

REPRINTED BILL

Bill No. 20 of 1945.

A BILL TO AMEND THE MALE MINIMUM WAGE ACT

NOTE.

Section 1 of this Bill enacts a new definition of "overtime." In the definition now in the Act "overtime" was defined as the excess over ten hours in any one day or in excess of fifty-four hours in any one week. The words "in excess of any lesser customary weekly hours of work" in clause (ii) are new.

Section 2 of the Bill amends section 13 (1) of the Act by the addition of words requiring the employer to preserve records of the names, wages and hours of work, etc. of employees to be kept for one year.

Section 3 of the Bill enacts a new section 15a to make it clear that breaches of a board order as well as breaches of the Act are offences.

Section 4 of the Bill amends section 18 of the Act by enacting a new subsection (1) extending from six months to twelve months the time after leaving the employment within which an employee may sue for the difference between the wages paid and the minimum wage, and also limiting the time to twelve months where the employee stays in the employment. The employee is also required to give notice of intention to bring an action within six months of leaving the employment or if he does not leave, within six months of entering the employment or the making of a minimum wage order whichever is later.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

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No. 20 of 1945.

An Act to amend The Male Minimum Wage Act.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Male Minimum Wage Act*, being chapter 282 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by striking out paragraph (f) thereof and by substituting therefor the following:

“(f) ‘Overtime’ means any time worked by an employee,—

“(i) during any one day in excess of eight hours or during any time which is not included in the hours of work prescribed pursuant to *The Hours of Work Act* or is in excess of any lesser customary daily hours of work of any employee;

“(ii) during any one week in excess of forty-eight hours or during any time which is not included in the hours of work prescribed pursuant to *The Hours of Work Act* or is in excess of any lesser customary weekly hours of work of any employee;”

2. The said Act is further amended as to section 13 by adding at the end of subsection (1) thereof the following words: “and shall preserve all such records for a period of at least one year after each has been made”.

3. The said Act is further amended by adding immediately after section 15 thereof the following new section:

“**15a.** Any order made by the Board shall have the same force and effect as if it were contained in and formed a part of this Act, and any person who contravenes any such order shall be guilty of an offence and unless a penalty is elsewhere in this Act provided for such offence, shall be liable on summary conviction to a penalty of not more than five hundred dollars, and in the case of a second or subsequent offence shall be liable on summary conviction to a penalty of not more than five hundred dollars and costs, and in default of payment to imprisonment for a period of not more than six months and to the suspension or cancellation of any license held by him under *The Licensing of Trades and Businesses Act*.”

4. The said Act is further amended as to section 18 by striking out subsection (1) thereof and by substituting therefor the following:

“18.—(1) If any employee is paid less than the minimum wage to which he is entitled under this Act, the employee shall be entitled to recover from his employer, in a civil action, the difference between the amount paid and the amount of the minimum wage, with costs of action; but no action shall be brought by an employee under this section whether before or after the termination of the services, unless the action is commenced within twelve months from the date upon which the cause of action first accrued, and unless,—

“(a) where the employee has terminated his services, he gives notice in writing to the employer within six months of his leaving the employment of his intention to bring an action as provided for herein;

“(b) where the employee has not terminated his services, he gives notice in writing to his employer within six months of the making of a minimum wage order affecting his employment, or within six months of his entry into the employment, whichever event is later, of his intention to bring an action as herein provided.”

5. This Act shall come into force on the day upon which it is assented to.

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No. 20.

FIRST SESSION
TENTH LEGISLATURE

9 GEORGE VI

1945

BILL

An Act to amend The Male Minimum
Wage Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART.

EDMONTON:
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1945