

1985 BILL 23

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

INDUSTRIAL WAGES SECURITY AMENDMENT ACT, 1985

MR. KOWALSKI

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 23
Mr. Kowalski

BILL 23

1985

INDUSTRIAL WAGES SECURITY AMENDMENT ACT, 1985

(Assented to _____, 1985)

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

1 *The Industrial Wages Security Act is amended by this Act.*

2 *Section 1 is amended*

(a) *in clause (a) by striking out "a mine and";*

(b) *by adding the following after clause (a):*

(a.1) "employee" means a person who is ordinarily employed by an employer in a designated industry in, on or about the place at which the industry is carried on, as an employee on a salary or for wages;

(c) *by repealing clauses (e) and (h).*

3 *The following is added after section 1:*

1.1 The Minister may, in writing, authorize any employee of the Government whose position is under his administration to exercise any powers, duties or functions conferred on the Minister by this Act.

4 *Section 2 is amended*

(a) *in subsection (1)(a) by striking out "on May 15" and substituting "on or before May 15 or any later date specified by the Minister";*

(b) *by repealing subsection (2).*

Explanatory Notes

1 This Bill will amend chapter I-3 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads in part:

1 In this Act,

(a) "designated industry" means a mine and an industry declared under section 16 to be a designated industry;

(e) "mine" means a place or a part of a place in or on which there is a natural bed of coal or stratum of coal or aggregation of strata at which coal is being obtained for sale or at which land is being prepared for the getting of coal, whether it is on the surface of the earth or subjacent to it, and whether it is within the property of one owner or several;

(h) "workman" means a person who is ordinarily employed, by an employer in a designated industry in, on or about the place at which the industry is carried on, as an employee on a salary or for wages.

3 Delegation.

4 Section 2 presently reads in part:

2(1) An employer who is engaged in a designated industry shall,

(a) on May 15 in each year, deliver to the Minister a statement of the total amount of the wages paid or payable by him to all the workmen employed by him in a designated industry in which he is engaged, during the period of 12 months immediately preceding the month in which the statement is required to be delivered, and

(2) An employer who proposes to engage in a designated industry shall, before commencing to engage in the industry, deliver to the Minister a statement showing the assets of the employer and his liabilities and shall set out in detail all mortgages or charges whatsoever against any of his assets and the nature of them and the amounts secured by the mortgages and charges as at the last day of the month preceding the delivery of the statement, and any further information that the Minister may require.

5 Section 3(2) is amended in clauses (b) and (c) by striking out “amount equal to” and substituting “amount determined by the Minister not exceeding”.

6 Section 5(2), (3), (4) and (5) are repealed.

7 Sections 6 and 7 are repealed and the following is substituted:

6(1) On application by an employer, the Minister may exempt the employer from liability to furnish the security required by this Act.

(2) In exercising his discretion under subsection (1), the Minister shall consider the nature of the operations of the employer, the assets and liabilities of the employer, the amount of wages payable to the employees and any other information relevant to the application that is submitted by the employer or required by the Minister.

(3) The Minister may cancel an exemption at any time by order in writing and shall send a copy of the order by registered mail to the employer at his last known post office address, and the employer shall, within 30 days of the date of mailing of the copy of the order, lodge with the Minister the security required by this Act.

5 Section 3(2) presently reads:

(2) The amount of the security shall be as follows:

(a) in case the period during which the wages have been paid or payable to workmen employed by him in any designated industry immediately preceding the date of commencement of operations is less than a full period of 12 months, an amount that the Minister in his discretion determines;

(b) in any case where an employer has been ordered under section 10 to cease the operation of the industry for having defaulted in the payment of any wages payable to any workman employed by the employer in the industry, an amount equal to twice the greatest amount paid by him for wages in that industry in one month during the period of 12 months immediately preceding the date of commencement of the year's operations;

(c) in all other cases, an amount equal to the greatest amount paid by him for wages in any designated industry in one month during the period of 12 months immediately preceding the date of commencement of operations.

6 Section 5 presently reads:

5(1) The security shall consist of cash or a guarantee bond of a bonding company authorized to carry on business in Alberta, or some other security or securities approved by the Minister.

(2) The Minister may submit to the Public Utilities Board the application to furnish the other security.

(3) The Public Utilities Board shall consider the nature of the operations of the employer, the assets and liabilities of the employer, the amount of wages payable to the employees and any other information relevant to the application which may be submitted by the employer or required by the Board.

(4) If the Public Utilities Board is satisfied with the security or securities submitted by the employer, the Board may issue a certificate to the Minister to that effect.

