

Bill No. 59 of 1947.

A BILL RESPECTING THE CONDITIONS OF LABOUR
AND THE WELFARE OF EMPLOYEES IN
THE PROVINCE.

NOTE.

This Bill amends and consolidates the following Acts:

The Hours of Work Act, chapter 279, R.S.A., 1942;

The Female Minimum Wage Act, chapter 283, R.S.A., 1942;

The Male Minimum Wage Act, chapter 282, R.S.A., 1942;

The Labour Welfare Act, chapter 5, Statutes of Alberta, 1942;

The Industrial Standards Act, chapter 312, R.S.A., 1942;

The Industrial Conciliation and Arbitration Act, chapter 280, R.S.A., 1942.

Only the important changes are dealt with. The Act applies to all employees except persons who are farm labourers or domestic servants in private houses.

There is a new definition of "hours of work" in section 2 (*j*).

Subsection (3) of section 8 of the Bill provides that where the Board of Industrial Relations arbitrates a dispute as to arrears of wages, any compromise or settlement arranged shall be binding upon the employers and employees.

Section 11 provides that the working hours shall not exceed forty-eight in the "week of not more than six working days". In *The Hours of Work Act* now in force this reads "week of six working days". The change is intended to meet cases where there is a five-day week.

In section 13 (2) "a monthly report" replaces "a weekly report".

In section 15 (3) the words "or in relation to such longer work period as the Board may deem proper" have been added.

Section 16 (*a*) has been changed to make it clear that the Board of Industrial Relations may make the order provided for either general or applying only to a specified part of the Province. In paragraph (*c*) of section 16, which authorizes the Board to prescribe as to the hours at which work shall begin, etc., the words "shall be confined within hours immediately following commencement of work" are new.

In section 24 (1) (a) the words "male or female, or both" are inserted because the two Acts now in force dealing with minimum wages, namely, *The Male Minimum Wage Act* and *The Female Minimum Wage Act* are now both incorporated into Part II of the Bill. For the same reason the words "or sex" are included in section 24 (2) (a). Section 24 (6) is new and authorizes the Board to order that work done on a statutory holiday, as defined in the order, be treated as overtime.

In section 25 the words "unless the agreement is approved by the Board" are new. This gives the Board authority in a proper case to permit an agreement at a lower wage than the minimum.

In section 29 dealing with penalties the minimum penalty for a first offence is reduced from twenty-five dollars to ten dollars for each employee affected and a minimum penalty of twenty-five dollars for a subsequent offence is included.

In section 34 the words "or about the premises of" are new.

Section 41 (1) requires employees to be paid within ten days of the expiration of each period of employment which shall be not greater than one month. The last line of subsection (1) is new and enables the Board to fix a maximum period at less than a month in any specified industry.

Section 43 deals with holidays with pay and is considerably enlarged from the corresponding provision contained in section 4 (2) (g) of *The Labour Welfare Act* which was limited to what is paragraph (a) of section 43 of the Bill. Paragraphs (b) (c) and (d) of this section are new. Paragraph (c) makes special provisions for persons whose employment is seasonal or intermittent and who do not qualify for holidays with pay under paragraphs (a) and (b). Paragraph (d) enables the Board to provide for cases where an employee leaves his employment without having received his annual holiday while clause (ii) of the same paragraph authorizes the Board in specified industries to require an employer to set aside at the end of each pay period an amount set out in the order as holiday credits which may be in cash or stamps if such a system is adopted, which shall be available to the employee as provided in the order.

In section 45 in Part IV dealing with Industrial Standards, the definition of "officer" as being an Industrial Standards Officer is omitted as that office is being abolished and the duties formerly performed by such officers will in future be performed by inspectors appointed generally under the new Act.

In the proviso to section 49 the words "amended or" are new and authorize an application to amend an existing industrial standards schedule where formerly the application was limited to revocation.

Section 55 provides that the wage rates and hours of work prescribed in a schedule shall not be less or greater respectively than those provided in orders of the Board. This applies to all employees. In *The Industrial Standards Act* now in force this protection is limited to female employees.

Part V of the Act deals with industrial conciliation and arbitration.

“Collective agreement” is defined in section 57 (c) so as to make it clear that such agreement shall be in writing and signed by the parties to it. “Trade union” is defined in section 57 (i) as meaning any organization of employees, etc. In the Act now in force both “trade union” and “organization” were defined, but it is considered that the comprehensive definition of “trade union” in the Bill does away with the necessity for the two definitions.

Section 59 deals with the procedure leading up to the certification of a bargaining agent and modifies to a considerable extent the provisions now in the Act. Subsection (4) defines the times when a bargaining agent, claiming to have elected as such, may make an application to the Board to be certified, which are,—

- (a) at any time, if there is no collective agreement in force and no bargaining agent has even been certified;
- (b) where there is no collective agreement but a bargaining agent has been certified, after expiry of ten months from such certification;
- (c) where a collective agreement is in force after the expiry of ten months of the term of the agreement.

When the application is made the Board makes an inquiry and report upon the matters set out in paragraphs (a), (b) and (c) of subsection (5). Subsection (7) sets out the powers of the Board in determining the merits of the application including where expedient, the taking and supervision of a vote by ballot which vote may be taken on the premises of the employer who is required to place a suitable portion of the premises at the disposal of the Board for that purpose. Subsection (8) provides for the taking of the vote during different shifts; if the employees work in shifts. Subsection (9) provides for the Minister certifying the applicant as bargaining agent if the Board reports to him that it is satisfied of the matters set out in paragraphs (a), (b) and (c) of the subsection. Under the Act now in force provision was made for an appeal to the Minister by either an applicant or the employer from the decision of the Board, and the Minister was required to refer the matter to arbitration. These provisions are omitted from section 59 of the Bill. Subsection (10) sets out what follows the certification of a bargaining agent,—

- (a) The bargaining agent shall replace any other bargaining agent and shall have exclusive authority to bargain for the employees;

(b) The certification, if any, of the previous bargaining agent is revoked;

(c) If at the time of certification a collective agreement is in force, the certified bargaining agent shall be substituted as a party to the agreement in place of the previous bargaining agent and may on two months' notice terminate the agreement.

There are also some changes in section 60 from the provisions of the present Act. This section deals with the procedure leading up to the negotiation of a collective agreement. Subsection (2) requires three clear days' notice of a meeting to be held for the purpose of collective bargaining. In the present Act the notice required was forty-eight hours. Subsection (3) allows service by registered mail. Subsection (4) creates an offence additional to those now in the Act, namely, a refusal on the part of an employer to execute a collective agreement after the terms have been agreed upon. Subsection (1) provides that where the Board has intervened in an attempt to bring about a collective agreement or on the request of the Minister when a dispute exists or is apprehended and reports to the Minister that it has failed to effect an agreement, the Minister, if the Board so recommends, shall refer the matter to arbitration.

Section 61 of the Bill provides by subsection (2) that every collective agreement shall contain a provision for final settlement without stoppage of work of all differences between the parties regarding its interpretation, application, operation or any alleged violation, while subsection (3) provides that where any agreement heretofore or hereafter entered into does not contain such a provision, either party to the agreement may apply to the Board to prescribe such a provision.

Section 63 prohibits an employer or employers' organization from interfering with the formation, etc., of a trade union or to contribute financial support to it beyond permitting an employee or trade union representative to confer with him during working hours, etc., without deduction of wages for the time occupied.

Section 65 is new.

Section 66 is new and prohibits an employee or person acting for a trade union from using intimidation with a view to encouraging or discouraging membership or activity in a trade union.

Section 88 gives the Lieutenant Governor in Council authority to suspend the operation of Part V of the Bill dealing with industrial disputes in so far as it refers to disputes in the coal mining industry and to authorize the application thereto of the Dominion Act relating to such matters.

W. S. GRAY,
Legislative Counsel.

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

BILL

No. 59 of 1947.

An Act Respecting the Conditions of Labour and the
Welfare of Employees in the Province.

(Assented to _____, 1947.)

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

SHORT TITLE.

1. This Act may be cited as "*The Alberta Labour Act*".

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
 - (a) "Apprentice" or "learner" means any person who receives instruction in any industry;
 - (b) "Board" means the Board of Industrial Relations constituted under the provisions of this Act;
 - (c) "Chairman" means the Chairman of the Board of Industrial Relations constituted under the provisions of this Act;
 - (d) "Chief Inspector" means the Chief Inspector of the Board of Industrial Relations;
 - (e) "Class of employees" means any class of employees in any class of employment or any body of employees which in the discretion of the Board may be determined by it to be a class of employees within the meaning of this Act;
 - (f) "Class of employment" means any trade or occupation or any branch of work in any trade or occupation, or any process in any trade or occupation, or in any number of trades or occupations, or any work which in the discretion of the Board may be determined by it to be a class of employment within the meaning of this Act;
 - (g) "Employee" means and includes every person engaged in any industry who is in receipt of or entitled to compensation for labour or services performed whether the labour or services is performed on the premises of the employer or of the employee or elsewhere, and whether the compensation is on the basis of time or of the amount of work performed or of piece work, or is otherwise computed;

- (h) "Employer" means and includes every person, corporation, partnership, firm, manager, representative, contractor and subcontractor having control and direction of or responsible, directly or indirectly for the employment of and the payment of wages to any employee;
- (i) "Employment" includes employment in any industry, trade, business or occupation;
- (j) "Hours of work" or "working hours" means the hours during which an employee works or performs some duty for his employer;
- (k) "Industry" means and includes every business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof in which there are employees and employers;
- (l) "Inspector" means an inspector appointed under the authority of this Act;
- (m) "Minimum wage" means the minimum wage fixed by the Board under this Act;
- (n) "Minister" means the Minister of Trade and Industry;
- (o) "Order" means any order of the Board of Industrial Relations made under the authority of this Act;
- (p) "Regulations" means the regulations made by the Lieutenant Governor in Council under the authority of this Act;
- (q) "Wage" and "wages" includes any compensation for labour or services measured by time, by the amount of work performed, by piece work or otherwise.

