accidents in factories followed a pattern in both 1910 and 1916 which was closely linked to the intensity of industrial production. Accidents cannot be attributed solely to workers, as employer control of the workplace meant that increases in production speed were beyond the control of employees. Although the inspector in British Columbia suggested that most of the accidents were either the fault of employees or could not be blamed on anyone, it is evident from analyzing the distribution of accidents over the two reported years that the organization of the production process resulted in many accidents. Injury and death on the job was a direct consequence of management control.

---

[128] Barman, p. 199.

[129] Barman, p. 199.

Racial discrimination was a significant factor in British Columbia labour relations prior to 1950.[130] The factory inspector in British Columbia, like factory inspectors elsewhere, assumed that workers from ethnic minorities were injured more frequently because their language and customs made them unsafe workers. The perception of ethnic workers as a threat to workplace safety was evident in factory accident reports. The proportion of injured workers from different ethnic backgrounds, when compared to the proportion of ethnic groups in the population, demonstrate that Anglo-Saxon workers were less likely to get injured. The types of injuries suffered by many Asian workers was a function of their underclass position. The relationship between injuries suffered by ethnic minorities and dangerous machinery demonstrates that the higher injury rate among minorities was caused by the working conditions imposed on them, rather than their own carelessness.

Factory inspectors believed that immigrants and workers from ethnic minorities were more likely to get injured on the job, and were more likely to be at fault for causing their own injuries.[131] In the United States, there was no "question that ethnic and racial bigotry often produced a special insensitivity on the part of employers and fellow workers toward the safety of workers belonging to despised ethnic and racial groups."[132] The Illinois *Employers' Liability Commission* reported that in 1910, out of 966 accidents, 684

---

[130] Patricia Roy, "British Columbia's Fear of Asians, 1900-1950," A History of British Columbia: Selected Readings ed. Patricia Roy (Toronto: Copp Clark Pitman Ltd., 1989), p. 285-299.

[131] Asher, "The Limits of Big Business Paternalism," p. 20.

[132] Asher, "The Limits of Big Business Paternalism," p. 20.

accident victims were foreign born workers in Illinois State. The 684 workers represented 70.8% of the accidents reported to the factory inspector that year.[133] Eastman, in her study of Pittsburgh accidents, noted that it was the "tongue-tied alien" who suffered most accidents since they knew little about safety procedures.[134] In British Columbia, the factory inspector was demeaning in his description of accidents involving Asians in the 1910 *Report*. In most cases where an Asian was injured, the inspector would list "Hindu," "Chinaman," or "Japanese," and would give the Asian worker a number to identify them later. Meanwhile, full names would be given for Anglo-Saxon workers.[135] Gordon, like Eastman, also stated that the presence of many immigrants in factories created unsafe working conditions and increased the risk of accidents for all workers.[136] For example, his 1913 *Report* emphasized the findings of a coroner's jury which described an accident where a worker "came to his death by accident caused by the safety-guard on his machine being broken; he being in full charge of the machine and knew of the broken guard, but having neglected to report the break to the mill superintendent. In view of the evidence adduced...[it is recommended] that the 'Factories Act' be amended so that at least two experienced white men be employed on machines of this class."[137] The loss of life at work

---

[133] Illinois Employers' Liability Commission (Chicago: Stomberg, Allen, and Company, 1910), p. 209.

[134] Eastman, p. 87.

[135] 1910 *Report*, p. 121-126.

[136] 1914 *Report*, p. Q25.

[137] 1914 *Report*, p. Q28.

ensured that the inspector used the language of blame and culpability to accuse the worker of irresponsible behavior.

The proportion of ethnic minorities injured in factory work was substantially higher in proportion to their presence in the general population. As Appendix Six indicates, Asians made up 7.8% of the population while suffering 26.3% of all factory accidents. Anglo-Saxons made up 64.6% of the population, while they suffered only 52.6% of accidents. Similar to Asians, other non-Anglo-Saxon workers made up 5.1% of the population and 14.3% of accidents. Only natives, who made up 22.5% of the population, had a smaller proportion of accidents. Natives were involved in 6.8% of all accidents. Clearly, to the factory inspector, the presence of three times as many Asians and other non-Anglo-Saxon workers in the accident reports than in the population led to the conclusion that these minorities were more likely to be injured and, consequently, must be more dangerous, and more unsafe than Anglo-Saxon workers.

Immigrant workers and workers from ethnic minorities were injured more frequently because of the marginalized position some of these workers held. Gillian Creese noted that Asians were viewed by employers as "an underclass of cheap labourers."[138] Asians were socially defined in British Columbia as more exploitable than white workers.[139] Asians were also often subordinate to whites in the workplace since whites "monopolized the skilled trades, and received higher wages than other workers in

---

[138] Gillian Creese, "Exclusion or Solidarity? Vancouver Workers Confront the 'Oriental Problem,'" Canadian Working Class History: Selected Readings ed. L. S. McDowell and Ian Radforth (Toronto: Canadian Scholars' Press, 1992), p. 313.

[139] Creese, p. 314.

unskilled labour."[140] The underclass position of some Asian employees is evident in the types of accidents they suffered. Appendix Seven shows the relationship between ethnicity and type of accident, based on the 1910 *Report*. If serious accidents are defined as any accident which immediately or subsequently resulted in amputation of a limb, then fifteen of the thirty-five Asians injured (or 42.9%) suffered serious injuries. However, only 22.2% of Native Indians, 35.7% of Anglo-Saxon workers, and 26.3% of other non-Anglo-Saxon workers suffered similar serious injuries. The higher proportion of serious accidents among injured Asian workers was a reflection of the social position some Asians held. Many Asian workers were excluded from skilled positions in factories and sawmills, and forced to work in low-paying, unskilled positions in the mechanized cannery industry, or as clean-up workers around saws and other machinery in sawmills.[141] The consequence of working close to machinery was evident in the description of accidents. An East Indian worker in 1910 had his hand severed in an accident. He "was employed as clean-up man around saw."[142] Clearly, accidents suffered by Asians were a product of their place in the productive process. As unskilled workers, many of them were unable to protect themselves from injuries.

Tucker noted that immigrants and ethnic minorities of all backgrounds were at greater risk in the workplace than Anglo-Saxons.[143] He argued that

---

[140] Creese, p. 314.

[141] Barman, p. 186.

[142] 1910 *Report*, p. I24.

[143] Tucker, Administering Danger in the Workplace, p. 186-187.

> [non-Anglo-Saxons] were predominantly from peasant backgrounds, [and] they had little experience in a factory environment. The importance of this lack of experience was particularly significant because language barriers made it more difficult for them to receive adequate training and instruction on the job. Moreover they were often concentrated in particular industries and jobs which were the least attractive for Anglo-Canadian workers because of their harsh conditions.[144]

An indicator of the unsafe working conditions experienced by ethnic minorities in British Columbia was the larger proportion of injuries they sustained while they worked with the most dangerous factory machinery. A larger proportion of minorities injured while using complex, dangerous machines suggests that these workers were using these machines more often, and were thus exposed to unsafe working conditions more often than Anglo-Saxon workers. Appendix Eight shows the relationship between machines and ethnicity. Considering only the six most dangerous machines (edger, saw, lathe, shaper, planer, and shafting) it is apparent that only 51.4% of Anglo-Saxon accidents were sustained while they were using these dangerous machines; 68.4% of accidents occurred to non-Anglo-Saxons involving these machines; and 66.6% of accidents occurring to Native Indians involved contact with these machines. Where a majority of a group of workers received injuries is an indicator of the work they performed. The concentration of Native Indian and non-Anglo-Saxons in working positions that required their use of dangerous machines is reflected in the higher proportion of them being injured by these machines. Their injuries, then, are attributable to the conditions of employment imposed on them, and not to their own fault. Barman noted the tendency for canneries to expose female native workers to machinery, while white workers were shielded from the dangers of the machines.

---

[144] Tucker, Administering Danger in the Workplace, p. 186-187.

"Tsimshian, Salish, Kwakiutl, and other Indian women filled tins, and a handful of whites supervised, kept books, and managed the plant."[145] Clearly, more workers categorized as natives or other non-Anglo-Saxons were working with dangerous machines, and thus, were more likely to be injured by machines than Anglo-Saxons. Accidents, then, were a product of the employer's organization of the workplace.

Another category where the inspector expected workers to be at fault for their accidents was in cases of injury and death involving workers younger than twenty-nine years old. The attributing of fault by age cohort was consistent with the expectations that younger workers were more careless than older workers. However, when the relationship between accidents, age, and machinery is examined, it becomes clear that younger workers were more at risk than older workers to suffer serious injuries. Because younger workers were exposed to machines in the workplace more frequently, it follows that the organization of the workplace was responsible for the accidents suffered by those younger workers.

In the 1913 *Report*, Gordon stated that new "employees, youths, or newly arrived immigrants, or persons changing their occupation or place of employment, are continually being introduced into our industrial undertakings, and experienced men are continually leaving because of change of location or other reasons. Every substitution of a new man for an old man and every increase in the labour force by the addition of new men increases

---

[144] Tucker, Administering Danger in the Workplace, p. 186-187.

[145] Barman, p. 119.

the accident risk."[146] The inspector clearly assumed that younger employees would injure themselves more often because they were inexperienced. The assumption of the inspector was confirmed in accidents listed in the 1910 *Report*. Of the one hundred thirty-four accidents reported, seventy-eight list the age of the employee. Appendix Ten shows that among accidents affecting workers under twenty-nine years of age, 34.3% of those young workers were blamed for their accident while only 25.6% of workers over thirty years of age were blamed for causing their accident. In all, 44.9% of all workers injured (where the age of the injured worker is available) were under twenty-nine years of age. Workers aged thirty and over made up the remaining 55.1% of the injured. Most of the injuries were in the two youngest age groups. Clearly, the inspector believed that young workers were to blame for more accidents since there was a sharp decrease in employees in their thirties held responsible for their injuries.

The inspector, however, failed to consider the conditions in which workers under twenty-nine years old were employed in comparison to workers in their thirties. Younger workers tended to work with machines more often than older workers, a trend confirmed by numerous studies. Joy Parr has noted the tendency for younger workers to be employed as machine operators in her discussion of apprenticeship. "Rather than taking experienced operators from work they had mastered, younger men usually were assigned [to more powerful]...machines, on the grounds that they had less to unlearn and would be more willing to press the new equipment to its higher production limits."[147] Eastman,

---

[146] 1913 *Report*, p. Q25.

[147] Parr, p. 174-175.

commenting on the power foremen and employers had over younger workers noted that a common occurrence was for foremen to order younger workers into threatening situations. She noted that,

> [common] is a foreman who, through hurry, indifference, or thoughtlessness, sends 'green' men into positions which mean danger to them....Such was the foreman or 'boss; who regularly allowed Alfred Hopkins, a boy of fourteen, to adjust the belt on a shaft. On October 17, 1906, the belt slipped off the main shaft when Hopkins was alone in the room. He started to adjust it, as usual, was caught in the belt and carried round the shaft. When they took him down he was dead.[148]

The injuries young workers received were often attributed to their own fault. In reality, it was often the environment in which they were put that injured them, and they had no control over the conditions of the workplace.[149] Clearly, then, it is necessary to consider not only the fault of the employee, but the context in which the accident occurred, and fault was attributed. In the case of young workers, they were blamed more for their accidents, yet they were exposed to more serious dangers than older workers.

An indicator of the more threatening working conditions to which younger workers were exposed is evident from comparing the proportion of injuries caused by dangerous machinery to workers under twenty-nine years of age with the proportion of injuries caused by exposure to dangerous machinery for workers over thirty years of age. As Appendix Ten demonstrates, 60% of the injuries that people under twenty-nine years of age suffered occurred while they were working with or near the six most dangerous machines used in factories and sawmills (edger, saw, lathe, shaper, planer, or shafting). As

---

[148] Eastman, p. 97.

well, the injuries suffered by those younger employees were more serious.[150] 57.1% of the injuries suffered by workers under twenty-nine years of age resulted in the immediate severing or amputation of a limb. Only 41.9% of injuries suffered by workers over thirty years old resulted in the immediate severing or amputation of a limb. The higher rate of accidents causing amputation or severing of limbs is evidence that mechanization exposed workers to more serious injuries. The higher rate of accidents causing amputation or severing of limbs is also evidence that younger workers tended to work near these dangerous machines more frequently than older workers. Young workers being injured "while operating mechanized machinery was not just a function of...[the machine's] design. It was also influenced by the organization of the labour process."[151] The placement of younger workers near threatening machinery reveals how the organization of the workplace combined with the use of machinery caused workplace accidents.

The relationship between size of factory and types of injuries sustained is also an indication of how management practices contributed to causing accidents. When describing the effects of workplace management under industrial production, Eric Tucker argued that the need for co-operation between workers in factories created conditions which resulted in more accidents.[152] Yet, in smaller factories, where artisanal techniques

---

[149] Eastman, p. 87.