(5) The Minister on receipt of the certificate from the Public Utilities Board may then approve the security under this section.

7 Sections 6 and 7 presently read:

6(1) The Minister, on the application of any employer for exemption from liability to furnish the security required by this Act, may submit the application to the Provincial Treasurer.

(2) The Provincial Treasurer shall consider the nature of the operations of the employer, the assets and liabilities of the employer, the amount of wages payable to the employees and any other information relevant to the application that is submitted by the employer or required by the Provincial Treasurer.

(3) If the Provincial Treasurer is satisfied with the financial position of the employer and with his ability to pay the wages of his employees, the Provincial Treasurer may issue a certificate to the Minister to that effect.

(4) The Minister on the receipt of the certificate from the Provincial Treasurer may by order in writing exempt any employer from liability to furnish the security required by this Act either for an indefinite period or for a period set out in the order.

8 *Section 10(2) is amended by striking out “and in default of payment to imprisonment for a term of not less than 30 days and not more than 6 months”.*

9 *Section 11 is amended by striking out “not less than \$100 and not more than \$1000, and in default of payment to imprisonment for a term of not more than 3 months” and substituting “not more than \$1000”.*

10 *Section 12 is amended by striking out “not less than \$100 nor more than \$2500, and in default of payment to imprisonment for a term of not more than 3 months” and substituting “not more than \$2500”.*

11 *Section 13 is repealed.*

12 *Section 16(1) is repealed and the following is substituted:*

16(1) The Lieutenant Governor in Council may by regulation declare the lumbering industry or any other industry to be a designated industry for the purposes of this Act.

(5) The Minister may at any time by order in writing cancel an exemption and shall send a copy of the order by registered mail to the employer at his last known post office address, and the employer shall, within 30 days of the date of mailing of a copy of the order, lodge with the Minister the security required by this Act.

7(1) Notwithstanding section 6, the Minister may exempt from liability to furnish the security required under this Act any employer who has not defaulted in the payment of any wages for a period of 3 consecutive years immediately preceding an application for exemption.

(2) An exemption under this section shall be made by ministerial order which shall set out the period or conditions of the exemption and provide for the termination of the order on breach of any of the conditions within the period of the order.

8 Section 10(2) presently reads:

(2) An employer who, being notified of an order under this section, omits or neglects to comply therewith is guilty of an offence and liable to a fine of \$100 for each day during which the offence continues and in default of payment to imprisonment for a term of not less than 30 days and not more than 6 months.

9 Section 11 presently reads:

11 An employer who defaults in delivering any statement required by section 2 is guilty of an offence and liable to a fine of not less than \$100 and not more than \$1000, and in default of payment to imprisonment for a term of not more than 3 months.

10 Section 12 presently reads:

12 An employer who defaults in furnishing the Minister with any security that he is required by this Act to furnish and who continues, after so defaulting, to employ hired employees in a designated industry, is guilty of an offence and liable to a fine of not less than \$100 nor more than \$2500, and in default of payment to imprisonment for a term of not more than 3 months.

11 Section 13 presently reads:

13 An employer who has complied with the provisions of this Act as to the furnishing of security in respect of a designated industry shall, at all times during which the compliance continues, keep posted up in a conspicuous place in the office at the place where that industry is carried on a notice of a kind, size, description and form prescribed by the Minister, to the effect that the employer has furnished security in accordance with this Act and that in case default is made in the due payment of wages to any employees, the Minister is empowered to apply the security in paying the wages in default, and that in the case of any default occurring, prompt notice should be given to the Minister thereof.

12 Section 16 presently reads:

16(1) The Lieutenant Governor in Council may by order, which shall be published in The Alberta Gazette, declare to be a designated industry and to be subject to this Act any of the following industries:

(a) lumbering;

(b) quarrying;

(c) any salt mines or any works operated for the purpose of processing salt or oil sands at or in the immediate vicinity of the place at which the salt or oil sands are mined, won or obtained;

13(1) In the following provisions “workmen” is struck out wherever it occurs and “employees” is substituted:

*section 1(b);
section 2(1)(a);
section 3(1) and (2)(a);
section 8(2)(a);
section 10(1)(b).*

(2) Section 3(2)(b) is amended by striking out “workman” and substituting “employee”.

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*

(d) any drilling operation being carried on for the purpose of searching for natural gas or oil or salt, or for the purpose of obtaining natural gas or oil or salt.

(2) The Lieutenant Governor in Council may, in the order declaring a designated industry, restrict the operation of the order to a specified area, which shall be set out in the order, in relation to each industry designated in the order.

13 Consequential to section 2 of this Bill.