APPLICATION OF ACT.

3. This Act shall apply to all persons, employers and employees in the Province except persons who are farm labourers or domestic servants in private houses.

ADMINISTRATION OF ACT.

4. The Minister is hereby charged with the general administration of this Act and, for the purpose of enforcing the provisions hereof, may, with the approval of the Lieutenant Governor in Council, appoint such fit and proper persons as may be necessary as inspectors whose duty it shall be, subject to the direction of the Minister, to enforce the provisions of this Act, and every such inspector is empowered to enter upon any premises whereon any employee is employed and to question any employee apart from his employer with the object of ascertaining whether the provisions of this Act, any schedule under Part IV, or any order or regulation made under this Act is being carried out.

BOARD OF INDUSTRIAL RELATIONS.

5.—(1) There shall be a Board known as the "Board of Industrial Relations" which shall consist of such persons, not more than five in number, as may be appointed by the Lieutenant Governor in Council, and one of such persons shall be designated as the Chairman of the Board.

(2) The presence of a majority of the Board shall constitute a quorum.

(3) Notwithstanding any vacancy in the membership thereof, the existing or continuing members of the Board shall have and may exercise all the powers, duties and functions of the Board.

(4) The members of the Board shall hold office during pleasure and shall be paid such allowance as remuneration for their services and for the expenses necessarily incurred in the performance of their duties as may be fixed by the Lieutenant Governor in Council.

POWERS OF BOARD ON INQUIRY.

6. For the purpose of any inquiry held pursuant to the provisions of this Act, the Board shall in respect of the inquiry have the like powers as may by law be conferred upon commissioners appointed under *The Public Inquiries Act*.

7.—(1) The Board may from time to time hold an inquiry for the purpose of investigating the facts with respect to,—

- (a) any persons engaged or working in any employment as members or alleged members of any partnership or association;
- (b) any persons engaged in the execution of any agreement or scheme of profit sharing or co-operation or joint contract;

and in any such inquiry may investigate the contractual and other relations of the persons so engaged or working as between themselves or as between them and their master or employer.

(2) If after the holding of such inquiry under the provisions of subsection (1) as the Board considers adequate the Board is of the opinion that the partnership, association, agreement, or scheme and the engagement or working of those persons in connection therewith as aforesaid are intended or have the effect, either directly or indirectly, of defeating the due and equitable application of this Act in limiting hours of work or in respect of the payment of a minimum wage or in any other respect, the Board may make an order applying the appropriate provisions of this Act in respect of the partnership, association, agreement or scheme in whole or in part and prohibiting by any person of any act or thing in connection therewith set out in the order; and the order shall be published in *The Alberta Gazette* and thereupon shall take effect and be binding on all persons engaged

or working as aforesaid to whom the order is made applicable with like force and effect as if the partnership, association, agreement or scheme in whole or in part were an industry and the persons so engaged or working were employees therein.

(3) Every person who contravenes any order made under subsection (2) or does any act or thing prohibited by an order so made shall be guilty of an offence and liable on summary conviction to a penalty of not more than two hundred and fifty dollars and costs, or in default of payment to imprisonment for a term of not more than three months, and in the case of a subsequent offence shall be liable on summary conviction to a fine of not more than five hundred dollars and costs and in default of payment to imprisonment for a term of not more than six months and to the suspension or cancellation by the Minister of any license held by him under *The Licensing of Trades and Businesses Act*.

8.—(1) The Board shall have and exercise such duties and powers as may from time to time be assigned to it by the provisions of this or any other Act.

(2) In particular and without limiting the generality of the foregoing, the Board may arbitrate in cases of dispute between employers and employees over hours, wages, and terms and conditions of employment, and may adjust, compromise and settle such disputes, and may collect on behalf of any employee or employees any arrears of wages or any moneys due for overtime or otherwise, and may accept such moneys so collected in full or partial settlement of the liability of any employer to any employee and may do such other matters and things as may be necessary for the performance of the duties assigned to the Board by the provisions of this or any other Act.

(3) Any adjustment, compromise or settlement made pursuant to subsection (2) shall be binding upon the employers and employees concerned, and the Board shall be under no liability to the employees or any of them with respect to the adjustment, compromise or settlement other than the payment to the employees or their nominees of the amounts collected hereunder.

9.—(1) The Board or the Chairman of the Board or any inspector appointed pursuant to this Act is hereby empowered to,—

- (a) inspect and examine all books, pay-rolls and other records of any employer which in any way relate to the wages, hours of labour or conditions of employment affecting any employee;
- (b) take extracts from or make copies of any entry in such books, pay-rolls and records;
- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the wages paid to all or any of his employees, and the hours of

labour and conditions of their employment; and to require the statements to be made by the employer on oath or to be verified by his statutory declaration;

- (d) require any employee to make full disclosure, production or delivery to him of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof which the employee may have in his possession or under his control, or other information either verbal or in writing, and either verified on oath or otherwise as may be directed, which may in any way relate to the wages, hours of labour or conditions of the employment.

(2) An employer, his agents and servants shall furnish all necessary assistance to an inspector to enable him to make an entry, inspection, examination or inquiry in relation to the industry carried on, on the premises of the employer.

(3) Each member of the Board and each inspector shall have power to administer oaths and take affidavits and statutory declarations required or authorized to be made under the provisions of subsection (1) and to certify to the same having been administered or taken.

(4) Any person who wilfully delays or obstructs an inspector in the exercise of any power given to him under this section or who fails to comply with any request made by the inspector under this section, or who fails to produce any books, papers, documents, files, pay-rolls or records which he is required to produce or who conceals or attempts to conceal an employee or who seeks to prevent him from appearing before or being examined by an inspector shall be guilty of an offence and liable on summary conviction to a fine of not less than ten dollars and costs and not more than two hundred dollars and costs, and in default of payment to imprisonment for a term not exceeding three months.

RECORDS.

10.—(1) Each employer shall keep in each place of business operated by him in the Province a true and correct record in the English language of the wages paid to and the hours worked or hours on duty each day by each of his employees and such record of hours shall be compiled daily.

(2) In addition to the record required by subsection (1), each employer shall also keep a record in the English language of the name, age and residential address of each of his employees.

(3) The records required to be kept by employers under the provisions of this section shall be preserved and retained by the employer for a period of twelve months from the time when each record was made.

(4) The Board may require any employer to,—

- (a) furnish the names, addresses and ages of all employees and such further information respecting wages, hours and days and conditions of labour as may be required;

(b) produce for inspection at a place named by the Board any books, records, pay-rolls, contracts of employment and all such other records as may be deemed necessary.

(5) The Board may by notice in writing given to an employer require him forthwith or within a time to be set out in the notice, to make provision for the true and correct registration of the hours of work of each of his employees with respect to starting time, stopping time, and rest intervals, by means of time-clocks or in such manner as the Board may direct; and each employer shall comply with and observe the requirements and directions of the Board set out in any notice given to him pursuant to this subsection.

PART I.

HOURS OF WORK.

DETERMINATION OF HOURS OF WORK.

11. Subject to the exceptions provided by or under this Act, the working hours of an employee in any industry shall not exceed eight in the day and forty-eight in the week of not more than six working days.

12. Where in any employment the hours of work on one or more days of the week are fewer than the daily limit, the daily limit may be exceeded on any of the remaining days of the week provided the weekly limit is not exceeded thereby; but in no case under the provisions of this section shall the daily limit be exceeded by more than one hour without the approval of the Board.

13.—(1) The limit of hours of work prescribed in section 11 may be exceeded in case of accident or in case of urgent work to be done to machinery or plant or in case of unforeseeable or unpreventable circumstances but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

(2) Each employer shall send to the Board a monthly report in writing as to every day upon which the limit of hours of work is exceeded under the provisions of this section and such report shall be sent by mail in a duly prepaid cover addressed to "The Chairman of the Board of Industrial Relations, Edmonton", not later than three days following the last day of the calendar month in which the said limit is exceeded, and the report shall set out the reason for the excess, the names of the employees employed in excess of the limit and the extent of the excess in respect of each employee.

14.—(1) The provisions of section 11 shall not apply to a person holding a position of supervision or management or

employed in a confidential capacity so long as the duties performed by him are entirely of a supervisory or managerial character and do not comprise any work or duty customarily performed by other employees.

(2) In case of dispute the Board may determine whether or not the position held by any person or the capacity in which he is employed is such as to bring him within the scope of subsection (1), and the decision of the Board shall be final.