[150] Similar to above, 'serious accidents' are accidents which either immediately cause a limb to be severed or result in amputation of a limb which was severely burned, cut, or crushed.

[151] Tucker, Administering Danger in the Workplace, p. 184.

predominated, workers were protected from injury and death since they had greater control over the workplace, and could negotiate the risks of production.

By inference, larger factories should have more serious accidents than smaller factories reflecting the higher level of mechanization and employee interaction. Appendix Eleven shows the relationship between factory accidents and factory size for 1910. If accidents resulting in amputation of a limb are used as an indication of a serious accident, then 65.9% of accidents in larger factories were serious, while only 38.6% of accidents in smaller factories could be considered serious.[153] Also, and even more importantly, Appendix Twelve shows that all but one of the fifteen fatal accidents in 1910 occurred in large factories. Clearly, these data suggest that larger factories created conditions which caused more serious accidents. The importance of this relationship between factory size and accidents is that the presence of more serious accidents in large factories reflects the system of organization which controlled workers. Accidents in these factories are more likely the result of workplace organization than of the negligence of individual employees.

Clearly, data gathered by the factory inspector in British Columbia were used to create an interpretation of accidents which would disadvantage workers. The reinterpretation of the accident descriptions confirms that the economic structure, rather than negligent workers, created the conditions for accidents. The state addressed this

---

[152] Tucker, Administering Danger in the Workplace, p. 30.

[153] See Appendix Eleven. Note that large factories were defined as factories with more than fifty employees. As specified in the 5th Census of Canada, 1911, establishments employing less than five employees were not considered to be factories. See Fifth Census of Canada, 1911, vol. 3 (Ottawa: C.H. Parmelee, 1913), p. vii.

inaccurate perception of accidents through the 1914 *Royal Commission on Labour*. The commission noted that "industrial conditions and the disappearance of all personal relations seem to be tending to create an ever widening gulf between the employer and the employee, and to promote the organization of labour into unions as the best means of ameliorating the conditions of what is known as the working-class."[154] It was only through eliminating one aspect of the conflict between worker and employer that the state could channel workers into social forms it could control. The revision of the 1908 Factory Act and 1902 Workmen's Compensation Act was needed to ensure that accidents would not become a basis for further claims of injustice against employers.

That the interpretation of accidents shifted, between 1910 and 1916, away from workers, suggests that the significance of accidents for the political economy also changed. In one sense, blaming conditions of employment and not individuals strengthened the case for workmen's compensation, with positive and negative consequences for workers.[155] "The shift involved in moving from a fault-based inquiry...to a no-fault workers' compensation system was a way of shortcutting some of the gains workers and their allies had made...by calling into question the moral legitimacy of capital."[156] The underlying issues stemming from workplace accident remained unresolved in the *Report* since employers controlled the production process.

---

[154] A.M. Harper, H.G. Parson, J.A. MacKelvie, R.A. Stoney, J. Jardine, Report of the Royal Commission on Labour (Victoria: William Cullen, 1914), p. M2.

[155] Lubove, p. 256.

[156] Bale, p. 35.

CHAPTER FOUR:
THE SOCIAL AND ECONOMIC IMPACT OF ACCIDENTS

Factory inspection was only one part of the pre-1916 system of investigating accidents. The 1902 Workmen's Compensation Act and the 1897 Employer's Liability Act furthered the perception of worker fault and moral culpability and also ensured that accidents were not incorporated into the production process through predictable costs to employers. The 1902 Workmen's Compensation Act provided little improvement over the 1897 Employer's Liability Act, but was significant due to its provision that an adjudicator could determine compensation payments for injuries. The court cases which resulted from this legislation reveal the effect accidents had on the working class and employers. The social and economic impact of accidents also surfaced in the *Royal Commission on Labour*. The commission's final report and the commentary of witnesses articulated the need for revised compensation laws. The inadequacies of the common-law system, evident in cases and in the *Royal Commission on Labour*, was the one area where both labour and business agreed that compensation laws needed reform.

The 1902 Workmen's Compensation Act did not create a state administrative board to investigate workplace accidents. In place of a state run compensation board the legislation specified that "if any committee, representative of an employer and his workmen, exists with power to settle matters under this Act...the matter shall...be settled by the arbitration of such committee."[157] In cases where there was no committee, or where

---

[157] Workmen's Compensation Act, 1902. 2 Ed. 7 Chap. 74.

the committee could not find an agreement after three months, "the matter shall be settled by a single arbitrator agreed on by the parties."[158] This system of arbitration was unpredictable for employers, employees, and the state since it relied on the judgment of local committees to reach settlements for accidents. The employer was personally liable to pay legal, insurance, and ultimately, compensation costs under this system. What was even more costly for the employer was that the injured employee could decide to sue the employer under common law rather than go through arbitration. The arbitration system would only get an injured employee a maximum settlement of fifteen hundred dollars, while a common-law settlement could possibly be significantly higher.[159] Section two of the 1902 Workmen's Compensation Act stated that "the workman may, at his opinion, either claim compensation under this Act or take the same proceedings as were open to him before the commencement of this Act."[160] "By not eliminating the possibility of legal cases, [though limiting the employee to a system of arbitration] the state left employers open to the possibility of costly lawsuits. As well, this legislation perpetuated a conflict over the nature and meaning of workplace accidents."[161] The legislation stated that "if it is proved that the injury to a workman is attributable solely to the serious and willful misconduct or serious neglect of that workman, any compensation claimed in respect of

---

[158] Workmen's Compensation Act, 1902.

[159] Workmen's Compensation Act, 1902.

[160] Workmen's Compensation Act, 1902.

[161] Bale, p. 35.

that injury shall be disallowed."[162] Furthermore, "when the injury was caused by the personal negligence or willful act of the employer, or of some person for whose act of default the employer is responsible, nothing in this Act shall affect any civil liability of the employer".[163] Thus, although mechanisms existed for employers and employees to negotiate the meaning of accidents, the 1902 Workmen's Compensation Act continued to shape and amplify the conflict between business and labour. Courts and insurance companies played a role in any settlement. Employers relied on a system of insurance from private companies to protect them from injured workers, and, significantly, the arbitration system was based on attributing blame for accidents.

Most importantly, the 1902 Workmen's Compensation Act did very little to eliminate the common-law rules of liability which emphasized individual responsibility for accidents.[164] The common-law rules of liability included the assumption of risk principle, the fellow-servant principle, and the contributory negligence principle.[165] These principles guided the interpretation of the 1902 Workmen's Compensation Act and legal decisions in compensation cases. The assumption of risk principle maintained that the employee had assumed the risk of injury in the workplace by agreeing to employment. If an injury occurred, it was assumed that the worker had consented to the possibility of the injury by

---

[162] Workmen's Compensation Act, 1902.

[163] Workmen's Compensation Act, 1902.

[164] E.S.H. Winn, "Annual Report of the Workmen's Compensation Board," British Columbia Sessional Papers, Volume 2 (Victoria: William H. Cullen, 1918), p. k7.

[165] Allen Specht, Introduction to Workers' Compensation Board History Project (Victoria: British Columbia Workers' Compensation Board, ND), p. 1.

taking the job. The fellow-servant rule asserted that if an injury occurred due to the negligence of another employee then the employer was not responsible. Finally, the contributory negligence principle maintained that the employer was not responsible for injuries that occurred due to the negligence of the injured employee. These principles, then, made it very difficult for workers to receive compensation for injuries as they must prove that the employer was solely negligent for causing the accident.[166] Of course, for employers, failure to adequately demonstrate that they were not responsible for the injury or death meant payment of excessive compensation costs.

Court cases involving the 1902 Workmen's Compensation Act produced a variety of results and only furthered tensions between employers and employees over the moral and economic responsibility for accidents. The most significant issue arising from court cases was their unpredictability. Neither employer nor employee was assured of victory if a compensation case went to court. Issues such as compensating dependents, payments to foreign dependents, and the interpretation of employee conduct in the workplace highlight how court cases stressed moral culpability for accidents. Employers also faced economic consequences in court cases. The increased level of litigation and large settlements demonstrated the need for predictable compensation costs. Between 1902 and 1916 accident cases involved interpreting moral responsibility and then determining levels of compensation payments; workers and employers experienced varied results within the common-law system.

---

[166] Winn, p. 7-9; see also: Specht, p. 1.

Court cases often revolved around interpreting who was a dependent to an injured or killed worker. In the *Main Colliery Company, Limited v. Davies*, a family sued alleging that they were dependent on the wages which their son provided before his death. The company only paid burial fees and made a small compensation settlement with the family before the lawsuit was launched. The appeal by the family was dismissed since dependency was not clearly established. The judgment questioned the extent to which the family was dependent on their son. The judge asked "what is dependency? The notion that a person has a legal obligation upon him to keep his whole family when he earns a considerable part of what is required himself, and when the other members of the family only contribute a small part, appears to me to account for the legislature having introduced not only dependency, but partial dependency."[167] But, in this case the family could only prove that they were partially dependent on the son, as defined by the 1902 Workmen's Compensation Act. The appeal was dismissed since they could not provide evidence in court showing that they needed the money from the son to survive. The judgment noted the lack of evidence demonstrating dependency. The judge questioned,

> was there or was there not partial dependency in this case - that is to say, was there evidence upon which the county court judge might have come to the conclusion that there was? For my own part I cannot in the least doubt that there was. The whole family were all dependent upon the wages. Whose wages? Partially this boy's wages. [But it] is said that this boy was under no obligation to support his brothers and sisters.[168]

---

[167] Main Colliery Company, Limited *v.* Davies. [1900] 1 A.C. 358.

[168] Main Colliery Company, Limited *v.* Davies.

Since, in this case, clear evidence of total dependency was not provided, the appeal was dismissed. The significance of this case is that compensation was not paid unless the family could prove they were dependent on the wage-earner. Dependents had to prove that they were totally dependent on the wage-earner's income for survival.[169] Thus, within this confrontational system, employees and dependents met employers to justify their need for compensation payments.

A similar group of cases focused on examining the legitimacy of compensation payments to dependents living in foreign countries who relied on wages from immigrant workers injured or killed while employed in British Columbia. In *Varresick v. British Columbia Copper Company*, the key issue was proving if a foreign family was dependent on an immigrant worker's wages. "In this case the applicants, father and mother of the deceased workman, are aliens, resident now, and at the time of their son's death, in Austria; and it is urged by the respondents that the Workmen's Compensation Act, 1902, ought not to be construed as extending its benefits to them."[170] The judgment stated that the "statute...clearly intended, in the case of death, to make the wrongdoer liable in damages to all those, no matter of what race or residence, who stood to the deceased in any one of the relationships mentioned in the Act. The principle of this decision governs the present case."[171] Thus, the statute intended compensation for all dependents regardless of citizenship or residence. In the *Varresick v. British Columbia Copper Company* case,

---

[169] Main Colliery Company, Limited *v.* Davies.

[170] Re. Varesick and British Columbia Copper Co. [1906] 5 W.L.R. 56.

[171] Re. Varesick and British Columbia Copper Co.

however, proving dependency within the conventions of the court was difficult. The judge stated that making "every allowance possible…I find myself unable to say affirmatively that the applicants were at the time of the son's death in fact dependent for their maintenance in a manner befitting their station in life upon the earnings of the deceased."[172] For cases where the dependent or dependents lived outside of the country, proving their dependency was almost impossible. In those cases, employers had a significant economic advantage because a dead immigrant worker with foreign dependents usually incurred little compensation costs as compared to a worker with dependents in Canada. Employers contested cases of where dependents resided outside of Canada to reduce compensation costs.

Often, cases focused on the moral accountability of workers. In cases where workers were accused of behaving irresponsibly, compensation payments were reduced or denied. Of course, the definition of what constituted irresponsible behavior varied widely. For example, in the *British Columbia Sugar Refining Company v. Kate Granick*, the plaintiff, Granick, was denied compensation for the death of her husband because the accident was attributed to his "serious and willful misconduct."[173] The judge concluded that "the accident must be classed among those…which apparently are almost inevitable in the operation of large industrial establishments".[174] This decision was reached after discussion of Granick's inability to understand the safety instructions involved in the use of

---

[172] Re. Varesick and British Columbia Copper Co.

[173] British Columbia Sugar Refining Company *v.* Kate Granick. [1910] 44 S.C.R. 105.

[174] British Columbia Sugar Refining Company *v.* Kate Granick.

an elevator at his job. The discussion focused on how Granick, "a foreigner imperfectly acquainted with the English language", could understand the complexities of factory work.[175] This judgment focused on the moral accountability of this worker and how well the worker followed safety instructions given by the employer.

In *Scalzo v. Columbia Macaroni Factory*, a worker was denied compensation because he was injured while engaged in work not specifically related to the business of his employer. In this case, the worker had pointed out a bucket for a fellow employee to spit into, and was injured after his arm was caught in a machine.[176] The court decision held that "an accident occurring to a workman while doing something purely for his own convenience, and foreign to his duty, is not an accident arising out of and in the course of his employment."[177] In this case, the moral responsibility of the worker to follow only the directions of the employer was the barrier keeping him from compensation.

A similar decision was reached in the arbitration case of *S___ v. Granby Consolidated Mining Smelting and Power Company, Limited.* In this case a worker was killed and the mother of the worker sued for compensation. She lived in Italy and claimed that she was dependent on her son for support. The arbitrator's decision focused on how much alcohol the dead worker consumed in his spare time. In other words, the judge did not consider if the worker was drunk while at work, and then conclude that his drunkenness caused the injury. Instead, the judge examined the respectability of the

---

[175] British Columbia Sugar Refining Company *v.* Kate Granick.

[176] Scalzo v. Columbia Macaroni Factory. [1912] 17 B.C.R. 201.

[177] Scalzo v. Columbia Macaroni Factory.

worker's life, examining how much alcohol he consumed. The judge tried to determine how much of his wages he spent on drinking versus how much he sent home. He concluded that the worker drank regularly, and it was impossible to tell how much money he had sent his mother. No sum was determined which was considered adequate compensation for the accident. The judge awarded the mother a token five hundred dollars.[178] Clearly, the legal system focused its decisions on the moral accountability of workers, and denied compensation where workers were morally culpable for injury and death in the production process.

Cases didn't always result in victories for employers and some cases resulted in very large awards going to workers. For example, in 1913 the British Columbia Sugar Refinery Company was ordered to pay twelve hundred dollars to a worker. The worker was permanently injured when an elevator collapsed. The court case proved that the company did not inspect the elevator twice a month, and sugar from open barrels got into the gears of the safety devices on the lift and prevented them from working.[179] In 1909, another British Columbia company paid nine thousand dollars to a worker who lost his leg. With these large settlements, the number of compensation court cases increased between 1902 and 1914. Workers sued more frequently to win settlements and address the unsafe manufacturing conditions they laboured in. Cases in the Supreme Court, County Courts, and Court of Appeal increased from two per year between 1900 and 1907 to ten

---

[178] S.____ v. Granby Consolidated Mining, Smelting and Power Company, Limited. B.C. Supreme Court Records, Fernie. May 5, 1914. GR22447.

[179] Hilchin v. The British Columbia Sugar Refinery Company Ltd. [1913] 18 B.C.R. 397.

per year by 1914.[180] Clearly, with the number of cases increasing, the risk to employers of a large settlement against them also increased.

Workers and employers confronted each other over death and injury at work, and all court decisions were based on blaming someone for causing the accident. Lives and limbs lost at work were paid by employers only when necessary. This method of arbitration was costly for workers and employers. Proof of dependency was necessary before workers received compensation, and employers avoided compensation payments to foreign dependents. The law, however, was a two-edged sword; employers also lost cases and the court system was, overall, unpredictable.

The *Royal Commission on Labour* revealed how labour and businesses viewed the legal process used to resolve accidents. The commission showed the social effect accidents had in British Columbia and proved that the common-law system was unpredictable and unnecessary. The *Royal Commission on Labour* provided a forum for workers and employers to voice their perspectives on accidents, courts, and insurance companies. Witnesses described the effects accidents had on the working class and on labour relations. The reasons behind the subsequent change in compensation legislation following the *Royal Commission on Labour's* final report are evident by first examining labour, and then examining business perspectives on workplace accidents.

The 1914 *Royal Commission on Labour* held 127 sittings and interviewed 419 witnesses between 1912 and 1914. The commission reported on a variety of working

---

[180] Carrington v. Granby Consolidated Mining Company [1909] 16 B.C.R. 157; see also: Geddes, p. 34-36.

issues, including strikes, hours of work, and working-class living conditions. On the issue of compensation legislation the commissioners concluded that "it was strikingly evident that there is to be found in British Columbia a strong public spirit which is interested in the promotion of social and humanitarian legislation along sane and progressive lines."[181] The commission noted that the costs of arbitration were excessive and contributed to working-class poverty.[182] The final report stated "your Commissioners find the existing system of compensation unsatisfactory, both from the standpoint of the employer and the employee. It creates unnecessary friction between the master and the servant and is slow and wasteful in operation."[183] To the commissioners, the design of the 1902 Workmen's Compensation Act was inadequate and it perpetuated the conflict over the interpretation of accidents; they recommended against amending that legislation, and instead proposed new legislation which eliminated analysis of who was responsible for causing accidents.[184]

Workers appearing before the commission raised several issues revealing how the structure of the 1902 Workmen's Compensation Act and the 1908 Factories Act perpetuated conflicts between workers and employers over accidents. The most significant contribution to understanding the effects of workplace accidents was British Columbia Federationist member James McVety. Three issues raised by McVety show how relations between workers and employers were disrupted because of conflicting interpretations over

---

[181] Harper, p. M1.

[182] Harper, p. M12.

[183] Harper, p. M12.

[184] Harper, p. M12.

accidents and the accident settlement process. McVety showed how court cases affected worker and employer relations; how insurance companies created antagonism between workers and employers; and how accidents incurred a social cost in British Columbia. All of the issues he raised revolved around criticizing the fault and culpability method of interpreting accidents.

McVety began his presentation to the *Royal Commission on Labour* by explaining how the conflict between workers and employers over compensation for accidents was unnecessary. He stated that "the proposition laid down in this legislation is that the onus of collection rests on the injured man or his friends. He must take all the responsibility for failure or success and it is quite impossible for any man to secure compensation without the assistance of the legal profession."[185] McVety realized how the application of common-law principles in court cases highlighted the inequalities of capitalism to injured workers. McVety argued that workers should receive compensation regardless of how they were injured and he showed how the production process contributed to accidents.[186] For example, the commissioners asked him if he believed that the clause in the 1902 Workmen's Compensation Act which denied benefits to workers when they willfully injure themselves was necessary. McVety responded "that has not been my experience. It is true that they take chances on many occasions that a man less familiar with the work should not take, but the man might have to take these chances under pressure, because they are

---

[185] "Transcript of Evidence, Volume 3," Report of the Royal Commission on Labour BCARS GR0684, p. 343. [Hereafter refereed to as "Transcript, Volume 3" RCL]

[186] "Transcript, Volume 3," RCL, p. 235-365.

continually being patted on the back by the employer and urged to disregard ordinary means of safeguarding their employment".[187] To McVety, unlike the factory inspector, the relationship between the employer's control of working conditions and a worker's accident was apparent. Workers were injured in the production process while creating goods for employers, not because they were negligent.

On the issue of factory inspection, McVety showed the commissioners that the inspection of sawmills and factories was inadequate because the inspector was only able to address unsafe conditions in factories after an accident happened.[188] Even then, employers were often unwilling to change working conditions unless affected directly by a lawsuit. McVety believed that the threat of financial repercussions, not the idle threats of the Factory Inspector, were needed in order to get employers to change the working conditions. He noted that

> employers have even been known to take the guards put on by the factory inspector and have thrown these guards away so that the workmen could do more work. There is one machine shop in Vancouver right now where we are just merely waiting for a man to be hurt and very heavy damages will be claimed under the Factory Act, because the employer has taken the guard away so that the workman using that particular machine can turn out more work. One man has already lost a finger.[189]

---

[187] "Transcript, Volume 3," RCL, p. 350.

[188] "Transcript, Volume 3," RCL, p. 350-352. See also: 1916 *Report*, p. B116. In the 1916 *Report* Gordon noted that a shipbuilding employee went deaf in one ear after he was struck in the head by a steel plate. *After* the accident happened the inspector recommended new safety equipment to prevent similar accidents.

[189] "Transcript, Volume 3," RCL, p. 350.

He stated that this case was not reported to the inspector because he believed it was ineffective to tell the inspector about these conditions since the employer would never really cooperate. McVety explained what the British Columbia Federation of Labour was going to do about unsafe conditions in this factory: "we're going to teach by example this time. Complaint has been made on numerous other occasions and he [the employer] put the guard on while the inspector was there, but as soon as the inspector's back is turned the guard is lost. Next accident we propose to make an example of that particular employer."[190] Workers, as McVety argued, believed that injuries were caused by the production process and the method of investigating accidents was unreliable. The only way to change dangerous conditions in factories was to find a way of incorporating the cost of accidents into the cost of production.

The perception of Asian workers and the belief that they posed a special threat to safety in the workplace also surfaced in the *Royal Commission on Labour*.[191] McVety noted that when foreign dependents on immigrant labourers sued they received lower compensation benefits than workers with resident dependents. He argued that courts "placed a bonus on every employer in the province to employ single men and married men whose families were not resident within the province. [Because that means only]...$1500.00 every time a miner was killed whose dependents lived outside the province."[192] Organized labour opposed the division between immigrant and domestic

---

[190] "Transcript, Volume 3," RCL, p. 350.

[191] "Transcript of Evidence, Volume 1," Report of the Royal Commission on Labour BCARS GR0684, p. 210. [Hereafter referred to as "Transcript, Volume 1," RCL]

[192] "Transcript, Volume 3," RCL, p. 346.

labour in terms of the scale of compensation because they realized that foreign labour was inexpensive if employers were exempt from providing compensation in the event of their death. This would mean that Asian workers would pose little economic threat to an employer because, if killed, the employer would almost certainly be exempt from payment of compensation to the Asian worker's dependents.

Most significantly, McVety addressed the issue of how insurance companies perpetuated a conflict over the interpretation of fault in accidents. He said that Canadian and American insurance companies were doing business all over British Columbia and these companies were leading employers to disregard the safety of workers. "This system we are working under of the workman being compelled to collect the compensation himself has...resulted in employers shedding the responsibility by insurance."[193] McVety stated that employers take the position "what's the use, I pay insurance. Why should I pay money in protecting machinery and men when I don't have to pay anything but premiums in any case."[194] Furthermore, since insurance companies wanted as much profit as possible they were reluctant to settle claims with workers. In British Columbia, they fought every case. "They send an adjuster around to see the individual and [try] to get it taken out of the hands of the lawyer. The claims agent will sneak around behind the back of the lawyer and get hold of the man in a nervous state and induce him while partially crippled or even in a hospital to make a settlement for a small amount."[195] The system of addressing

---

[193] "Transcript, Volume 3," RCL, p. 355.

[194] "Transcript, Volume 3," RCL, p. 356.

[195] "Transcript, Volume 3," RCL, p. 355.

workplace accidents was based on convincing workers not to pursue lawsuits against employers by telling them they were at fault for injury and death. Here again, the cost of accidents was not incorporated into the cost of production. Employers paid insurance, but only did so to avoid settling claims directly with workers.

McVety also commented on the social cost of accidents. He pointed out that, because workers and employers would have contradictory conclusions about who was at fault for accidents, many employees would never get a satisfactory conclusion to their cases. "It means that in the majority of cases that the man who has lost an arm or leg is a charge on the community. He has to go from house to house selling lead pencils or stay on the corner of the street selling newspapers."[196] McVety suggested that by eliminating the conflict over fault in accidents workers would receive more compensation payments. In fact, while citing several examples of no-fault legislation in Europe and the United States, McVety concluded that "it is being more generally recognized every day that the burden of maintaining the injured workmen or the dependents of the deceased workman should be a charge on the industry concerned".[197] Accidents had a social cost, which was paid almost exclusively by workers. The system of monitoring workplaces for injuries, and then compensating only some injuries, forced confrontations with employers which left workers in poverty.

Clearly, to workers there were social and economic costs associated with industrial accidents. The *Royal Commission on Labour* provided a forum in which the effects of

---

[196] "Transcript, Volume 3," RCL, p. 350-351.

[197] "Transcript, Volume 3," RCL, p. 357.

accidents were articulated to the state. McVety's presentation before the commission explained how accidents had social costs, and why the insurance system and court system prolonged the conflict as fault was assessed. McVety prepared an analysis of compensation legislation in the United States for the *Royal Commission on Labour*, and his conclusions showed how workers wanted the method of analyzing accidents changed to a no-fault system.[198] McVety noted that "it has long been accepted as a correct principle to charge the cost of broken and obsolete machinery to the cost of production. [Legislation]...has extended the principle, and now charges the cost of maintaining crippled workers and the dependents of those killed outright to industry."[199] Only by revising the 1908 Factories Act and repealing the 1902 Workmen's Compensation Act with its worker fault model was McVety's interpretation of accidents applied to British Columbia.