15.—(1) Each employer shall allow each of his employees twenty-four consecutive hours of rest in each consecutive period of seven days unless the Board orders that said hours of rest may be allowed in two periods, or unless the Board orders that a period of rest in excess of twenty-four hours in each consecutive period of seven days be allowed.

(2) Upon the application of an employer, the Board may inquire into the conditions of the employment, the operations of which are ordinarily continuous and, after making any such inquiry, make an order excepting that employment wholly or in part from the provisions of subsection (1), and may make such other provision as it deems necessary as to the days of rest which are to be allowed to the employees in the employment.

(3) Any order made pursuant to this section may provide for consecutive rest periods in relation to a work period of four weeks, or in relation to such longer work period as the Board may deem proper.

16. The Board may hold an inquiry as to the conditions prevailing in any employment and may by order,—

- (a) prescribe that the maximum hours of work of an employee in the employment shall be less than the maximum provided by section 11; and any such order shall be general in its application unless it is made applicable by its terms to any designated part or parts of the Province in which case it shall be applicable only in such part or parts of the Province so designated;
- (b) prescribe the periods of time which shall be allowed to employees for rest periods and provide as to what shall and what shall not be regarded as rest periods;
- (c) prescribe that the hours of work shall be confined within hours immediately following commencement of work and the hours of the day at which work shall begin and end respectively either generally or with respect to any designated employment or class of employment or with respect to any designated employee or class of employees, and prohibit the employment of such employee or class of employees other than during the hours prescribed.

17. Each employer shall notify his employees by means of the posting of notices in conspicuous places in the works

or other suitable place or by such other method as may be approved by the Board, the hours at which work begins and ends, and where work is carried on by shifts, the hours at which each shift begins and ends; said hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by or under this Part or Part IV and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Board.

18. Each employer shall keep a record in the form prescribed by the Board of all additional hours worked pursuant to section 13 or pursuant to any regulations made under section 19 and shall furnish the Board with a copy of the record.

19. The Board may, with the approval of the Lieutenant Governor in Council, make such orders as are considered necessary or advisable determining,—

(a) the permanent exceptions that may be allowed to an employer or employers engaged in any work which must necessarily be carried on outside the limits laid down for the general working of any industry or for certain classes of employees whose work is essentially seasonal or intermittent; and all permanent exceptions made hereunder shall forthwith be published in *The Alberta Gazette* and thereupon shall have the same force and effect as if incorporated in this Act;

(b) the temporary exceptions that may be allowed so that any employer or employers engaged in any industry may deal with exceptional cases of pressure of work;

(c) the extent to which the hours of work prescribed in section 11 may be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts; but regulations under this paragraph shall be made only after inquiry and the Board shall fix the maximum of additional hours in each instance.

20. The Board, after due inquiry and with the approval of the Lieutenant Governor in Council may from time to time exempt any industry or any class thereof in whole or in part from the operation of this Part or for such seasons or portions of the year as it may consider necessary or expedient having regard to the nature and conditions of the industry, the conditions of employment and the welfare of the employees.

21. Any employer who neglects or fails to notify his employees of the hours of work as required by section 17 or who employs any person outside the hours fixed in accordance with that section shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred

dollars and costs for each employee affected, and on default of payment to a term of imprisonment not exceeding sixty days.

22. The provisions of this Part shall not in any way limit or affect the provisions of *The Coal Mines Regulation Act*.

PART II.

MINIMUM WAGES.

INTERPRETATION.

23. In this Part unless the context otherwise requires, "overtime" means any time worked by an employee,—

- (a) during any one day in excess of nine hours or during any time which is in excess of any lesser daily hours of work prescribed pursuant to Part I for the type or class of employment in which the employee is engaged;
- (b) during any one week in excess of forty-eight hours or during any time which is in excess of any lesser weekly hours of work prescribed pursuant to Part I for the type or class of employment in which the employee is engaged.

FIXING MINIMUM WAGE.

24.—(1) After the holding from time to time of such inquiry as the Board considers adequate or without the holding of any inquiry, the Board may with the approval of the Lieutenant Governor in Council make an order,—

- (a) fixing a minimum wage for employees, male or female, or both, or different minimum wages for employees, male or female, or both, in different employments and in different classes or descriptions of any employment at such rate and in such manner as the Board in its discretion considers advisable; and
- (b) directing that no employer affected thereby shall employ any employee at a rate of wages less than the minimum wage so fixed.

(2) Without limiting the generality of the provisions of subsection (1), the Board may by its order,—

- (a) apply the minimum wage so fixed to all employees or to any group or class of employees in any industry or to any group or class or sex of employees in all or in any two or more industries;
- (b) fix a different minimum wage to be paid to employees in the same industry in different parts of the Province;
- (c) fix a minimum wage applicable only in the part or parts of the Province designated in the order;

- (d) fix the minimum wage upon an hourly, daily, weekly or monthly basis;
- (e) fix the minimum wage payable for overtime, which may be fixed on the basis of adding to the ordinary wages paid a percentage of such wages;
- (f) exempt from the operation of this Part or any order made hereunder any group, class or description of employees in any industry.

(3) Every order of the Board fixing a minimum wage shall apply throughout the Province, unless its application is by its terms restricted to some designated part or parts of the Province.

(4) Every such order or further or other order of the Board may provide for making or prohibiting deductions from the minimum wage.

(5) In any case where meals or lodgings are furnished by any employer to an employee to whom a minimum wage fixed by the Board applies, the Board may investigate the matter, and if in the opinion of the Board the price to be charged by the employer for the board or lodging or both unduly affects the wages of the employee, the Board may make an order fixing a maximum price to be charged by the employer for the board or lodging or both furnished to that employee, or fixing a maximum price to be charged by the employer for the board or lodging or both furnished by him to any group of his employees or to his employees in any industry.

(6) Notwithstanding any other provision of this Part, in any such order the Board may provide that an employee working on a statutory holiday as defined in the order be paid at the rate provided for overtime.

(7) Any such order or further or other order of the Board may fix a series of minimum wages to come into operation successively on the expiration of specified periods, and may make such series applicable in respect of periods of learning or apprenticeship.

(8) Where the Board makes an order fixing a minimum wage with regard to a class of employees who are learning any class of employment it may also make such order as it may think necessary for securing the effective instruction of such employees.

(9) In the case of any employees classified by the Board as handicapped or as part time employees or as apprentices or learners, the Board may by permit in writing authorize the payment of a wage less than the minimum wage fixed under subsection (1), and may in any case limit and define the number of handicapped employees, or part time employees or apprentices or learners to whom the lesser wage fixed under this subsection may be payable by any employer.

25. Any agreement by an employee to work for less than the minimum wage fixed by the Board with respect to the trade or occupation in which he is engaged shall, unless the

agreement is approved by the Board, have effect as if the minimum wage were stipulated for therein.

26.—(1) If any employee is paid less than the minimum wage to which he is entitled under this Part, 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.

(2) Subsection (1) shall apply only with respect to the wages of an employee during the period of six months last preceding the termination of his services or the taking of civil action by him pursuant to that subsection, whichever event first occurs.

27. Where an employee being a person to whom a minimum wage fixed by the Board applies is an apprentice or learner his employer shall not receive directly or indirectly from him or on his behalf or on his account any payment by way of premium.

FAIR WAGE.

28.—(1) The Board, with the approval of the Lieutenant Governor in Council, may from time to time by order, having made sufficient inquiry into the circumstances, prescribe in respect of any specified industry in the Province or in any specified area or areas thereof or at any specified place or any specified work or undertaking, as the fair rate of wages, such rates of wages for all the classes of employees engaged in the industry or for any specified class or classes of the employees as the Board thinks proper, either for a specified period or until the making of a further order under this section.

(2) Upon the publication of any such order so approved and so long as it remains in effect, the rate of wages prescribed as a fair wage for the employees to which the order relates, shall be the rate of wages payable by an employer to such employees.

PENALTIES.

29. Any employer who contravenes any order of the Board made under this Part by failing to pay the minimum wage fixed by the Board or by charging a price for board or lodging or both in excess of the maximum price fixed by the Board, shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and costs and not more than five hundred dollars and costs for each employee affected; and in addition thereto shall upon conviction be ordered to pay to each employee the difference between the wages actually paid to him and the minimum wage fixed by the Board, and in default of payment of the penalty and any sum ordered to be paid to an employee, the employer shall be liable to imprisonment for a term of not less than thirty days and not more than ninety days, and in the case of a second or subsequent conviction, shall be liable on summary conviction to a penalty of not less than twenty-five dollars and costs and not more than five hundred dollars and costs for each employee affected, and in default of payment of the penalty and any sum ordered to be paid to an employee, shall be liable to imprisonment for a period of not less than two months and not more than six months and to the suspension or cancellation by the Minister of any license held by him under *The Licensing of Trades and Businesses Act*.

30. Where an employee by collusion with his employer or otherwise works for less than the minimum wage to which he is entitled under this Part, or directly or indirectly returns to his employer any part of his wages which has the effect of reducing the wages actually received and retained by the employee to an amount less than the minimum wage to which he is entitled, the employee and the employer shall each be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars, in addition to any other penalties to which he may be liable under this Part.

GENERAL.