Employers, on the point of repealing the 1902 Workmen's Compensation Act, agreed with labour. A new system without the threat of court cases was needed to protect employer profits. The employers' perspectives on their responsibility to injured workers were made clear to the commission. Employers appearing before the commission stated that they always had conflicts with employees over compensating accidents. Several employers described the effect conflicts over accidents had on their business. For example, employer Harry Joyce stated that employers always carried insurance because of the

---

[198] "Transcript, Volume 3" RCL, p. 47A.

[199] "Transcript, Volume 3" RCL, p. 47A.

financial risks with injured employees.[200] He said that one of his employees had an accident four years earlier in which the worker's hand was severed. In that case, the employee had sued Joyce and won eighteen hundred dollars. Joyce and his partner didn't settle the case out of court with the employee because "we didn't think it was a pure accident. It was his own fault."[201] Joyce's assumption that workers were irresponsible was not unique. Employer George McBeath reported to the commission that "if a man builds his own scaffold to suit himself and it falls, I think it is up to him to stand the loss of it."[202] Employers disagreed with employees over the interpretation of responsibility for accidents. By allowing the state to intervene, employers discovered that they would not negotiate who was responsible for compensating injuries.

But not every employer could afford insurance, and small employers who worked with their employees were at risk from injury as well. An employer named Gill told his workers to take their time while building scaffolds, and told the commissioners that he would go around himself "and see where it was done carelessly and perhaps put one or two nails in it."[203] Overall, employers agreed with the statements made by McVety. Employers felt that state insurance would reduce the risk of lawsuits. Harry Joyce stated that he saw nothing wrong with the idea of the state intervening and insuring employers,

---

[200] "Transcript of Evidence, Volume 7," Report of the Royal Commission on Labour BCARS GR0684, p. 202. [Hereafter referred to as "Transcript, Volume 7," RCL]

[201] "Transcript, Volume 7," RCL, p. 202.

[202] "Transcript, Volume 1," RCL, p. 248.

[203] "Transcript, Volume 1," RCL, p. 223.

even when employers paid insurance premiums to cover workers.[204] Gill stated that the 1902 Workmen's Compensation Act created a hardship for his company because he was forced to take out insurance with private companies.[205] Employers also believed that a new compensation act must address the issue of Asian workers. Employers, like organized labour agreed that Asians were a threat in the workplace because they were a danger to the health and safety of all workers. Gill stated that Asians should only work in farming or irrigation because indoors, in kitchens, factories, and sawmills, they were too dangerous.[206] On the negative effects of the 1902 Workmen's Compensation Act, employers and employees agreed on one set of issues; private insurance was too costly and accidents were disruptive to the production process. The cost of injury and death varied depending on insurance companies and lawyers.

The final report of the *Royal Commission on Labour* echoed many of these sentiments. On the issue of court cases, the report stated that the 1902 Workmen's Compensation Act specified a "method of operation [that] is found to be more expensive and cumbersome than we believe was ever contemplated by the framers of this legislation. The evidence...received is in many instances that the cost of arbitration proceedings under the...[act] is excessive."[207] In terms of the role insurance companies played in the

---

[204] "Transcript, Volume 7," RCL, p. 202.

[205] "Transcript, Volume 1," RCL, p. 210.

[206] "Transcript, Volume 1," RCL, p. 210.

[207] Harper, p. M12.

compensation process, the report stated that "there is also a waste of funds which are taken out of various industries in the shape of premiums or accident policies on the workmen. Commissions to agents, salaries to officers, dividends to shareholders, the payments of litigation fees, and other…expenses absorb a very large proportion of such premiums."[208] The commission recommended compulsory state insurance to remove the confrontation between employer and employee over the meaning of accidents.[209] Employers would be required to pay a tax on their industry for accidents every year, and workers would be required to give up the right to sue in the event of an injury. By making these concessions, employers and employees would have state insurance without conflict to settle accident claims.

[208] Harper, p. M12.

[209] Harper, p. M12.

CHAPTER FIVE:
THE *COMMITTEE OF INVESTIGATION* AND THE NO-FAULT ACCIDENT TAX

Following the publication of the 1914 *Royal Commission on Labour* and the drafting of an initial compensation Bill by the McBride government a Committee of Investigation was appointed by the Attorney-General of British Columbia to investigate compensation legislation in seven states and two provinces.[210] The committee was chaired by Avard Pineo from the Attorney-General's Department, with David Robertson and J.H. McVety acting as co-commissioners. David Robertson was a representative of industry while James McVety represented the British Columbia Federation of Labour. They interviewed seventy-two witnesses who were associated with the creation or maintenance of compensation laws in nine jurisdictions.[211] The committee held only one session in Vancouver, meeting on the sixteenth, seventeenth, eighteenth, and twenty-third of December, 1915. This final, and only, session in British Columbia was a public relations ploy and a method of legitimizing the decisions the commission had made about compensation laws while traveling abroad. A Times article stated that "it has been decided to hold but the one session for the province at a central point...and hear both sides together so that each side can hear the arguments of the other".[212] The final meeting was designed to bring together representatives of business, labour, and insurance companies,

---

[210] Pineo, p. 5. The *Committee of Investigation* went to the States of Washington, Oregon, California, Wisconsin, Ohio, New York, and Massachusetts and the Provinces of Ontario and Nova Scotia.

[211] Pineo, p. 5.

[212] "Doing Work Over Again," Times December 8, 1915, p. 7.

so that the committee could try to convince them of their findings, and create the appearance that they reached a consensus on the various compensation issues.[213]

The 1915 *Committee of Investigation* gathered evidence supporting the concept of no-fault insurance for accidents. The *Committee of Investigation* proved that accidents in factories occurred due to the work process. Since accidents were caused by the process of production, they argued that the cost should be paid by the consumer. The *Committee of Investigation* and 1916 Workmen's Compensation Act created a new understanding of who should take responsibility for accidents. Commissioners examined how the work process caused accidents; they argued that courts should not settle accident cases; and they recommended that state insurance replace private insurance. The findings they reached ensured that employers and workers no longer blamed each other for accidents since accident costs were incorporated into the manufacturing process. Workers would receive accident benefits from the state, and the state would raise funds indirectly from consumers who paid employers for all production costs. The compensation system recommended by the *Committee of Investigation* and incorporated into the 1916 Workmen's Compensation Act protected employer profits and shortcut worker's complaints about unsafe conditions. This system also reveals the role of the state since the *Committee of Investigation* recommended the exclusion of insurance companies. By creating a compensation system which excluded this group of capitalists the state proved that it was semi-autonomous.

---

[213] Pineo, p. 5, 18.

Throughout the commission's work witnesses were engaged in a dialogue about the interpretation of fault in accidents. As the *Committee of Investigation* showed in their final report, workplace accidents were not examples of employee incompetence or of employer negligence, rather they were common features of production. In proving this point the committee directly refuted the claims of the factory inspector and the theory underlying the 1902 Workmen's Compensation Act. The method of interpreting fault in workplace accidents under the proposed 1916 Workmen's Compensation Act differed significantly from the 1902 Workmen's Compensation Act. Between 1902 and 1916 workplace accidents were interpreted under an individual liability principle, meaning that they were viewed as being either the fault of the employee or the employer.[214] In place of the individual liability principle, the *Committee of Investigation* argued that "whatever legislation is passed will be based on the principle of social justice...namely, that industry should bear the burden of its accidents, and that the cost should be assessed on the employers to be ultimately distributed among the consumers of the products of the respective industries the same as other elements of the cost of production."[215] This legislation ensured that after 1916 it was unnecessary to discuss who caused the accident; compensation was paid, indirectly by the consumer, regardless of fault.

The definition of the word "accident" was altered by the *Committee of Investigation*. Following their report, an accident was defined in the 1916 Workmen's

---

[214] Winn, p. K8-K9.

[215] Pineo, p. 5.

Compensation Act as "a willful and intentional act, not being the act of the workman, and shall include a fortuitous event occasioned by a physical or natural cause."[216] Of course, prior to 1916 accidents were defined in terms that usually made the employer or employee morally culpable, or accidents were defined as unavoidable risks in production.

Evidence presented to the *Committee of Investigation* established that the court system and factory inspection system never established the actual cause of accidents. For example, commissioners learned that Wisconsin had rules under a Factories Act which required the placement of safety devices on all machines. Wisconsin's Factories Act led to 360 reported violations every year. Yet, even with reports of violations, the number of accidents still increased indicating that the problem of workplace safety was not addressed.[217] Since the commissioners discovered that factory inspection in Wisconsin failed to eliminate accidents they investigated how the *work process* caused injury and death. McVety noted at one point that "the workman has no control over the machine that he operates, nor has he any control over the temper or the physical powers of the foreman."[218] McVety's questions to witnesses showed his belief that a worker's injuries were often caused by situations beyond the worker's control. Under questioning, F.W. Hinsdale, Auditor and Advising Expert for the Workmen's Compensation Board in

---

[216] Workmen's Compensation Act, 1916 6 Geo. 5 Chap. 77.

[217] "Transcript of Evidence, Volume 1" Report of the Committee of Investigation on Workmen's Compensation Laws (Victoria: Provincial Library, 1916), p. 406. [Hereafter referred to as "Transcript, Volume 1," RCIWCL]

[218] "Transcript of Evidence, Volume 2" Report of the Committee of Investigation on Workmen's Compensation Laws (Victoria: Provincial Library, 1916), p. 39. [Hereafter referred to as "Transcript, Volume 2," RCIWCL]

Ontario agreed that workers were not really culpable for most accidents blamed on them. He believed that accidents resulting from momentary inattention while performing repetitive factory work should never be blamed on the employee.[219] The commission received evidence that the method of blaming either the worker or the employer for an accident was simplistic as it did not account for how the production process influenced the accident rate.

The *Committee of Investigation* discovered that the production system, specifically piece work and speedup, was the most common cause of accidents. Piece work was a process where the employee received payment based on products produced, not on an hourly or daily wage. Under this system, employees would work harder and take more risks to finish more products and receive higher pay. Speedup occurred in factories when employers increased the level of work required from employees and used threats or intimidation to extract higher levels of production. This too caused injury and death, especially when employees were required to work quickly around machines. William Meredith, Chief Justice of Ontario and the Chairperson of the Ontario Commission on Workmen's Compensation Laws, told the *Committee of Investigation* that

> I was strongly impressed, from my own observation, and from what I have heard, that a great many of these accidents are due to the piece work system, speeding up; and there is a great deal of looseness in the supervision of the young men and boys who are put upon these machines, in stamping works for example, where they put a boy on a machine, showing it to him for perhaps half an hour, when perhaps he is a green lad who has just come in from the country.[220]

---

[219] "Transcript, Volume 2," RCIWCL, p. 125.

[220] "Transcript, Volume 2," RCIWCL, p. 164.

Meredith clarified an important issue which was never addressed by the factory inspector. Under the factory inspection system, young workers were blamed for accidents, but Meredith showed that young workers and workers who were unfamiliar with industrial production should not be held accountable for their accidents. Their accidents occurred in a process which they did not understand or control. A.S. Wells, representing the British Columbia Federation of Labour also noted how speedup affected the production process. He stated that "especially in the case of woodworking industries...it is necessary for the men to disregard...[safeguards] altogether in order to get a big job out on time...In other words it is a question of speeding up and it is impossible to carry out the [safety] instructions to turn the work out."[221] Wells statement confirmed for the *Committee of Investigation* that the conditions employers created in the workplace caused injuries and deaths. The discussion of speedup proved that the cause of accidents was not in a worker's willful misconduct, but rather, was due to the process of production.

A.S. Wells even commented directly on the British Columbia factory inspection system and showed how little cooperation existed between the factory inspector and employers in the province. He stated that while we have a "Factory Act, there is no cooperation; there is more antagonism in enforcing it, and cooperation is necessary."[222] Wells described how he "was in a factory last Thursday and it was a veritable death-trap; not a belt guarded and no safety appliances. If everything was done that could possibly be

---

[221] "Transcript of Evidence, Volume 4" Report of the Committee of Investigation on Workmen's Compensation Laws (Victoria: Provincial Library, 1916), p. 499. [Hereafter referred to as "Transcript, Volume 4," RCIWCL]

done it could be made much safer, but while the Factory Act is enforced there is not that co-operation that there should be to get the proper appliances in there."[223] The factory inspection system failed to accurately discover the cause of accidents. Workers and employers did not cooperate under the factory inspection system. Since injury and death on the job could not be attributed to workers, the cost of accidents must be paid by someone other than the employer or employee.

The new theory that was discussed by witnesses and the committee members was that workers' compensation was a way to pass the costs of accidents along to the consumer. One witness stated that "if a man gets disabled in making a desk, and I buy that desk, in paying for that article, it would cover a proportion of that man's loss."[224] The idea is that "the workman should not be asked to accept the loss of life or limb, or to bear that part of the cost of the product; it should be added on to the price of the product, and it should be met by the consumer."[225] Through this method, employers don't pay for compensation; the consumer pays through higher prices on finished products. When James McVety began questioning a witness by stating that the employer assumed the expenses of compensation under a no-fault system, F.W. Hinsdale corrected him by saying the consumer takes the responsibility of paying for the accident.[226] By making consumers pay

---

[222] "Transcript, Volume 4," RCIWCL, p. 517.