31. No prosecution for any offence under this Part shall be commenced or carried on by any person other than a person authorized in writing by the Minister so to do.

PART III.

LABOUR WELFARE.

INTERPRETATION.

32. In this Part unless the context otherwise requires,—

- (a) "Child" means a person under the age of fifteen years;

- (b) "Factory" means a factory as defined by or pursuant to *The Factories Act*;
- (c) "Office Building" means an office building as defined by *The Factories Act*;
- (d) "Shop" means a shop as defined by *The Factories Act*.

33.—(1) The Board may at any time and from time to time hold an inquiry for the purpose of investigating the facts with respect to the welfare of employees in relation to conditions of labour in any employment or industry, and after such inquiry as the Board deems adequate, the Board may, in its sole discretion, make an order prescribing generally, having regard to the interests of employers and employees, actions to be taken and conditions to be observed for the welfare of employees in any employment or employments or in different classes or descriptions of employment.

(2) Without limiting the generality of the provisions of subsection (1) the Board may by its order,—

- (a) prescribe the type of safety outer garments or safety appliances to be worn by employees for the protection of the head, eyes, hands, feet, or body of the said employees engaged in any employment, and determine, when the Board deems it advisable, the terms and conditions upon which such garments and appliances shall be provided by the employer for his employees;
- (b) prohibit female employees in any employment and in any class or description of employment from lifting or carrying burdens, connected with their employment, of a greater weight than that prescribed from time to time by order of the Board;
- (c) prohibit the employment of a pregnant woman on day shifts for a period of six weeks prior to and a further period of two months after delivery, and on night shifts during the whole period of pregnancy;
- (d) in cases where employees are engaged in any employment or in any class or description of employment operating on a two or three shift basis, require that the shifts shall be rotated at least once every three months or within such other period or in such manner as the Board may deem necessary or advisable;
- (e) require any employer who has in his employ over fifty employees in any employment or in different employments or in different classes or descriptions of any employment in an industry to retain the services of an attendant qualified to render first aid service for the welfare of the employees in his employ;
- (f) require an employer in any employment or class of employment to provide compartments or lockers for the purpose of storing wearing apparel and other personal belongings or articles of his employees;

- (g) exempt from any order of the Board made under this Part any industry or employment wholly or in part;
- (h) make such other provisions as the Board deems necessary or advisable for the welfare of employees in any industry or employment.

34. No child shall be employed in or about the premises of any factory, shop or office building.

35.—(1) In any employment in which women are employed an inspector may by written direction require the employer to provide and keep therein at all times a sufficient and suitable chair or seat for the use of every such woman employed, and upon receipt of that direction the employer shall permit her to use such chair or seat while engaged in the work or duty for which she is employed; and the employer shall not by an open or covert threat rule or other intimation, express or implied, or by any contrivance, prevent any female employee from using such chair or seat.

(2) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of not less than ten dollars and costs and not more than thirty dollars and costs, and in default of payment to imprisonment for a period not exceeding thirty days.

36. In any factory or shop,—

- (a) if an inspector so directs in writing, the employer shall not allow any person to take meals in any room in which any manufacturing process is being carried on;
- (b) after being directed by an inspector in writing so to do, the employer shall at his own expense provide a suitable room or place in the factory or shop or in connection therewith for the purposes of a dining and eating room and also a suitable rest room for persons employed in the factory or shop, no part of the expenses of which shall be payable by or chargeable to the wages of the employees.

37.—(1) The employer in any industry or employment shall,—

- (a) keep the premises where his employees are employed in a clean and sanitary condition and free from any effluvia;
- (b) to the satisfaction of the Chairman or Chief Inspector provide a sufficient number and description of privies, earth or water closets and urinals for the employees working in such premises including separate sets for the use of male and female employees with separate approaches thereto, and shall provide one closet for every twenty-five persons of each sex employed in such premises and shall keep at the

entrance of every closet a clearly painted sign indicating the sex for which such closet is provided, and the closets shall be reasonably accessible to the employees;

- (c) keep privies, earth or water closets and urinals in good repair and in a sanitary condition;
- (d) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein and not to be injurious to the health or comfort of the employees; but in no case shall the temperature be less than sixty degrees Fahrenheit unless authorized by the Chairman or Chief Inspector in writing;
- (e) ventilate the premises in such a manner as to keep the air reasonably pure and so as to render harmless as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of any employment carried on therein that may be injurious to health;
- (f) not allow overcrowding while work is being carried on upon the premises so as to be injurious to the health of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;
- (g) provide a wash room, clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for employees, and water taps which shall be at least eight feet distant from any water closet or urinal, and also when directed by the Chairman or Chief Inspector in writing, shower baths for the employees;
- (h) if a manufacturing process is carried on in any part of the premises which is calculated to wet the floor to such an extent that the health of any persons employed therein is likely to be endangered, provide adequate means for the proper draining of such floors;
- (i) in printing offices where there are three or more typesetting machines, linotypes, intertypes, monotypes or monolines provide that the melting pots of all typesetting, typecasting and similar machines and apparatus, such as linotype machines, monotype casters, stereotype melting pots, and the like are piped in a proper and efficient manner, so as to effectually carry off the noxious fumes and gases arising during their operation; and that all melting pots of stereotyping and typecasting devices are properly provided with hoods extending over the melting pots and connected with the aforesaid piping in such manner as to carry off the fumes from the molten metal as well as the burned gas fumes; provided that exhaust fans, blowers or other suitable devices shall in such premises as the Chairman or Chief Inspector orders also be installed for the purpose of further

aiding in the discharge of all deleterious matter from composing and other rooms where any of the above machines may be in operation.

(2) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then the inspector may, if such inhalation can be prevented or partially prevented, direct that adequate measures shall be taken within a reasonable time by the employer for the prevention of inhalation, and the employer shall comply with the direction given.

(3) No employer shall knowingly permit or suffer any person who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, to work in a factory or shop in which food or food products or materials are manufactured, stored or kept for sale or sold, nor shall any person affected with any of the said diseases work in any such factory or shop.

(4) No person shall take or be allowed to take food into any room where paint, varnish, dye, whitelead, arsenic or any other poisonous substance is exposed or where deleterious fumes, dust or gases are known to be present and drinking water in any such room shall be taken directly from taps or suitable closed receptacles.

38. Without the written consent of the Chairman or Chief Inspector, no part of any premises used for manufacturing or processing purposes shall be kept or used as a bedroom or sleeping place.

39. No laundry work shall be done in a room in or about a place of employment used for a sleeping or living room or in a room used for cooking, preparing or eating meals.

40.—(1) Any woman in any employment working with or about machinery, shafting or belting shall during the working hours,—

(a) wear her hair rolled or plaited and fastened securely or confined in a close-fitting cap or net so as to avoid contact with the said machinery, shafting or belting or with the material being handled;

(b) refrain from wearing jewelry of any kind which might be caught in moving machinery or which might interfere with the safety of such employee.

(2) The manager, superintendent, foreman or other person in charge shall see that employees are adequately notified as to the provisions of this section.

41.—(1) Each employer shall pay to every employee engaged or employed by him in any employment to which this Act applies, all wages earned by such employee within ten days after the expiration of each period of employment during which the employee has been so engaged or em-

ployed, which period of employment shall not be greater than one calendar month and shall be such shorter period as may be fixed by the Board with respect to any industry.

(2) In case the employment of an employee is terminated by the employer, the wages earned by the employee shall be paid to him by his employer upon the termination of the employment.

(3) No prosecution for an infraction of this section shall be commenced or carried on by any person other than a person authorized in writing by the Minister so to do.

42.—(1) Each inspector shall have the powers of a constable and may, in the execution of his duties under this Part, and for the purpose of enforcing the provisions of this Part or any orders of the Board or written instructions of the Chairman or Chief Inspector,—

(a) enter, inspect and examine any premises at all reasonable times by day or night, when he has reasonable cause to believe that any person is employed therein;

(b) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Part or any orders of the Board or any written instructions of the Chairman, Chief Inspector or an inspector have been complied with.

(2) An inspector in carrying out his duties under this section or when inspecting any premises may be accompanied by a legally qualified medical practitioner, medical health officer or sanitary inspector.

HOLIDAYS WITH PAY.

43. After the holding from time to time of such inquiry as the Board considers adequate, the Board, with the approval of the Lieutenant Governor in council,—

(a) may make an order requiring an employer in any employment or class of employment to give his employees one week's annual holidays with regular pay after one year's employment, and may by the said order or subsequent order require the employer to give a longer annual holiday than one week up to a maximum of two weeks with regular pay, and by such order establish the length of employment which will entitle the employee to a longer annual holiday up to a maximum of two weeks' holidays with pay;

(b) in any order made under the provisions of this section or in a separate order, may determine the number of hours of work which will constitute a day's work or a week's work, and the number of days worked which will constitute a month and a year respectively, and what the employee's regular wage is and the method of computing the same;

- (c) where the employment of any employee is seasonal or intermittent and the time worked in any year does not constitute a year's employment as determined by the Board pursuant to paragraph (b), may make an order requiring the employer to give the employee an annual holiday with regular pay for a period not exceeding two weeks, and by such order may establish the number of days worked in any year which will entitle the employee to receive holidays with pay, and the number of holidays with pay to which the days worked will entitle the employee;
- (d) notwithstanding the other provisions of this section, may make an order,—
 - (i) providing that where the employment of an employee terminates during the course of a working year in respect of which he has not received an annual holiday, the employer shall on the termination of the employment pay to the employee in addition to all other amounts due to him, such portion of his regular pay as the Board may declare to be a proper portion having regard to the time worked as related to the working year; or
 - (ii) providing that each employer in a specified industry or industries shall give to his employees holiday credits at the end of each working day, working week or other regular pay period in the shape of stamps or otherwise as set out in the order, and prescribing the method of ascertaining the credits to which the employee shall be entitled, and when he shall be entitled to receive payment in cash for such credits.

44.—(1) Each employer shall upon request furnish to an employee a statement in writing of wages paid to him for any specified period, setting out,—

- (a) the employee's earnings for the period for which the statement is requested including any bonus or living allowance included;
- (b) the amount of each deduction from the earnings of the employee and the purpose for which each deduction is made.

(2) Each employer shall upon request give to any employee upon termination of his employment a written statement showing the period of time during which he was employed.

PART IV.

INDUSTRIAL STANDARDS.

INTERPRETATION.

45. In this Part unless the context otherwise requires,—

- (a) "Association of employees" means a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers;
- (b) "Schedule" includes any schedule of wages and any schedule of hours of labour;
- (c) "Schedule of hours of labour" means a schedule of the maximum number of hours in each day or of days in each week or of both, which an employee shall be permitted to work;
- (d) "Schedule of wages" means a schedule of the minimum wages or remuneration payable to an employee.

CONFERENCES AND SCHEDULES.

46. The Minister may define and redefine zones in the various industries for the purpose of carrying out the provisions of this Part and the Regulations.

47. The Minister may, upon the petition of representatives of employees or employers in any industry, convene a conference or series of conferences of employees and employers engaged in the industry in any one or more zones, for the purpose of investigating or considering the condition of labour and the practices prevailing in the industry and for negotiating standard or uniform rates of wages and hours and days of labour in each industry in the said zone or zones.

48. The employers and employees in attendance at any such conference may, with respect to any industry in any one or more zones, formulate in writing schedules of wages and hours and days of labour for the industry affected and any schedule so formulated may, if agreed upon by a majority of the employers and employees so in attendance, be submitted to the Minister, and any such schedule may,—

- (a) establish the maximum number of hours comprising the regular working day and prescribe the hours of the day during which such hours of work may be performed;
- (b) establish the maximum number of hours comprising the regular working week;
- (c) establish the minimum rates of wages for the regular working periods;

- (d) establish the particular days in the week for the performance of labour in the industry;
- (e) establish the rates of wages and the periods for, and the conditions governing, overtime work;
- (f) classify the employees and employers and separately provide for each classification with respect to any of the matters which may be dealt with in the schedule;
- (g) define any term used in the schedule;
- (h) specify the particular operations which are included in the industry;
- (i) prohibit overtime work without a permit and authorize the advisory committee constituted pursuant to section 52 to issue such permits subject to the terms and conditions of the schedule;
- (j) fix the minimum charge which may be paid, accepted or contracted for with respect to the labour content of any service, work, operation or art and with the approval of the Board fix the minimum charge which any employer or employee may contract for or accept for any service, work, operation or art;
- (k) authorize the advisory committee constituted pursuant to section 52 to fix a minimum rate of wages lower than the rate fixed by the schedule for any classification of employees or for any individual who performs work included in more than one classification of employees, or whose work is only partly subject to the provisions of the schedule, or who is handicapped.

49. If, in the opinion of the Minister a schedule of wages and of hours of labour for any industry is agreed upon in writing by a proper and sufficient representation of employees and of employers, he may approve thereof, and upon his recommendation, the Lieutenant Governor in Council may declare the schedule to be in force, and thereupon the schedule shall be and continue in force until such time as the Lieutenant Governor in Council declares that it is no longer in force, and while so in force it shall be binding upon every employee and employer in the industry in the zone or zones to which the schedule applies;

Provided always that any employers or employees to whom any schedule relates may at any time after a schedule has been in force for a period of twelve months apply to the Minister in writing that it may be amended or declared to be no longer in force; and upon receipt of any such notice the Minister shall fix a day, time and place for inquiring into the circumstances of the application for amending or revoking, as the case may be, and shall give notice thereof to the employers and employees affected by the schedule in such manner as he thinks proper; and at the day, time and place so fixed or at any adjournment thereof he shall proceed to make an inquiry into the circumstances in such manner as he may determine and if in his opinion it is proper so to do he shall

recommend to the Lieutenant Governor in Council that the schedule be amended or revoked, as the case may require.

50. No such schedule shall become effective until ten days after publication of the Order in Council in *The Alberta Gazette*.

51. Any employer affected by any schedule shall cause a copy of the schedule to be posted in a conspicuous place where his employees are engaged in their duties so that the same may be readily seen and read by all employees and further shall cause the schedule to be there maintained so long as it remains in force.

52.—(1) In every zone or group of zones to which any schedule applies, the employees and employers engaged in the industry to which the schedule applies may establish an advisory committee of not more than five members, one of whom may act as chairman, and the advisory committee shall hear complaints of employees and employers to whom the schedule applies and shall generally assist in enforcing the schedule.

(2) The constitution of the advisory committee and the method of filling vacancies thereon may be determined by Regulation.

53.—(1) No employer shall fail to pay or cause to be paid to an employee the minimum wage or remuneration of a sum less than is prescribed by a schedule nor shall he require or permit an employee to work a greater number of hours in each day or a greater number of days in each week than is prescribed by a schedule, which schedule applies to the industry in which the employee or employer is engaged and to the zone in which the employer's business is located or in which the work is performed.

(2) Any employer who violates any of the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars and costs and not more than one hundred dollars and costs, and in default of payment, to imprisonment for a term not to exceed three months, and in addition shall pay to the employee the full amount of the wages then found to be unpaid under the provisions of the schedule and in default of payment the said amount of wages may be recoverable by distress at the instance of the Board.

54.—(1) No employee shall agree or consent to be employed for wages or remuneration of a sum less than he is entitled to by a schedule nor shall an employee work a greater number of hours in each day, or a greater number of days in each week than is prescribed by the schedule, which schedule applies to the industry in which the employee or employer is engaged and the zone in which the employer's business is located or in which the work is performed.

(2) Any employee who violates any of the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine of not less than one dollar and not more than ten dollars, together with costs, and in default of payment to not more than ten days imprisonment.

55. The wage rates for employees prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour in each week be greater than is provided in or prescribed pursuant to Part I and Part II or any order or regulation made thereunder.

56. This Part shall not extend to persons employed by the Government of the Province or by any of the Departments thereof or by any municipal corporation or by any board or commission created by any Act of the Legislature.

PART V.

CONCILIATION AND ARBITRATION.

INTERPRETATION.

57.—(1) In this Part, unless the context otherwise requires,—

- (a) "Bargain collectively" means to negotiate in good faith with a view to the conclusion of a collective labour agreement or an amendment or amendments to an existing agreement, and "Collective bargaining" shall have a similar meaning;
- (b) "Bargaining agent" or "Collective bargaining agency" means a trade union or organization or association of employees which acts on behalf of employees in collective bargaining with their employer or as a party to a collective agreement with their employer, and includes elected or appointed representatives of the employees;
- (c) "Collective agreement" means an agreement in writing between an employer or an employers' organization acting on behalf of an employer, on the one hand, and a bargaining agent of his employees, on behalf of the employees, on the other hand, containing provisions with reference to rates of pay, hours of work, or other terms or conditions of employment of the employees, and signed by the parties thereto;
- (d) "Conciliation Commissioner" means a Conciliation Commissioner appointed under the provisions of this Part;
- (e) "Dispute" means any dispute or difference between an employer and a majority of his employees, or a

majority of a unit or classification of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights, and duties of employers or employees, and in particular and without limiting the generality of the foregoing, includes all matters relating to,—

- (i) the wages, allowance, or other remuneration of employees or the price paid or to be paid in respect of employment;
- (ii) the hours of employment, sex, age, qualifications, or status of employees and the mode, terms and conditions of employment;
- (iii) the employment of children or any person or persons or class of persons, or the dismissal or refusal to employ any particular person or persons or class of persons;
- (iv) claims on the part of an employer or an employee as to whether and, if so, under what circumstances preference of employment should or should not be given to one class over another class of persons being or not being members of labour or other organizations, British subjects, or aliens;
- (v) materials supplied and alleged to be bad, unfit, or unsuitable, or damage alleged to have been done to work;
- (vi) any established custom or usage, either general or in the particular district affected;
- (f) "Employers' organization" means an organization of employers formed for the purpose of regulating relations between employers and employees;
- (g) "Lock-out" includes the closing of a place of employment or the suspension of work or a refusal by an employer to continue to employ a number of his employees, done with a view to compelling his employees or to aid another employer in compelling his employees to accept terms or conditions of employment;
- (h) "Strike" or "To go on strike" includes the cessation of work by a body of employees acting in combination or the concerted refusal or the refusal under a common understanding of a number of employees to work for an employer for the purpose of compelling their employer, or to aid other employees in compelling their employer, to accept terms or conditions of employment;
- (i) "Trade union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

(2) Any person who was immediately before the occurrence of any strike or lock-out or before his dismissal, as the case may be, an employee within the meaning and for the purposes of this Part, shall be deemed to be an employee,—

- (a) in the case of a strike or lock-out until the same is terminated; or
- (b) in the case of dismissal where an application for the appointment of a Conciliation Commissioner is made under this Part in respect thereof, until the application has been disposed of; or
- (c) in the case of dismissal where an application for the certification of a bargaining agent has been applied for until the application has been disposed of.