[223] "Transcript, Volume 4," RCIWCL, p. 517.

[224] "Transcript, Volume 1," RCIWCL, p. 580.

[225] "Transcript, Volume 1," RCIWCL, p. 581.

[226] "Transcript, Volume 2," RCIWCL, p. 127.

for injured workers, the necessity of cooperation between employers and employees is eliminated since neither party is required to prove responsibility for the accident.

What was novel about the *Committee of Investigation*'s theory of no-fault compensation laws was the implicit assumption that a state-run compensation system was really a form of indirect taxation. One witness stated that "this is fundamentally a system of public taxation. The employer pays those taxes only, immediately - and the next step is that the consumers pay it. In every civilized country, the victims of industrial accidents are today, whether compensated openly or not, a public burden."[227] F.W. Wegenast, an Ontario Attorney, explained how the compensation "tax" fit into the general theory of taxing consumers. He stated that "you can pile on war taxes, and you can pile on anything; you can load the whole burden of administration on the state, or on the employer, and it all comes out of the consumer in the same way; you are making the consumer a taxing institution, that is the point".[228] Compensation, as a no-fault system of insurance, enabled employers to evade paying injured workers by using the consumer to recover costs through a structured process. In place of fluctuating private insurance premiums, state insurance would enable employers to calculate yearly compensation costs based on the risk of injury in their industry. All costs of accident were paid by consumers who purchased goods from the employer. Through this method, accidents became no more than a cost of business, rather than a risk to employers. Also, accident victims received a payment

---

[227] "Transcript, Volume 2," RCIWCL, p. 286.

[228] "Transcript, Volume 2," RCIWCL, p. 325.

directly from the compensation system. The injured worker was compensated directly for the injury, rather than indirectly through public charity.

Although the committee received strong evidence supporting the idea of no-fault insurance for workers, they never intended to recommend that every worker be covered by the 1916 Workmen's Compensation Act. For example, outworkers, in which the worker was defined as "a person to whom articles or materials are given out to be made up...or adapted for sale in his own home...not under the control or management of the person who gave out the articles or materials," were not covered under the 1916 Workmen's Compensation Act. The *Committee of Investigation* discovered that outworkers were allegedly covered in the Washington act, although F.L. Daggett, chairman of the Washington Industrial Insurance Commission stated that there were no outworkers employed in Washington state.[229] The argument against including outworkers in the compensation act was that they were not under employer control and could set their own pace, and were also able to set their own working conditions.

The 1916 Workmen's Compensation Act, in section 74, also excluded farm labourers and domestic servants.[230] Witnesses before the *Committee of Investigation* explained why some workers were excluded from compensation. A Commissioner for the Industrial Accident Commission of the State of California argued that farm labour was exempt because it was impossible to add the cost of compensation to farm products which

---

[229] "Transcript of Evidence, Volume 3" Report of the Committee of Investigation on Workmen's Compensation Laws (Victoria: Provincial Library, 1916), p. 1. [Hereafter referred to as "Transcript, Volume 3," RCIWCL]

[230] Workmen's Compensation Act, 1916.

were paid by the consumer.[231] Hinsdale stated that workers engaged for a short time in "hazardous" work were not covered. For example, workers employed in hardware stores where they sell plumbing part of the day, and then install plumbing devices for clients later in the day were not covered. "It is difficult to analyze a payroll and come up with a clear indication of the amount of time an employee spend doing some job, and, thus, the amount of compensation they are entitled."[232] Many industries dominated by women employees were excluded from coverage under the 1916 Workmen's Compensation Act, suggesting that compensation was designed to ensure that men, not women, were protected from poverty after an injury. Hinsdale noted that "we do find a great many instances...in connection with girls...who during a portion of their time are selling goods, and who during another portion of their time are engaged in the adjoining room, making hats."[233] Of course, since they did not spend all of their working time engaged in a hazardous trade they were not covered. The argument witnesses used was that these employees were excluded for practical reasons, not any general theory. Employees outside of hazardous industries were excluded because the cost of their accidents were not easily quantified and charged to consumers.

The assumption made by many witnesses was that the 'standard' family structure consisted of a working male who supported a dependent wife and children. Thus, witnesses argued, compensation payments must account for the male breadwinner's

---

[231] "Transcript, Volume 3," RCIWCL, p. 1.

[232] "Transcript, Volume 2," RCIWCL, p. 63.

[233] "Transcript, Volume 2," RCIWCL, p. 64.

responsibility to provide for his family. For example, F. Bancroft, Ex-Vice President of the Trades and Labour Congress of Canada, argued that compensation was necessary because "the widow and children have to face the future absolutely without a breadwinner; [and if a worker is crippled for life] he will have no opportunity of bettering himself, of getting a better pension, it never changes."[234] He assumed that married women were totally dependent on men for their income. A.S. Wells stated that widows with children should be compensated fully because they *must* stay home to care for the children.[235] It wasn't until the commission arrived in Nova Scotia, though, before McVety explained the real issue in compensation as it relates to the male breadwinner and women. McVety stated that "the basis of legislation of this kind...is that a woman's place is with her children and that it is not her position to make a living; and this pension is given her in order to enable her to live."[236] No-fault compensation ensured that women were not competing with men for jobs, since a worker's wife was assured of receiving compensation payments after her husband was killed or injured. Compensation legislation continued, in a new way, the 1908 Factory Act's provisions restricting female labour. The 1916 Workmen's Compensation Act assumed women were dependent and paid them to not take work from men.

Labour representatives, particularly Wells and McVety, wanted foreign dependents of alien workers to receive the same benefits as resident dependents of citizens.[237] They

---

[234] "Transcript, Volume 2," RCIWCL, p. 400.

[235] "Transcript, Volume 4," RCIWCL, p. 517.

[236] "Transcript, Volume 2," RCIWCL, p. 468.

[237] "Transcript, Volume 4," RCIWCL, p. 517.

wanted this equality because they believed that if foreign dependents didn't receive the same benefits in the event of the death of the alien worker, then employers would be more likely to hire immigrant workers since they would cost less. McVety aggressively questioned witnesses about compensation to foreign dependents of alien workers in several states. In California, a state official confirmed that if foreigners were not insured the same as local workers employers would hire them over labourers with dependents in the province.[238] In Wisconsin, organized labour opposed lower payments to foreign worker's dependents because that would encourage employers to hire these workers. Non-resident alien dependents were paid the same amount as local workers dependents, although businesses wanted payments reduced.[239] In Washington State, F.L. Daggett, Chairman of the Washington Industrial Insurance Commission also argued that paying non-resident alien dependents less than resident dependents would discriminate against the home worker.[240] The consensus on this issue was overwhelming in the *Committee of Investigation*'s transcripts. McVety argued with witnesses who didn't agree with the belief that immigrant and domestic labour receive the same compensation benefits.

Employers in British Columbia, however, had a number of concerns about paying into a compensation system which gave benefits to foreign dependents of alien labourers. They made four demands on the commission, first arguing that every immigrant labourer report "the numbers and class of his dependents and where located and the amount of

---

[238] "Transcript, Volume 1," RCIWCL, p. 10.

[239] "Transcript, Volume 1," RCIWCL, p. 544-546.

[240] "Transcript, Volume 3," RCIWCL, p. 22.

support sent them monthly...to form the basis for compensation in case of his death."[241] Also, they demanded proof that dependents required the money from the alien worker, and also stated that compensation should not be paid in any country where polygamy was practised.[242] Most importantly, they wanted the scale of compensation lowered for immigrant labourers so that dependents would receive a level of compensation consistent with the standards of living in the country, not according to the levels of compensation set for British Columbians.[243] The *Committee of Investigation* ignored all the recommendations made by employers on this issue. By recommending equalizing payments to foreign dependents with dependents in British Columbia, the commission ensured that immigrant labour did not have an advantage over domestic labour. The 1916 Workmen's Compensation Act specified in section eight the scales of compensation available to widows and dependents of workers. No distinction was made regarding foreign dependents.[244]

The *Committee of Investigation* also recommended that appeals to courts on compensation cases be limited to matters of law or the legal jurisdiction of the Board.[245] The committee felt that leaving the entire process of arbitrating disputes arising from

---

[241] "Transcript, Volume 4," RCIWCL, p. 434.

[242] "Transcript, Volume 4," RCIWCL, p. 434.

[243] "Transcript, Volume 4," RCIWCL, p. 434.

[244] Workmen's Compensation Act, 1916.

[245] Pineo, p. 17.

workplace injuries to the court system was inefficient for employers since the costs incurred through court actions and legal fees were high.[246] Although the Committee ultimately recommended that individuals be permitted to appeal matters of law pertaining to the board, the final draft of the 1916 Act did not mention the possibility of any appeal. In fact, the Act stated that "the action and decision of the Board thereon shall be final and conclusive, and shall not be restrained by injunction, prohibition, or other process or proceeding in any Court, or be removable by certiorari or otherwise into any Court."[247] The extensive powers held by the Workmen's Compensation Board after 1916 demonstrate that it was in the position to limit compensation costs to employers and, in so doing, eliminated one basis for conflict between workers and employers over the meaning of accidents.

Employers in British Columbia supported these administrative changes because they believed a new compensation act would reduce the costs they paid for workplace injuries. The Joint Committee of Employers stated in their submission to the *Committee of Investigation* that they wanted a limited right of appeal on issues of law arising from Board decisions.[248] The Joint Committee of Employers also supported the view that the costs of administration should be paid by the state because, among other reasons, they

---

[246] Pineo, p. 17; see also: Winn, p. K8-K9.

[247] Workmen's Compensation Act, 1916.

[248] "Transcript, Volume 4," RCIWCL, p. 536. The Joint Committee of Employers included the following organizations and companies: The B.C. Lumber and Shingle Manufacturers' Association, The B.C. Loggers Association, The Manufacturers Association of B.C., Vancouver Chamber of Mines, Granby Consolidated Mining and Smelting Co.

realized "the advantage to the community in being relieved of having the destitute or insufficiently provided claimants thrown on its charity, and generally the improved relations between capital and labour, and the more stable and satisfactory conditions of both employer and employee is a matter which the rest of the community is directly interested in and benefited by."[249] The British Columbia Lumber and Shingle Manufacturers supported the idea of setting up a state fund for accidents which would be managed and invested by the province.[250] The Canadian Colleries also supported the idea of a state managed fund, yet, like the Joint Committee of Employers, wanted a limited right to appeal Compensation Board decisions.[251] Generally, however, despite the rhetoric about the 'advantages to the community', and the failure to secure a right to appeal, businesses supported the compensation system established by the state because they realized that it would reduce their costs.

The *Committee of Investigation* devoted most of its time to determining the merits of a state-run rather than a privately-run insurance system. The commission stated that they "not only visited States having an exclusive state insurance fund, but included in our investigation States where the law as enacted gave casualty insurance companies a free field, as well as States where these companies have been permitted to operate in

---

[249] "Transcript, Volume 4," RCIWCL, p. 539.

[250] "Transcript, Volume 4," RCIWCL, p. 543.

[251] "Transcript, Volume 4," RCIWCL, p. 555.

competition with the State Insurance Fund."[252] After examining the higher costs of private insurance companies and the negative reaction to these companies in other States, the committee concluded that they were

> unanimously of the opinion that the system proposed by the Bill to the complete exclusion of casualty insurance companies is by far the best adapted to meet the requirements in this province. Such a system would, in our opinion, not only save the employers of this Province an immense amount of money, but would contribute greatly to the success of the act as a whole by eliminating many undesirable features usually attendant on a competitive company system.[253]

The state wanted to eliminate competition from private insurance companies because they were perceived to be economically wasteful and a deterrent to investment. The elimination of competition from insurance companies and the construction of a state insurance policy was supported overwhelmingly by the Joint Committee of Employers and a committee of mine operators [representing over 30 metalliferous mines].[254] The *Committee of Investigation* supported the opinion held by these companies, and noted in its final report that "it is apparent that the casualty insurance companies, from the standpoint of economy, have utterly failed to show as good results...The economic waste of allowing casualty insurance companies to carry on this class of insurance unquestionably amounts to many millions of dollars each year."[255] Thus, the state eliminated the competition from insurance

---

[252] Pineo, p. 9.

[253] Pineo, p. 12.

[254] Pineo, p. 12.

[255] Pineo, p. 12.

companies under the 1916 Workmen's Compensation Act by arguing that they were economically wasteful because they perpetuated a conflict over the meaning of accidents.