COLLECTIVE BARGAINING.

58. A collective bargaining agency and the acts thereof shall not be deemed to be unlawful by reason only that one or more of its objects are in restraint of trade.

59.—(1) It shall be lawful for employees to bargain collectively with their employer and to conduct such bargaining through a bargaining agent.

(2) The employees of an employer or specified unit or classification of employees appropriate for collective bargain may elect a bargaining agent by a majority vote of the employees entitled to vote.

(3) The employees entitled to vote at a vote taken under the provisions of this section or of subsection (7) of section 80 shall be any employee who has been duly admitted to membership in a trade union who has continued such membership for a period of not less than three months and who retains such membership and is in good standing according to the constitution and by-laws of the trade union, and also any employee who has been in the service of the employer for a period of at least three months prior to the taking of the vote.

(4) The bargaining agent claiming to have been selected under the provisions of this section may,—

- (a) where no collective agreement binding on or entered into on behalf of the employees or of a specified unit or classification of employees, as the case may be, is in force, and no bargaining agent has been certified under this section at any time;
- (b) where no collective agreement binding on or entered into on behalf of the employees or of a specified unit or classification of employees, as the case may be, is in force, but a bargaining agent has been certified under this section, after the expiry of ten months from the date of certification of the bargaining agent;
- (c) where a collective agreement binding on or entered into on behalf of the employees or of a specified unit or classification of employees, as the case may be, is in force, at any time after, but not before, the expiry of ten months of the term of the collective agreement;

make application to the Board to be certified as the bargaining agent of the employees of the employer or of a unit of employees, as the case may be.

(5) Upon receipt of an application for certification of a bargaining agent the Minister shall refer it to the Board for inquiry and report upon the following matters,—

- (a) whether the trade union, association, or elected representatives claiming to be the bargaining agent of the employees or of a specified unit or classification of employees, as the case may be, is a proper bargaining agent, and whether it has been elected by a majority of the employees entitled to vote or of the unit or classification of employees, as the case may be;
- (b) whether in the case of a unit or classification of employees, the unit or classification is in all the circumstances appropriate for collective bargaining;
- (c) any other questions of fact which may be material to enable the Board to determine the matter referred to it.

(6) The Board may prescribe the nature of the evidence that the applicant shall furnish to the Board with, or in support of, the application and the manner in which the application shall be made and the Board shall complete its inquiries and report to the Minister within twenty-one days after the matter has been referred to it.

(7) The Board shall, for the purposes of this section, make or cause to be made such examinations of records or other inquiries as it deems necessary including the holding of such hearings or the taking of such votes as it deems expedient to determine the merits of any application for certification, and any vote taken pursuant to this section shall be by secret ballot and the Board may give directions as to the manner of taking the vote and the procedure to be followed during, before and after the taking of such vote and if it considers expedient to do so, conduct or supervise such vote on the premises of the employer, and the employer shall place a suitable portion of the premises at the disposal of the Board for that purpose.

(8) Where a vote for the election of a bargaining agent is taken pursuant to subsection (7) in any plant or industry where the employees work in two or three continuous shifts, arrangements shall be made for the taking of a vote during each of the said shifts if that is necessary in order to give all the employees an opportunity of voting.

(9) If the Board reports to the Minister that it is satisfied,—

- (a) that the employees or the specified unit or classification of employees is appropriate for collective bargaining;
- (b) that the applicant is a proper bargaining agent; and

- (c) that a majority of the employees or of a specified unit or classification of employees, as the case may be, has selected the applicant to be a bargaining agent on its behalf;

the Minister shall certify the applicant to be a bargaining agent on their behalf but if the Board reports that it is not satisfied the application shall be refused.

(10) Where a bargaining agent is certified under this section,—

- (a) the bargaining agent shall immediately replace any other bargaining agent of employees and shall have exclusive authority to bargain collectively on behalf of the employees and to bind them by a collective agreement.
- (b) if another bargaining agent had previously been certified as bargaining agent in respect of the employees, the certification of the last mentioned bargaining agent shall be deemed to be revoked in respect of such employees; and
- (c) if, at the time of certification, a collective agreement binding on or entered into on behalf of the employees is in force, the bargaining agent shall be substituted as a party to the agreement in place of the bargaining agent that is a party to the agreement on behalf of the employees and may, notwithstanding anything contained in the agreement, upon two months' notice to the employer terminate the agreement in so far as it applies to those employees.

60.—(1) The bargaining agent representing the employees or the unit or classification of employees duly certified in accordance with the provisions of section 59 may serve upon the employer or employers a notice of a meeting to be held for the purpose of collective bargaining.

(2) The notice shall be served upon the employer or employers at least three clear days before the time of the meeting and the employer or employers or his or their duly accredited representatives shall attend such meeting for the purpose of bargaining with the representatives of the employees.

(3) Such service may be effected by personal service or by mailing the notice by registered post and the date of mailing shall be deemed to be the date of service.

(4) An employer refusing or failing to attend or to send a duly accredited representative to a meeting of which he has received notice in accordance with this section and any employer refusing to bargain or refusing, after the terms of an agreement have been settled, to execute a collective agreement, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars and costs for each offence.

(5) No prosecution for any infraction of the provisions of this section shall be commenced or carried on by any person other than a person authorized in writing by the Minister so to do.

(6) If negotiations for an agreement have continued for thirty days and either party to the negotiations believes that an agreement will not be completed in a reasonable time, it may so advise the Minister indicating the difficulties encountered, and may ask the Minister to intervene with a view to the completion of an agreement.

(7) Upon application made pursuant to subsection (6), the Minister may, if he is satisfied that the matter is a proper one for intervention, request the Board to intervene with a view to the completion of an agreement.

(8) Whenever a dispute exists or is apprehended, the Minister may, on his own initiative, if he thinks it expedient so to do, request the Board to intervene with a view to arriving at a settlement or prevention of the dispute.

(9) Upon receipt of a request pursuant to subsection (7) or subsection (8), the Board shall forthwith in such manner as it thinks proper, endeavour to effect an agreement or settlement, and shall within fourteen days of receiving the request, report to the Minister setting forth the result of the reference.

(10) In case the report of the Board is to the effect that it has failed to effect an agreement and recommends that the matter be referred to arbitration, the Minister shall forthwith refer the matter to arbitration, and shall notify the representative of all parties to the dispute that he has so referred it; the arbitration shall be before a board of three arbitrators, and the provisions of sections 74 to 80, both inclusive, shall *mutatis mutandis* apply to the arbitration.

61.—(1) No collective agreement shall be made for a term of less than one year but where the term of an agreement is more than one year the agreement shall contain or be deemed to contain a provision for the termination thereof at any time after ten months on two months' notice by either party thereto.

(2) Every collective agreement entered into after the coming into force of this Act shall contain a provision for final settlement without stoppage of work of all differences between the parties to or persons bound by the agreement or on whose behalf it was entered into, concerning its interpretation, application, operation or any alleged violation thereof.

(3) Where a collective agreement whether entered into before or after the coming into force of this Act, does not contain a provision as required by subsection (2), the Board shall, upon application of either party to the agreement, by order, prescribe a provision for such purpose and a provision so prescribed shall be deemed to be a term of the collective

agreement and binding on the parties to and all persons bound by the agreement and all persons on whose behalf the agreement was entered into.

VOTE ON DIRECTION OF MINISTER.

62. The Board on the request of the employer or on receipt of a petition signed by not less than fifty per centum of the employees entitled to vote, or on the direction of the Minister, may direct a vote to be taken under its supervision on any question involving the relations between the employer and his employees or any unit or classification of the employees as to which there is a dispute or as to which it is desirable to have an expression of opinion by the employees.

UNFAIR LABOUR PRACTICES.

63. No employer or employers' organization, and no person acting on behalf of an employer or employers' organization, shall participate in or interfere with the formation or administration of a trade union, or contribute financial or other support to it; provided that an employer may, notwithstanding anything contained in this section, permit an employee or representative of a trade union to confer with him during working hours or to attend to the business of the trade union during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied.

64. No employer hereafter shall insert any clause in any written contract of employment or impose any condition in any verbal contract of employment or continue such clause or condition heretofore in effect where such clause or condition seeks to restrain any employee from exercising his rights under this Part, and any such clause or condition shall be of no effect.

65. No employer shall interfere with, restrain or coerce any employee in the exercise of any right conferred by this Part.

66.—(1) Any person who by intimidation, threat of loss of position or employment or by an actual loss of position or employment or by any other threat seeks to compel any person,—

- (a) to refrain from attending any meeting of employees held for the purpose of discussing grievances or selecting a bargaining agent to carry on collective bargaining; or
- (b) to refrain from acting as representative to carry on collective bargaining; or
- (c) to refrain from engaging in any activities in support of a trade union or a bargaining agent or from making a complaint to a trade union or a bargaining agent or from giving evidence at any inquiry;

shall, in any such case, be guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and costs.

(2) Nothing contained in subsection (1) shall prevent a trade union from maintaining an existing agreement or entering into a new agreement with an employer or organization of employers, whereby all the employees or any unit or classification of employees of the employer or organization of employers are required to be members of a specified trade union.

(3) No employee or any person acting on behalf of a trade union shall use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a trade union.

67. Nothing in this Part shall detract from or interfere with the right of an employer to suspend, transfer, lay off, or discharge employees for proper and sufficient cause.

CONCILIATION COMMISSIONER.

68.—(1) Whenever any dispute exists and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Conciliation Commissioner.

(2) On application made pursuant to subsection (1), the Minister may, if he is satisfied that the dispute is a proper one for reference to a Conciliation Commissioner, appoint a Conciliation Commissioner, and may at the same time or subsequently refer to him any other dispute of a similar kind between any other employer and his employees; the decision of the Minister on the application shall be made within three days after the receipt of the application.

69. Upon the appointment of a Conciliation Commissioner, the Minister shall forthwith give notice of the appointment to the representatives of all parties to the dispute, and shall from time to time give notice of the appointment to the representatives of all parties who may become interested by reason of any dispute of a similar kind being referred to the same Conciliation Commissioner.

70.—(1) A Conciliation Commissioner shall, in such manner as he thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits and right settlement thereof.

(2) In the course of the inquiry the Conciliation Commissioner may make all such suggestions and do all such things as he deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and he shall hear such representations as may be made on behalf of the parties to the dispute, and shall diligently seek to mediate between the employer and employees.

(3) It shall be the duty of the Conciliation Commissioner to promote conditions favourable to a settlement by endeavouring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement.

71. The Conciliation Commissioner shall, within the time limited by the terms of his appointment, not to exceed fourteen days, transmit to the Minister a report setting forth the result of the reference:

Provided that with the unanimous consent of all parties the time for transmission of the report may be extended beyond fourteen days.

72. Upon receipt of the report the Minister shall forthwith transmit a copy of the report to the representatives of all parties to the dispute, and may publish the report in such manner as he sees fit.

ARBITRATION.

73. In case the report of the Conciliation Commissioner is to the effect that he has failed to bring about any settlement or adjustment of the dispute, the Minister shall forthwith refer the dispute to arbitration and shall notify the representatives of all parties to the dispute that he has so referred it; the arbitration shall be before a Board of three arbitrators.

74.—(1) The Minister shall forthwith serve notice on the representative of the employer, requiring the employer within the time limited by the notice, which time shall not exceed seven days, to appoint a person to act as arbitrator on behalf of the employer, and shall forthwith serve notice on the representative of the employees requiring the employees within the time limited by the notice, which time shall not exceed seven days, to appoint a person to act as arbitrator on behalf of the employees, and the two arbitrators shall appoint a person to act as third arbitrator, and the third arbitrator shall be chairman of the board of arbitration.

(2) Where any of the parties to a dispute is an organization having a president and secretary, notification shall be made to and service shall be made upon the president and secretary, and in every case the Minister shall have power to determine the persons to be notified and served as representatives for the purpose of this Part, and his determination shall be final.

(3) If the employer fails to appoint an arbitrator within the time limited by the notice, the Minister shall appoint a person to act as arbitrator on behalf of the employer.

(4) If the employees fail to appoint an arbitrator within the time limited by the notice, the Minister shall appoint a person to act as arbitrator on behalf of the employees.

(5) If the two arbitrators fail to appoint a third arbitrator within five days after the day on which the last of the two arbitrators is appointed, the Lieutenant Governor in Council shall appoint a third arbitrator, who shall be chairman of the board of arbitration.

BOARD OF ARBITRATION.

75.—(1) As soon as the names of the three arbitrators are determined the Lieutenant Governor in Council shall designate them a Board of Arbitration for the purposes of this Part, and the Minister shall deliver to them a statement of the dispute to be inquired into by them.

(2) No person shall be appointed an arbitrator under this Part unless he is a British subject who has resided in Alberta for three years immediately preceding the date of his appointment, nor if he has any pecuniary interest in the issue or dispute referred to arbitration, nor if he is acting or has acted within the period of six months before the application for arbitration, as solicitor, counsel or paid agent of either of the parties to the dispute.

(3) Every vacancy in the membership of a Board shall be filled in the same manner as in the case of the original appointment of the arbitrator whose ceasing to act caused the vacancy.

(4) Before entering upon the exercise of the functions of their office, the members of a Board of Arbitration shall respectively make oath or affirmation before a justice of the peace or other person authorized to administer an oath or affirmation, that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board, which oath or affirmation shall be forthwith filed with the Minister.

(5) Subject to the provisions of *The Public Service Act*, the Minister may provide the Board with a secretary, stenographer, and such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Part.

(6) As soon as possible after the Board is designated it shall, after serving sufficient notice on all parties, proceed to hear and determine the dispute.

(7) If in the opinion of the Minister the Board or any member of the Board after accepting office is unduly or unnecessarily deferring or delaying the proceedings for the hearing and determination of the dispute, the Minister may remove the Board or any member of the Board from office, and may serve notice on the representative of the employer, or the representative of the employees, or the representatives of both, or on the remaining members of the Board, if any, requiring within the time limited by the notice, and in the

manner directed by the notice, the appointment of a person or persons to act as arbitrators on the Board in substitution for the member or members removed.

PROCEDURE AND POWERS OF BOARD OF ARBITRATION.

76.—(1) The Board of Arbitration shall have power to determine its own procedure, but shall give full opportunity to all parties to present evidence and to be heard.

(2) It shall be lawful for the members of the Board, by a summons under their hands or under the hand of any one of them, to require the attendance of any person as a witness before them at a place and time to be mentioned in the summons, which time shall be a reasonable time from the date of the summons, and in like manner by summons to require any person to bring and produce before them all documents, writings, books, deeds and papers in his possession, custody, or power touching or in anywise relating to or concerning the dispute; and every person named in and served with any such summons shall attend before the Board, and answer upon oath, unless the Board otherwise directs, all questions relating to the dispute and produce all documents, writings, books, deeds, and papers as aforesaid, according to the tenor of the summons.

(3) If any person on whom any summons has been served by the delivery thereof to him or by the leaving thereof at his usual place of abode fails to appear before the Board at the time and place specified in the summons, or, having appeared before the Board, refuses to be sworn or to make answer to such questions as are put to him by the Board, or to produce and show to the Board all documents, writings, books, deeds, and papers in his possession, custody, or power touching or in anywise relating to or concerning the dispute, or if any person is guilty of any contempt of the Board, the Board shall have the same powers to be exercised in the same way as any judge of the Supreme Court in the like behalf; and all gaolers, sheriffs, constables, bailiffs, and all other police officers shall give their aid and assistance to the Board in the execution of its office.

(4) For the purpose of inquiry the Board shall have the power of administering oaths and any member of the Board may administer an oath.

(5) The Board may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

77. The Board of Arbitration or any member thereof, and on being authorized in writing by the Board, any other person, may without any other warrant than this Act at any time enter any building, mine, mine-workings, ship, vessel, factory, workshop, place or premises of any kind wherein or in respect of which any industry is carried on, or any work is being or has been done or commenced, or any matter

or thing is taking place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance, or article therein, and interrogate any persons in or upon any such building, mine, mine-workings, ship, vessel, factory, workshop, place or premises as aforesaid in respect of or in relation to any matter or thing hereinbefore mentioned; and any person who hinders or obstructs the Board, or any such person authorized as aforesaid, in the exercise of any power conferred by this section, or refuses to answer any interrogation made as aforesaid, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and costs.

78.—(1) Any party to a reference may be represented before the Board of Arbitration by three or fewer than three persons designated by the parties respectively for that purpose.

(2) A party appearing by a representative shall be bound by the acts of his representative.

(3) If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if the party had duly attended or had been represented.

79.—(1) The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held;

Provided that, so far as practicable, the Board shall sit in the locality within which the dispute arose.

(2) The presence of the chairman and at least one other member of the Board shall be necessary to constitute a quorum for a sitting of the Board.

(3) In case of the absence of any one member from a meeting of the Board, the other two members shall not proceed unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

(4) The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

AWARD OF BOARD OF ARBITRATION.

80.—(1) After making full inquiry and without undue delay, and in any event not more than fourteen days after the Board of Arbitration is designated pursuant to section 75, the Board shall make its award, and in its award the

Board shall so far as practicable deal with each item of the dispute, and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned;

Provided that with the unanimous consent of all parties the time within which the Board shall make its award shall be extended for such time as may be agreed upon by the parties.

(2) The award shall in all cases be retroactive to the date of the application for the appointment of a Conciliation Commissioner or for the intervention of the Minister pursuant to subsection (6) or subsection (8), of section 60, as the case may be.

(3) The Board's award shall be signed by such of the members as concur therein, and shall be transmitted by the chairman to the Minister as soon as practicable after the submission of the dispute to the Board.