Several significant issues supported the *Committee of Investigation's* argument to exclude private insurance companies. The committee discovered that "there is a stronger motive in the case of policy holders in the state fund to adopt safety devices and to take all possible precautions for the prevention of accidents...than there is in the case of policy holders in the stock companies. In the past there was very little incentive towards accident prevention on the part of the employers who insure in stock companies, whatever they might accomplish brought them no direct benefit in the form of a reduction in rates or a return of premiums."[256] Since the *Committee of Investigation* recommended that companies be grouped by industry and charged compensation fees based on their industry, all companies in each industry took responsibility for accidents. Collectively, all employers paid for those accidents. Employers influenced each other and policed their industries to reduce their compensation payments. Also, the *Committee of Investigation* discovered that up to 40% of premiums raised by stock insurance companies paid dividends, administrative expenses, and defrayed the cost of advertisements. These costs were necessary since insurance companies had to compete with each other for new business. A single state system would only require the use of 20% of premiums raised for administrative purposes since there would be no competitive business fees.[257]

The committee also reported that eight American insurance companies wanted to operate in British Columbia under the new compensation act if it would permit private

---

[256] "Transcript, Volume 1," RCIWCL, p. 236.

company insurance.[258] The committee feared that foreign private insurance companies would take millions of dollars out of the provincial economy every year and reduce business profits.[259] Also, H.F. Roden, a lawyer representing insurance companies in British Columbia before the committee, stated that one quarter of the insurance companies that he represented before the commission were American.[260] So, because insurance companies required excessive capital to pay competitive costs and because of the fear that American companies would continue to take money out of the province, the *Committee of Investigation* recommended that a single state system impose compensation fees on companies in the province by grouping them by industry.[261]

Insurance companies in British Columbia, clearly, opposed the proposals made by the *Committee of Investigation*. H.F. Roden and D.A. McDonald represented various insurance companies, and argued that employers should have the liberty to "either contribute to the 'Accident Fund' or to insure with an Accident Insurance Company, or, in the alternative, that the Government should not undertake the business of insurance at all but should provide a system, properly regulated and absolutely under the control of the board, by which all employers would be [privately] insured for the benefit of their workmen."[262] Furthermore, Roden and McDonald argued that "the work of Board would

---

[257] Pineo, p. 9-13.

[258] Pineo, p. 9-13.

[259] Pineo, p. 9-13.

[260] "Transcript, Volume 4," RCIWCL, p. 337.

[261] Pineo, p. 9-13.

be very greatly reduced if its only duty were to see that every employer insures and deposits his policy with the Board....A heavy penalty could be imposed for failure to deposit a policy."[263] Thus, the insurance companies were willing to permit state intervention, yet only wanted the state to force employers to take out insurance policies and deposit funds with the board. The *Committee of Investigation*, despite the objections of the insurance companies, maintained that "the cost of administration through a State Fund is less than where the State Fund is operated along with competing insurance companies."[264] Clearly, the *Committee of Investigation* based its arguments on financial considerations. They argued that it was financially advantageous to employers if a board was created with administrative responsibilities and exclusive control over an accident fund. By granting the compensation board these powers the state played a larger role in the economy and ensured that costs arising from workplace accidents were not a hindrance to capitalist accumulation. Furthermore, the state realized that competition among private insurance companies was a financial liability to employers since it artificially inflated insurance and administrative costs.[265] The 1916 Workmen's Compensation Act eliminated the fault discourse by providing efficient administration and eliminating competition from insurance companies.

---

[262] "Transcript, Volume 4," RCIWCL, p. 527. Roden and McDonald represent seventeen insurance companies, of which five were based in the United States.

[263] "Transcript, Volume 4," RCIWCL, p. 529.

[264] Pineo, p. 12.

[265] Harper, p. M13.

The Committee of Investigation submitted their final report in March 1916, and the recommendations they made were adopted by the Bowser government. Several significant recommendations appeared in the proposed Workmen's Compensation Bill. First, the committee recommended the inclusion of a medical aid provision. This medical aid provision would ensure that injured workers were given treatment from the day of their injury.[266] Also, the Bill contained a three day waiting period before compensation benefits began.[267] Finally, section 25 of the Bill listed the classes of industry into which companies were grouped and specified three classes for railway companies. The Bill passed the legislature and took effect at midnight, January 1, 1917.[268]

Clearly, the Committee of Investigation reshaped the ideology of accident interpretation. Accidents were caused by the production process, not by careless workers. The committee undermined any attempt by insurance companies and employers to maintain a confrontational system of courts and private insurance in the province. By doing so, the state demonstrated its autonomy from the capitalist class by creating legislation which did not entirely benefit all capitalists. The specific recommendations the committee made were incorporated into the draft compensation bill. To employers, by 1916, compensation became a tax on consumers. To workers, compensation became predictable no-fault insurance against the dangers of production. Significantly, workers no

---

[266] Workmen's Compensation Act, 1916.

[267] Workmen's Compensation Act, 1916.

[268] Workmen's Compensation Act, 1916

longer looked directly to employers for compensation, and employers could avoid legal responsibility for the loss of life and limb.

CONCLUSION: COMPENSATION, THE POLICE POWER, AND MINIMUM WAGE LAWS

Several conclusions are evident about the role of the state and effect of compensation laws on male and female workers. In British Columbia, the early phase of this system saw a factory inspector use the language of blame and moral culpability to describe accidents. Employers and employees conflicted over the meaning of accidents in courts, and the use of insurance companies by employers only furthered the conflict between the classes since these companies hindered claim settlements. Two goals were accomplished by shifting the responsibility of compensating victims from the company to the state. First, workers would no longer look to employers or their insurance companies for compensation. By removing this source of conflict the state ensured that workers did not so quickly blame their employers for dangerous working conditions, nor did they blame the employer for the unpredictable levels of compensation settlements. Also, since after 1916 workers looked to the compensation board for payments, the state ensured that they did not rely on unions to pay for injury and death on the job. In a small way, no-fault compensation was a way to undermine organized labour, and alter the perception workers had of the state.

The evolution of the 1916 Workmen's Compensation Act shows how "the opinion [was]...rapidly growing in effect that private interests should not be permitted to come between the employer and the injured employee and conduct a business for profit, which

A 1910 Report to the Washington State Legislature and the Illinois Employers' Liability Commission discussed how compensation laws fit into the "policing power" of the state. The commission report in Washington stated that "the State of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy...and sure and certain relief for workmen...is hereby provided regardless of questions of fault".[272] The Illinois report stated that the police power meant "the power of promoting the public welfare by restraining and regulating the use of liberty and property."[273] Thus, compensation laws did not develop "in a peaceful realm separate from struggles for control."[274] Compensation laws were justified as legitimate activity for the state to engage in, and ensured that the state controlled one aspect of organized labour's struggle for power.

The justifications provided by the state regarding the creation of compensation legislation are interesting because of what they reveal about the nature of the state in a capitalist economy. Clearly, the state collaborates with capitalists and maintains close relations with the capitalist class in order to ensure profits. Yet, the state doesn't always "act in the immediate interests of all capitalists."[275] During the development of the

---

[272] Report of Washington Commission Appointed by Gov. M.E. Hay to Investigate the Problems of Industrial Accidents and to Draft a Bill on the Subject of Employers Compensation to be Submitted to the 1911 Session of the Washington Legislature (Olympia: E.C. Boardman Public Printer, 1910), p. 8.

[273] Illinois Employers' Liability Commission, p. 54.

[274] Greer and Radforth, p. 9.

[275] Warburton, "Conclusion", p. 281; see also: Panitch, p. 6.

compensation system in British Columbia, the state clearly acted to undermine the interests of insurance companies. By eliminating their participation in accident insurance, and by supporting organized labour's demand for equalized payments to Asian labour, the state acted under pressure from labour and against some capitalists. The state's "concessions to workers imply that the state acts with a certain independence from the interests of capital."[276] Specifically, since some capitalists have competing interests with the state it can act with some autonomy.[277] Also, the state needs the support of labour to survive and the 1916 Workmen's Compensation Act ensured that workers continued to support the state since it made concessions to labour and limited insurance company profits. The implication of the state's partial independence from the capitalist class is that it can mediate "conflicts by providing arenas - through conferences and institutionalized, legal disputation methods - in which the conflicts can be fought over and, in the case of class conflict, temporarily resolved." Workers' compensation legislation is one such arena. The creation of compensation legislation by the state ensured that it controlled one aspect of the power struggle between business and labour.

Compensation was not just about insurance for workers. It functioned as well to maintain the status of the male breadwinner. Commissioners and labour representatives stated several times that compensation was about providing income for families in the event the male breadwinner was killed or injured. This maintenance of the status of male breadwinners was not unique. Margaret McCallum pointed out in her article "Keeping

[276] Warburton, "Conclusion", p. 283.

Women in their Place: The Minimum Wage in Canada, 1910-1925" that minimum wage laws also assumed that women were supported by men. "In Australia, the federal Court of Conciliation and Arbitration established a minimum rate for male wage-earners that was sufficient to support a wife and three children, plus a surplus for old age."[278] McCallum stated that "Canadian boards...set the minimum wage for women at the level of subsistence of a single woman, ignoring the possibility that women had dependents or needed to save for sickness or old age."[279] In this case, as was the case with compensation legislation, the assumption made by the state was that male wage-earners supported women and children. Minimum wage and compensation laws tried to make participation by women in paid work unprofitable.

Compensation laws also aided in organized labour's opposition to immigrant labour. By ensuring that immigrants could not offer employers lower compensation costs, organized labour ensured that they did not obtain a competitive advantage. This accident legislation reinforced perceptions of the social structure and represents more than just no-fault benefits to injured workers.

Finally, it is fundamentally important to note that no-fault compensation laws were entirely not about helping workers. The compensation system in British Columbia ensured

---

[277] Warburton, "Conclusion", p. 283.

[278] Margaret McCallum, "Keeping Women in Their Place: The Minimum Wage in Canada, 1910-1925," Canadian Working Class History, Selected Readings ed. L.S. MacDowell and Ian Stewart (Toronto: Canadian Scholars Press, 1992), p. 434.

[279] McCallum, p. 434.

that employers were able to pass the costs of accidents to consumers through a structured process, and that the state could indirectly tax consumers to guarantee that society was not burdened by injury and death on the job.

---

[279] McCallum, p. 434.

Appendix One:

Distribution of Fault in Industrial Accidents From Five Studies, Expressed as a Percentage

Fault	1910 B.C. *	1916 B.C. *	Germany **	New York ***	Pittsburgh ****	Wisconsin *****
Employee	31.3%	12.9%	28.8%	7.6%	26.3%	24.0%
Employer	0.0%	1.1%	16.8%	49.5%	39.1%	11.0%
Other employee	0.01%	2.2%	5.3%	12.2%	11.2%	6.0%
None indicated	65.7%	79.6%	43.4%	14.6%	23.4%	50.0%
Not clear	2.2%	4.3%	4.7%	16.0%	0.0% †	7.0%

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

C.R. Gordon, "Report of Factories Inspector, 1916," British Columbia Sessional Papers, Volume 1 (Victoria: William H. Cullen, 1918), p. B101-B119.

Crystal Eastman, Work-Accidents and the Law (New York: Charities Publication Committee, 1910), p. 11-118.

Anthony Bale, "America's First Compensation Crisis: Conflict Over the Value and Meaning of Workplace Injuries Under the Employers' Liability System," Dying For Work: Workers' Safety and Health in Twentieth-Century America ed. David Rosner and Gerald Markowitz (Indianapolis: Indiana University Press, 1987), p. 34-52.

Note: the percentages in every column may not add up to 100% since all figures were rounded off to one decimal place.

* Data was from the 1910 and 1916 British Columbia Report of Factories Inspector. Data presented in the table from the reports showed both deaths and injuries for industrial accidents. 134 accidents were reported in 1910 and 186 were reported in 1916.

** German Government Bureau statistics. In the German government study the 'none indicated' section was broken into two parts: 'acts of God' and 'inevitable accidents'. Both these categories have been compressed into one section.

*** New York Employers' Liability Report, 1910.

**** Crystal Eastman's records are from a study of 401 fatal industrial accidents which occurred in Pittsburgh in 1906 and 1907.

***** Wisconsin Bureau of Labour and Industrial Statistics.

† Crystal Eastman did not create a separate column for accidents where the fault of the employer or employee was unclear. She counted twice those accidents which could be attributed to the employer and employee, thus, although there are only 401 accidents in her study, there are 501 incidents of fault distributed over the four areas of the table.