(4) Where any question arises as to the meaning or application of or as to anything relating to or connected with the award, the Minister may, if he deems it expedient, request from the chairman of the Board an expression of the Board's opinion upon the question, and the chairman shall upon receipt of the request reconvene the Board, and the Board shall as soon as practicable report to the Minister its opinion upon the question.

(5) Upon receipt of the Board's award, the Minister shall forthwith cause a copy thereof to be sent to the respective parties to the dispute, and the Minister may publish the award in such manner as he thinks fit.

(6) The parties may, subject to subsection (7), accept or reject the award.

(7) The question of acceptance or rejection of the award shall be submitted to a separate vote by the employees directly affected by the award, and employers (if more than one employer is involved) respectively, and the vote shall be held on such date as may be appointed by the Minister and shall be by secret ballot, and both in the case of the employees so directly affected, and of the employers, the Board of Industrial Relations may supervise the taking of the vote, and may give directions as to the taking of the vote similar to those provided for in subsection (7) of section 59.

GENERAL PROVISIONS.

PROHIBITION OF STRIKES AND LOCK-OUTS, ETC.

81.—(1) During the period of time intervening between an application for the appointment of a Conciliation Commissioner under section 68, or for the intervention of the Minister pursuant to subsection (6) or subsection (8) of section 60, as the case may be, and fourteen days after the

date fixed for the taking of a vote under subsection (7) of section 80, no employer who is a party to the dispute shall declare or cause a lock-out, nor shall any employees who are parties to the dispute go on strike, nor shall any of the parties alter any of the conditions of employment including wages or hours, but the relationship of employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute.

(2) Subsection (1) shall not apply in any case where an application under section 68 is refused.

(3) Nothing in this Part shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lock-out or strike.

(4) Notwithstanding anything contained in subsection (1) no employees shall go on strike unless and until a vote has taken place under the supervision of the Board of Industrial Relations, and a majority of the employees affected have voted in favour of a strike.

(5) Where any dispute arises, no employer shall make effective a proposed change in wages or hours or conditions of employment without the consent of the employees, nor shall the employer declare or cause a lock-out, nor shall employees go on strike prior to an application for the appointment of a Conciliation Commissioner under section 68 or prior to an application to the Minister for intervention pursuant to subsection (6) of section 60, as the case may be.

82. Where there is between an employer and a trade union an agreement for the arbitration of disputes approved in writing by the Minister, the employer and the trade union shall, so long as the agreement remains in force, be exempt from the provisions of sections 68 to 81 of this Part.

83. Any employee may by order in writing signed by him, request his employer to apply any part of the moneys due to the employee to the payment of any amount payable by him to any other person for union dues, and the employer shall, from the moneys so due, make the payments as requested by the order, and such order shall be effective only for the amounts specified therein, and shall continue in force until revoked by the employee.

84. No court shall have power or jurisdiction to enforce any award made under this Part.

85. No proceedings under this Part shall be deemed invalid by reason of any defect of form or any technical irregularity.

RETURNS TO MINISTER.

86.—(1) Each trade union and each branch or local of every such trade union shall file with the Minister,—

(a) a copy, duly certified by its proper officers to be true and correct, of its constitution, rules, and by-laws containing a full and complete statement of its objects and purpose, and all amendments when made shall be likewise certified and filed with the Minister;

(b) an annual list of the names and addresses of its president, secretary, organizers and other officers as at the thirty-first day of December in each year.

(2) The list mentioned in paragraph (b) of subsection (1) shall be filed before the thirty-first day of January in each year.

(3) The information required to be filed under this section shall be used only for the purposes of this Part and shall not be open to inspection by the public.

87.—(1) The Minister may at any time request any trade union to deliver to him a general statement of its receipts and expenditures, and any trade union requested so to do shall without delay deliver to the Minister a general statement of its receipts and expenditures for the year preceding the year in which the request is made, verified by the statutory declaration of a responsible official of the trade union, in such form and setting out such particulars and further information as may be required by the Minister.

(2) Every officer of a trade union which makes default in complying with the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs and in default of payment to imprisonment for a term of not more than thirty days.

(3) Any information furnished pursuant to subsection (1) may be used solely by the Minister and officers of the Department of Trade and Industry for the purpose of the compilation and publication of statistical summaries and no such summary shall set out any particulars of the information contained so as to enable any person to identify particulars as particulars relating to any one trade union.

(4) No person in the service of the Government of the Province shall communicate or allow to be communicated to any person otherwise than is permitted by subsection (3) any information obtained under the provisions of subsection (1), nor shall any such person allow anyone not in the service of the Government to inspect or have access to any document by means of which any such information has been obtained, and any person who contravenes any of the provisions of this subsection shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days.

88. The Lieutenant Governor in Council may by order declare that on and after a day to be fixed by the order, the provisions of this Part and their operation shall be suspended and inoperative with respect to every industrial dispute arising in relation to employment in the industry of coal mining so long as the order remains in force, and that in lieu thereof, the provisions of *The Industrial Disputes Investigation Act*, being chapter 112 of the Revised Statutes of Canada, 1927, or any Statute of Canada that may be hereafter passed in substitution for the said Act, shall be in full force and effect in the Province with respect to every industrial dispute arising in relation to employment in the industry of coal mining to the same extent as if the provisions of the said above mentioned Act or an Act passed in substitution therefor had been enacted in this Act, notwithstanding that such dispute may be within or subject to the exclusive legislative jurisdiction of the Province.

PART VI.

GENERAL.

89.—(1) Any order made by the Board under the provisions of this Act shall be signed by the chairman and the secretary and shall become operative upon the date of its publication in *The Alberta Gazette* or at such later date as may be named in the order.

(2) Evidence of any order of the Board may be given by the production of a copy of *The Alberta Gazette* purporting to contain a copy of the order.

(3) A copy of any order made by the Board under this Act having endorsed thereon a certificate purporting to be signed by the secretary stating,—

- (a) that the copy is a true copy of the order or regulation;
- (b) that the order has been published in *The Alberta Gazette*, and the date of such publication,—

shall be received in any court as *prima facie* evidence without proof of the appointment or signature of the secretary.

(4) Each employer shall post up within fifteen days of the date when it becomes operative and keep posted in a conspicuous place on his premises where it can be readily seen by his employees, a copy of each order of the Board affecting the employment of the employer or employees engaged therein.

(5) All persons affected by any order of the Board shall upon its publication in *The Alberta Gazette* be deemed to have notice of the order and of its terms.

90. The Board may at any time and from time to time with the approval of the Lieutenant Governor in Council vary, suspend or cancel any order made by it under this Act.

91.—(1) Any employer who discharges or in any other manner discriminates against any employee because the employee has made a complaint under this Act or has testified or is about to testify, or because the employer believes that the employee may testify at any inquiry or in any proceedings relative to the enforcement of this Act or because the employee has made or is about to make any such disclosures as may be required of him by virtue of the provisions of this Act, shall be guilty of an offence and liable on summary conviction to a penalty of not more than five hundred dollars, and in default of payment to imprisonment for a term of not more than six months.

(2) For the purpose of carrying out the provisions of this Act without prejudice to any complainant in any case where the complainant requests that his name and identity be withheld, the name and identity of the complainant shall not be disclosed to any person by the Board except where disclosure is necessary for the purposes of any prosecution under this Act or is considered by the Board to be in the public interest.

92. In any prosecution for any offence against any of the provisions of this Act alleged to have been committed by an employer, the onus of proof that he is not an employer shall be upon the person charged with the offence.

93. Any moneys required for the administration of this Act or for carrying out any of the provisions of this Act shall, in the absence of any vote of the Legislative Assembly available therefor, be paid out of the General Revenue Fund.

94. The Lieutenant Governor in Council may make such regulations not inconsistent with this Act as he may deem necessary for carrying out the provisions of this Act and for the efficient administration hereof and such regulations shall be published in *The Alberta Gazette*, and upon being so published shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time and the repeal, alteration or amendment shall be published in *The Alberta Gazette* and upon being so published shall have the same force and effect as if enacted in this Act.

95. Any person who violates any provision of this Act or the Regulations or of a schedule adopted under the provisions of Part IV or any order of the Board or any written direction of the Chairman, Chief Inspector or an inspector authorized by the Act for which no penalty is otherwise provided by this Act shall be liable on summary conviction to a fine of not more than two hundred and fifty dollars and costs and in default of payment to imprisonment for a term not exceeding ninety days.

96. The following enactments are hereby repealed:

- (a) *The Hours of Work Act*, being chapter 279 of the Revised Statutes of Alberta, 1942;
- (b) *The Male Minimum Wage Act*, being chapter 282 of the Revised Statutes of Alberta, 1942;
- (c) *The Female Minimum Wage Act*, being chapter 283 of the Revised Statutes of Alberta, 1942;
- (d) *The Labour Welfare Act*, being chapter 5 of the Statutes of Alberta, 1943;
- (e) *The Industrial Standards Act*, being chapter 312 of the Revised Statutes of Alberta, 1942; and
- (f) *The Industrial Conciliation and Arbitration Act*, being chapter 280 of the Revised Statutes of Alberta, 1942.

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

FOURTH SESSION
TENTH LEGISLATURE

11 GEORGE VI

1947

BILL

A Bill Respecting the Conditions of
Labour and the Welfare of
Employees in the Province.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART.

EDMONTON:
A. Shnitka, King's Printer
1947