Appendix Two:

Blame in British Columbia Fatal and Non-Fatal Sawmill and Factory Accidents during 1910

Blame	Employee	Fellow-Employee	None Indicated	Not Clear	Grand Total
Non-fatal	35	1	80	3	119
Fatal	7	0	8	0	15
Grand Total	42	1	88	3	134

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

Appendix Three:

Blame in British Columbia Fatal and Non-Fatal Sawmill and Factory Accidents during 1916

Blame	Employer	Employee	Fellow-Employee	None Indicated	Not Clear	Grand Total
Non-Fatal	1	19	3	135	8	166
Fatal	1	5	1	13	0	20
Grand Total	2	24	4	148	8	186

Source: C.R. Gordon "Report of Factories Inspector, 1916," British Columbia Sessional Papers, Volume 1 (Victoria: William H. Cullen, 1918), p. B101-B119.

Appendix Four:
British Columbia Fatal and Non-Fatal Sawmill and Factory Accidents in 1910, Listed by Season

Season	Accident	Sawmills	Factories	Grand Total
Winter	Non-fatal	16	12	28
	Fatal	1	1	2
Winter Total		17	13	30
Spring	Non-fatal	25	9	34
	Fatal	3	1	4
Spring Total		28	10	38
Summer	Non-fatal	24	12	36
	Fatal	3	0	3
Summer Total		27	12	39
Fall	Non-fatal	12	9	21
	Fatal	6	0	6
Fall Total		18	9	27
Grand Total		90	44	134

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

Appendix Five:

British Columbia Fatal and Non-Fatal Factory and Sawmill Accidents in 1916, Listed by Season

Season	Accident	Sawmills	Factories	Grand Total
Winter	Non-fatal	5	22	27
	Fatal	0	3	3
Winter Total		5	25	30
Spring	Non-Fatal	10	29	39
	Fatal	0	3	3
Spring Total		10	32	42
Summer	Non-fatal	14	31	45
	Fatal	2	4	6
Summer Total		16	35	51
Fall	Non-fatal	11	41	52
	Fatal	2	6	8
Fall Total		13	47	60
Grand Total		44	139	183*

Source: C.R. Gordon "Report of Factories Inspector, 1916," British Columbia Sessional Papers, Volume 1 (Victoria: William H. Cullen, 1918), p. B101-B119.

* In the 1916 *Report*, 186 accidents are listed. Only 183 provide accurate enough information about the date to determine the season. The three cases with missing dates are excluded from this table.

Appendix Six:

Ethnic Proportion of Population, in Comparison to Injured Employees from the 1910 *Report of Factories Inspector*, Expressed as a Percentage

Ethnic Origin	Population	% of Population	Accidents	Proportion of Accidents
Anglo-Saxon	253096	64.6%	70	52.6%
Asian	30447	7.8%	35	26.3%
Native Indian	87947	22.5%	9	6.8%
Other non-Anglo-Saxon	20134	5.1%	19	14.3%
Total	391624	100%	133*	100%

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.
Fifth Census of Canada, vol. 2 (Ottawa: C.H. Parmelee, 1913), p. 340-341.
* The total number of reported accidents in 1910 was 134. Ethnic origin was determined in 133 cases only as one case did not give the name of the injured worker.

Appendix Seven:

Ethnicity and Severity of Accidents, Based on the 1910 *Report of Factory Inspector*, Listed as Number of Cases

Injury	Asian	Native Indian	Anglo-Saxon	other Non-Anglo-Saxon	Grand Total
Not enough detail	7	2	8	3	20
Amputation	13	1	21	5	40
Crush	2	0	2	0	4
Cut	1	1	14	4	20
Burn	0	1	2	0	3
Broken bone	6	2	7	3	18
Bruise	2	1	6	2	11
Multiple	2	0	6	2	10
Crush and amputation	1	0	1	0	2
Multiple and amputation	1	1	3	0	5
Grand Total	35	9	70	19	133*

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

The total number of reported accidents in 1910 was 134. Ethnic origin was determined in 133 cases only as one case did not give the name of the injured worker.

Appendix Eight:

Ethnicity and Machinery, Based on the 1910 *Report of Factories Inspector*, Listed as Number of Cases

Machine	Asians	Native Indian	Anglo-Saxon	other Non-Anglo-Saxon	Grand Total
No machine	3	0	6	2	11
Unclear	6	1	7	4	18
Unspecified	7	2	18	0	27
Edger	1	1	1	0	3
Saw	5	3	12	2	22
Lathe	0	0	1	1	2
Shaper	0	0	3	2	5
Planer	0	0	4	2	6
Shafting	10	2	15	6	33
Train	2	0	2	0	4
Car	1	0	0	0	1
Press	0	0	1	0	1
Grand Total	35	9	70	19	133*

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

* The total number of reported accidents in 1910 was 134. Ethnic origin was determined in 133 cases only as one case did not give the name of the injured worker.

Appendix Nine:

Fault in Relation to Age from the 1910 *Report of Factories Inspector*, Listed as Number of Cases

Fault	Under 19	20 to 29	30 to 39	40 to 49	50 to 59	60 and over	Grand Total
Employee	2	10	5	5	1	0	23
Fellow employee	0	1	0	0	0	0	1
None indicated	8	13	20	9	2	1	53
Not clear	1	0	0	0	0	0	1
Grand Total	11	24	25	14	3	1	78*

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

* In the 1910 *Report*, only 78 out of 134 accident cases listed the age of the individual injured. This table excludes the missing 56 cases.

Appendix Ten:
Injury, Cohort, and Machines, Based on the 1910 *Report of Factories Inspector*, Listed as Number of Cases

Age Cohort	Injury	A	B	C	D	E	F	G	H	I	J	K	Grand Total
under 19	NED	0	0	0	0	1	0	0	0	0	0	0	1
	Severing	0	1	0	0	0	0	0	1	2	0	0	4
	Crush	0	0	1	0	0	0	0	0	0	0	0	1
	Cut	0	0	3	0	0	0	0	0	0	0	0	3
	Broken Bone	0	0	1	0	0	0	0	0	0	0	0	1
	Bruise	0	0	0	0	0	0	0	0	1	0	0	1
under 19 Total		0	1	5	0	1	0	0	1	3	0	0	11
20 to 29	NED	0	0	0	0	1	0	0	1	0	0	0	2
	Severing	0	1	4	1	4	0	1	0	0	0	0	11
	Cut	0	0	0	0	0	0	1	0	2	0	0	3
	Broken Bone	0	0	0	0	0	1	0	0	1	0	0	2
	Bruise	0	0	0	0	1	0	0	0	0	0	0	1
	Multiple	0	0	1	0	1	0	0	0	1	1	0	4
	Crush and Amputation	0	0	1	0	0	0	0	0	0	0	0	1
20 to 29 Total		0	1	6	1	7	1	2	1	4	1	0	24
30 to 39	NED	0	0	0	0	0	0	0	0	0	1	0	1
	Severing	0	0	5	0	1	0	0	0	1	0	0	7
	Crush	0	1	1	0	0	0	0	0	0	0	1	3
	Cut	2	0	0	0	1	0	0	0	1	0	0	4
	Broken Bone	1	1	0	1	0	0	0	0	0	1	0	4
	Bruise	0	2	0	0	0	0	0	0	2	0	0	4
	Multiple	0	0	0	0	0	0	0	0	1	0	0	1
	Multiple and Amputation	0	0	1	0	0	0	0	0	0	0	0	1
30 to 39 Total		3	4	7	1	2	0	0	0	5	2	1	25
40 to 49	NED	1	1	0	1	0	0	0	0	0	0	0	3
	Severing	0	0	1	0	2	0	0	0	2	0	0	5
	Cut	0	1	0	0	0	0	2	0	0	0	0	3
	Bruise	1	0	0	0	0	0	0	0	0	0	0	1
	Multiple	0	0	0	0	0	0	0	0	1	0	0	1
	Multiple and Amputation	0	0	0	0	1	0	0	0	0	0	0	1
40 to 49 Total		2	2	1	1	3	0	2	0	3	0	0	14
50 to 59	Severing	0	0	1	0	0	0	0	0	0	0	0	1
	Broken Bone	1	0	0	0	0	0	0	0	0	0	0	1
	Multiple	0	0	0	0	0	0	0	0	1	0	0	1
50 to 59 Total		1	0	1	0	0	0	0	0	1	0	0	3
60 and over	Burn	0	0	1	0	0	0	0	0	0	0	0	1
60 and over Total		0	0	1	0	0	0	0	0	0	0	0	1
Grand Total		6	8	21	3	13	1	4	2	16	3	1	78*

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.
NED: Not Enough Detail
Multiple: Multiple injuries (i.e. a cut and a broken bone)

Multiple and Amputation: Multiple injuries resulting in amputation of a limb (i.e. An employee is cut, burned, and has a limb crushed resulting in amputation of the limb.)
A: No machine
B: Unclear
C: Unspecified
D: Edger
E: Saw
F: Lathe
G: Shaper
H: Paner
I: Shafting
J: Train
K: Car
* Only 78 out of 134 accidents in the 1910 Report of Factories Inspector list the age of the accident victim. All cases that do not report the age are excluded.

Appendix Eleven:

Injury and Size of Factory, Based on the 1910 *Report of Factories Inspector*, Listed as a Percentage

Size of Factory	Percentage of Serious Injuries in Each Type of Factory
50 Employees or less	38.6%
More than 50 Employees	65.9%

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

Appendix Twelve:
Deaths and Size of Factory, Based on the 1910 *Report of Factories Inspector*, Listed as a Percentage

Size of Factory	Percentage of Total Deaths
50 Employees or less	6.7%
More than 50 Employees	93.3%
Total:	100%

Source: C.R. Gordon, "Report of Factories Inspector, 1910," British Columbia Sessional Papers (Victoria: William H. Cullen, 1911), p. I5-I26.

Appendix Thirteen:
Categorization of Fault for Accidents in the 1910 and 1916 *Report of Factories Inspector*

The accident was categorized in one of five ways depending on the description.

EMPLOYEE:
The text of the *Report of Factories Inspector* from 1910, 1912, 1913, and 1916 was used to construct a list of the safety recommendations provided by the inspector. An accident was categorized as being the fault of the employee if any of the following concepts appeared in the accident's description:
1. Employee removed a guard from a machine
2. Failure to wear eye protection
3. Wearing loose clothing near shafting or machines
4. Wearing gloves near machinery
5. Carelessness, heedlessness, inattentiveness, or horseplay
6. Adjusting, oiling, or repairing machinery while it was in motion
7. Placing a belt on a pulley while the pulley was in motion

EMPLOYER:
The accident was categorized as being the fault of the employer if the description of the accident included any suggestion that the employer did not provide safety equipment, or that the machinery being used was defective. Also, if the foreman was blamed for causing the accident, the accident was coded as being the fault of the employer since the foreman was a representative of the employer.

OTHER EMPLOYEE:
The accident was categorized as being the fault of another employee if the description of the accident included any reference to another employee causing the accident.

NOT CLEAR:
The accident was categorized as having an unclear indication of fault if the description of the accident did not clearly blame the employee, a fellow employee, the foreman, or the employer, but did indicate someone was to blame for causing the accident.

NO-FAULT INDICATED:
If none of the above categories describe the accident, then the accident was coded as having been caused by no single individual's fault.

BIBLIOGRAPHY:

PRIMARY SOURCES:

Re. Basanata and Canadian Pacific R.W.Co. [1911] 18 W.L.R. 353.

British Columbia Sugar Refining Company v. Kate Granick. [1910] 44 S.C.R. 105.

Carrington v. Granby Consolidated Mining Company [1909] 16 B.C.R. 157.

D.____ v. C.N.P. Company. B.C. Supreme Court Records, Fernie. April 28, 1911. BCARS. GR22447.

Darnley v. Canadian Pacific Railway Company. [1908] 14 B.C.R. 15.

Deceased Workmen's Wages Act, 1905. 2 Ed. 9 Chap. 58.

"Doing Work Over Again." Times. December 8, 1915, pp. 7.

F.____ v. The Crows Nest Pass Coal Company. B.C. Supreme Court Records, Fernie. September 23, 1910. BCARS. GR22447.

Factories Act, 1908. 8 Ed. 7.

Factories Act, 1910. 1 Geo. 5.

Hilchin v. The British Columbia Sugar Refinery Company Ltd. [1913] 18 B.C.R. 397.

K.____ v. Hosmer Mines Ltd. B.C. Supreme Court Records, Fernie. December 1913. BCARS. GR22447.

Main Colliery Company, Limited v. Davies. [1900] 1 A.C. 358.

"Transcript of Evidence, Volume 1." Report of the Committee of Investigation on Workmen's Compensation Laws. Victoria: Provincial Library, 1916.

"Transcript of Evidence, Volume 2." Report of the Committee of Investigation on Workmen's Compensation Laws. Victoria: Provincial Library, 1916.

"Transcript of Evidence, Volume 3." Report of the Committee of Investigation on Workmen's Compensation Laws. Victoria: Provincial Library, 1916.

"Transcript of Evidence, Volume 4." Report of the Committee of Investigation on Workmen's Compensation Laws. Victoria: Provincial Library, 1916.

"Transcript of Evidence, Volume 1." Report of the Royal Commission on Labour. BCARS. GR0684.

"Transcript of Evidence, Volume 2." Report of the Royal Commission on Labour. BCARS. GR0684.

"Transcript of Evidence, Volume 3." Report of the Royal Commission on Labour. BCARS. GR0684.

"Transcript of Evidence, Volume 7." Report of the Royal Commission on Labour. BCARS. GR0684.

S.____ v. Granby Consolidated Mining, Smelting and Power Company, Limited. B.C. Supreme Court Records, Fernie. May 5, 1914. BCARS. GR22447.

Scalzo v. Columbia Macaroni Factory. [1912] 17 B.C.R. 201.

"Speech Delivered by the Honourable W.J. Bowser, K.C. on The Workmen's Compensation Act." Victoria, British Columbia. April 12, 1915

V.____ v. C.N.P. B.C. Supreme Court Records, Fernie. April 20, 1911. GR22447.

Re. Varesick and British Columbia Copper Co. [1906] 5 W.L.R. 56.

Workmen's Compensation Act, 1902. 2 Ed. 7 Chap. 74.

Workmen's Compensation Act, 1911. 2 Geo. 5 Chap. 244.

Workmen's Compensation Act, 1916. 6 Geo. 5 Chap. 77.

"Workmen's Compensation Address by Luther Anderson before West Virgina Bar Association." White Sulphur Springs, West Virginia. July 14, 1910.

SECONDARY SOURCES:

"Annual Report of the Minister of Mines for the Year Ending 31 December, 1910." British Columbia Sessional Papers. Victoria: Richard Wolfenden, 1911, pp. K1-K269.

"Annual Report of the Minister of Mines for the Year Ending 31 December, 1911." British Columbia Sessional Papers. Victoria: William H. Cullen, 1912, pp. K1-K313.

"Annual Report of the Minister of Mines for the Year Ending 31 December, 1912." British Columbia Sessional Papers. Victoria: William H. Cullen, 1913, pp. K1-K347.

"Annual Report of the Minister of Mines for the Year Ending 31 December, 1913." British Columbia Sessional Papers, Volume 1. Victoria: William H. Cullen, 1914, pp. K1-K459.

"Annual Report of the Minister of Mines for the Year Ending 31 December, 1914." British Columbia Sessional Papers. Victoria: William H. Cullen, 1915, pp. K1-K544.

"Annual Report of the Minister of Mines for the Year Ending 31 December, 1915." British Columbia Sessional Papers. Victoria: William H. Cullen, 1916, pp. K1-K473.

"Annual Report of the Minister of Mines for the Year Ending 31 December, 1916." British Columbia Sessional Papers. Victoria: William H. Cullen, 1917, pp. K1-K547.

Asher, Robert. "The Limits of Big Business Paternalism: Relief for Injured Workers in the Years before Workmen's Compensation." Dying For Work: Workers' Safety and Health in Twentieth-Century America. ed. David Rosner and Gerald Markowitz. Indianapolis: Indiana University Press, 1987, pp. 19-33.

Bale, Anthony. "America's First Compensation Crisis: Conflict Over the Value and Meaning of Workplace Injuries Under the Employers' Liability System." Dying For Work: Workers' Safety and Health in Twentieth-Century America. ed. David Rosner and Gerald Markowitz. Indianapolis: Indiana University Press, 1987. pp. 34-52.

Barman, Jean. The West Beyond the West: A History of British Columbia. Toronto: University of Toronto Press, 1991.

Caves, R.E. and R.H. Holton. "An Outline of the Economic History of British Columbia, 1881-1951." Historical Essays on British Columbia. ed. J. Friesen and H.K. Ralston. Toronto: McClelland and Stewart, 1976, pp. 152-166.

Creese, Gillian. "Exclusion or Solidarity? Vancouver Workers Confront the 'Oriental Problem,'" Canadian Working Class History: Selected Readings. ed. L. S. McDowell and Ian Stewart. Toronto: Canadian Scholars' Press, 1992, pp. 311-332.

Eastman, Crystal. Work-Accidents and the Law. New York: Charities Publication Committee, 1910.

Fifth Census of Canada, 1911, vol. 2 Ottawa: C.H. Parmelee, 1913.

Fifth Census of Canada, 1911, vol. 3 Ottawa: C.H. Parmelee, 1913.

Finkel, Alvin. "Origins of the Welfare State in Canada." The Canadian State: Political Economy and Political Power. Ed. Leo Panitch. Toronto: University of Toronto Press, 1977, pp. 344-370.

Gordon, C.R. "Report of Factories Inspector, 1910." British Columbia Sessional Papers. Victoria: William H. Cullen, 1911, pp. I5-I26.

Gordon, C.R. "Report of Factories Inspector, 1912." British Columbia Sessional Papers. Victoria: William H. Cullen, 1913, pp. M13-M15.

Gordon, C.R. "Report of Factories Inspector, 1913." British Columbia Sessional Papers, Volume 2. Victoria: William H. Cullen, 1914, pp. Q23-Q29.

Gordon, C.R. "Report of Factories Inspector, 1916." British Columbia Sessional Papers, Volume 1. Victoria: William H. Cullen, 1918, pp. B101-B119.

Greer, Allan and Ian Radforth. "Introduction." Colonial Leviathan: State Formation in Mid-Nineteenth Century Canada. ed Allan Greer and Ian Radforth. Toronto: University of Toronto Press, 1992, pp. 3-16.

Guest, Dennis. The Emergence of Social Security in Canada. Vancouver: University of British Columbia Press, 1980.

Hanes, David. The First British Workmen's Compensation Act, 1897. London: Yale University Press, 1968.

Hanks, Patrick and Flavia Hodges, A Dictionary of Surnames. New York: Oxford University Press, 1988.

Harper, A.M., H.G. Parson, J.A. MacKelvie, R.A. Stoney, J. Jardine. "Report of the Royal Commission on Labour." British Columbia Sessional Papers, Volume 2. Victoria: William H. Cullen, 1914, pp. M1-28.

Illinois Employers' Liability Commission. Chicago: Stomberg, Allen, and Company, 1910.

Jaurausch, Konrad and Kenneth Hardy. Quantitative Methods for Historians: A Guide to Research, Data, and Statistics. Chapel Hill: University of North Carolina Press, 1991.

Kealey, Gregory. Toronto Workers Respond to Industrial Capitalism, 1867-1892. Toronto: University of Toronto Press, 1980.

Lubove, Roy. "Workmen's Compensation and the Prerogatives of Voluntarism." Labor History. vol. 8 (Fall 1987), pp. 254-279.

Mavor, James. Report on Workmen's Compensation for Injuries. Toronto: Warwick Bro's and Rutter, Printers, 1900.

McCallum, Margaret. "Keeping Women in Their Place: The Minimum Wage in Canada, 1910-1925." Canadian Working Class History, Selected Readings. ed. L.S. MacDowell and Ian Stewart. Toronto: Canadian Scholars Press, 1992, pp. 433-458.

Meredith, William Ralph. Final Report on Laws Relating to the Liability of Employers to make Compensation to their Employees for Injuries Received in the Course of their Employment which are in Force in Other Countries as to How far Such Laws are found to Work Satisfactory. Toronto: William Briggs, 1914.

Ormsby, Margaret. British Columbia: A History. Toronto: MacMillan of Canada, 1964.

Panitch, Leo. "The Role and Nature of the Canadian State." The Canadian State: Political Economy and Political Power. ed. Leo Panitch. Toronto: University of Toronto Press, 1977, pp. 3-27.

Palmer, Bryan. Working-Class Experience: Rethinking the History of Canadian Labour, 1800-1991. Toronto: McClelland and Stewart, 1992.

Parr, Joy. The Gender of Breadwinners: Women, Men, and Change in Two Industrial Towns, 1880-1950. Toronto: University of Toronto Press, 1990.

Pierson, Christopher. Beyond the Welfare State? University Park: The Pennsylvania State University Press, 1991.

Pineo, Avard, James McVety, David Robertson. Report of the Committee of Investigation on Workmen's Compensation Laws. Victoria: William Cullin, 1916.

Piva, Michael. "The Workmen's Compensation Movement in Ontario." Ontario History, vol. 62 (1975), pp. 39-56.

Prouty, Andrew Mason. More Deadly Than War: Pacific Coast Logging, 1827-1981. New York: Garland Publishing Inc., 1985.

Reasons, Charles, Lois Ross, Craig Paterson. Assault on the Worker: Occupational Health and Safety in Canada. Toronto: Butterworth and Company, 1981.

"Report of the Commission on Compensation for Industrial Accidents." Commonwealth of Massachusetts.

Report of Washington Commission Appointed by Gov. M.E. Hay to Investigate the Problems of Industrial Accidents and to Draft a Bill on the Subject of Employers Compensation to be Submitted to the 1911 Session of the Washington Legislature. Olympia: E.C. Boardman Public Printer, 1910.

Resnick, Philip. The Masks of Proteus: Canadian Reflections on the State. Kingston: McGill-Queen's University Press, 1990.

Rhodes, J.E. Workmen's Compensation. New York: Macmillan Company, 1917.

Robin, Martin. The Rush for Spoils: The Company Province, 1871-1933. Toronto: McClelland and Stewart Limited, 1972.

Roy, Patricia. "British Columbia's Fear of Asians, 1900-1950," A History of British Columbia: Selected Readings. ed. Patricia Roy. Toronto: Copp Clark Pitman Ltd., 1989, pp. 285-299.

Smith, Elsdon, American Surnames. Philadelphia: Chilton Book Company, 1969.

Specht, Allen. Introduction to Workers' Compensation Board History Project. Victoria: British Columbia Workers' Compensation Board, ND.

Surnames in the United States Census of 1790: An Analysis of National Origin of the Population. Baltimore: Genealogical Publishing Company, 1969.

Tripp, Joseph. "Law and Social Control: Historians' Views of Progressive-Era Labor Legislation." Labor History, vol 28 (Fall 1987) pp. 447-483.

Tucker, Eric. Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850-1914. Toronto: University of Toronto Press, 1990.

Tucker, Eric. "The Law of Employers' Liability in Ontario 1861-1900: The Search for a Theory." Osgoode Hall Law Journal, vol. 22 (1984), pp. 213-280.

Walton, Frederick Parker. The New Laws of Employers' Liability in England and France and their bearing on the law in the Province of Quebec. Montreal: C. Theoret, 1900.

Warburton, Rennie. "Conclusion: Capitalist Social Relations in British Columbia." Workers, Capital and the State in British Columbia, Selected Papers. ed. Rennie Warburton and David Coburn. Vancouver: University of British Columbia Press, 1988, pp. 263-288.

Warburton, Rennie and David Coburn. "Introduction." Workers, Capital and the State in British Columbia, Selected Papers. ed. Rennie Warburton and David Coburn. Vancouver: University of British Columbia Press, 1988, pp. 1-8.

Weinstein, James. "Big Business and the Origins of Workmen's Compensation." Labor History, vol. 8, (1967), pp. 156-174.

VITA:

SURNAME: Keelor **GIVEN NAMES**: John Thomas
PLACE OF BIRTH: Edmonton, Alberta **DATE OF BIRTH**: 22 November, 1969

EDUCATION INSTITUTIONS ATTENDED:
Okanagan University College, 1989 to 1993
University of Victoria, 1993 to 1996

DEGREES AWARDED:
B.A. University of Victoria, 1993

HONOURS AND AWARDS:
Ladner Scholarship, University of Victoria, 1993
Graduate Teaching Fellowship, University of Victoria, 1993 to 1995

PUBLICATIONS AND PRESENTATIONS:
"The Use of Computers in History: How Historians Can Use the Internet for Research", *Qualicum History Conference*, February, 1994.
"The Internet and Gender History: Sources for Gender Studies on the Internet", *BC and Beyond: Gender History Conference*, June, 1994.
"Blood on the Bandsaw: Reinterpreting the British Columbia *Factory Inspector Reports*, 1910-1916", *Qualicum History Conference*, February, 1995.
"'The Cost of Production': The Development of No-Fault Workers' Compensation Legislation in British Columbia, 1915-1916", *Qualicum History Conference*, February, 1996.

PARTIAL COPYRIGHT LICENCE:

I hereby grant the right to lend my thesis to users of the University of Victoria Library, and to make single copies only for such users or in response to a request from the Library of any other university, or similar institution, on its behalf or for one of its users. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by me or a member of the University designated by me. It is understood that copying or publication of this thesis for financial gain shall not be allowed without my written permission.

TITLE OF THESIS: "The Price of Lives and Limbs Lost at Work: The Development of No-Fault Workers' Compensation Legislation in British Columbia, 1910-1916"

AUTHOR: [redacted]

John Thomas Keelor
17 May, 1996