

BILL

No. 36 of 1917.

An Act for the Protection of Persons employed in Factories,
Shops and Office Buildings.

(Assented to , 1917.)

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 Factories Act.*"

2. In this Act—

(a) "Bake-shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or bread, biscuits, cakes or any other food product made from flour or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials;

(b) "Child" shall mean a person under the age of fifteen years;

(c) "Court" shall mean the justices of the peace or police magistrates, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act;

(d) "Employer" as applied to a factory or shop shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent has charge of any factory, shop or bakeshop and employs persons therein, and in the case of an office building shall include the superintendent, manager or caretaker thereof; and shall include contractor or sub-contractor;

(e) "Factory" shall mean—

(1) Any building, workshop, structure or premises of the description mentioned in schedule A together with such other buildings, structures or premises as the Lieutenant Governor in Council may by proclamation declare to be factories within the meaning of this Act.

(2) Any other building, workshop, structure, premises, room or place wherein or within the precincts of which steam, water, electrical power or energy or other power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there.

(3) Any other building, workshop, structure, premises, room or place wherein the employer of the persons working therein has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making

APPLICATION OF ACT.

3. Nothing in this Act shall in any way conflict or interfere with the powers and duties of local boards of health or the officer appointed under *The Public Health Act*.

(2) For the purposes of this Act in respect to sanitary measures the Chief Officer of Health or any health officer may act jointly with, or independently of the inspector under this Act.

4. Nothing in this Act shall extend to a mechanic, artisan or labourer working only in repairing either the machinery in or any part of a factory, shop, bake-shop or office building, or to a watchman.

5. A part of a building used as a factory, shop, bake-shop or office building may, with the written approval of an inspector, for the purposes of this Act be taken to be a separate factory, shop, bakeshop or office building.

(2) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory such place shall not be deemed to form part of that factory, for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory and be regulated accordingly.

(3) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air.

6. Every shop, building or room in which one or more persons are employed in doing public laundry work by way of trade or for the purpose of gain shall be deemed a factory to which this Act applies.

(2) This section shall not apply to a dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade.

7. Except as otherwise expressly provided this Act shall not apply to any factory where not more than five persons are employed and no power other than manual labour is used in aid of the manufacturing process carried on there.

(2) A factory in which in any calendar year more than five persons are employed at any one time shall during that year be deemed a factory unless the inspector is satisfied that less than six persons are usually employed therein.

(3) This Act shall not apply to any shop where only members of the employer's own family dwelling in a house to which the shop is attached are employed at home.

8. Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto and control thereof contracts for work or labour to be done therein by any other person or lets or hires out any part thereof for that purpose, and such other person engages or employs therein any employee, child or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such employee, child or woman shall, for all the purposes of this Act, be deemed to be in the service and employment of such owner, occupier or tenant.

(2) In computing the number of persons employed in any place in order to ascertain if such place is a factory to which this Act applies every such employee, child or woman shall be counted.

9. Every person found in a factory, except at meal times or except while all the machinery of the factory is stopped, or for any other purpose than that of bringing food to the persons employed in the factory, shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

(2) Yards, playgrounds and places open to public view, waiting rooms and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on shall not be taken to be part of the factory for the purposes of this section.

10. A child or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is herein otherwise provided, be deemed to be employed in such factory.

11. In every factory and shop the employer shall keep a register of the employees employed in the factory and shop and of their employments in form 1 in schedule B, and shall send to the inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties, and shall permit the inspector at all times to inspect such register.

(2) For every contravention of this section the employer shall incur a penalty not exceeding \$30.

12. Where, in a factory or shop, the owner or hirer of a machine or implement moved by steam, water, electrical power or energy or other power in or about or in connection with which machine or implement any child or woman is employed, is some person other than the employer, and such child or woman is in the employment and pay of the owner or hirer of such machine or implement he shall, so far as respects any offence against this Act which may be committed in relation to such child or woman, be deemed to be the employer.

13. Before erecting any building or altering any existing building which it is intended thereafter to use as a factory the owner shall submit the plans of such building or of the proposed alterations to the inspector; and the inspector shall examine the same, and if he finds that the plans provide for the fulfilment of the requirements of this Act as to the construction of factories, he shall certify his approval thereon, and the owner shall not proceed with the erection or alteration of such building without such approval.

14. The owner, proprietor or manager of any factory shall not begin operations until he has received from the inspector a certificate of inspection of the factory and a permit to operate the same. (Form 2.)

(2) Any person who contravenes the provisions of this section shall incur the penalties provided for in section 59.

15. Every person shall, within one month after he begins to occupy a factory, transmit to the inspector a notice, form 3, schedule B, containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall incur a penalty not exceeding \$30 for every month or part thereof during which he is so in default.

ADMINISTRATION.

16. The provisions of this Act shall only apply to factories, shops, offices and office buildings in cities and towns having a population exceeding 5,000.

17. The Lieutenant Governor in Council may for the purpose of carrying out this Act—

- (a) Appoint as many inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other inspectors and of the carrying out of the provisions of this Act;
- (b) Make such regulations for carrying out the provisions of this Act as may be deemed necessary.

18. Every inspector shall have the powers of a constable and may, in the execution of this Act and for enforcing the regulations—

- (a) Enter, inspect and examine at all reasonable times by day or night, any factory, shop, bake-shop or office building when he has reasonable cause to believe that any person is employed therein, and enter by day any place which he has reasonable cause to believe is a factory, shop, bake-shop or office building;
- (b) Require the production of any register, certificate, notice or document required by this Act to be kept, and inspect, examine and copy the same;
- (c) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with so far as respects the factory, shop, bake-shop or office building and the persons employed therein;
- (d) Examine either alone or in the presence of any other persons as he thinks fit with respect to matters under this Act, every person whom he finds in a factory, shop, bake-shop or office building, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, shop, bake-shop or office building, and require such person to be so examined and to sign a declaration of the truth of his statements touching the matters respecting which he is so examined;

- (e) For the purpose of any investigation, inquiry or examination made by him under the authority of this Act, administer an oath to and summon any person to give evidence and produce books, papers, documents, files, pay-rolls and records which shall be treated by the inspector as confidential except for the purposes of this Act;
- (f) Require a pay-roll to be kept by employers in factories and shops;
- (g) Exercise such other powers as may be necessary for the carrying out the provisions of this Act.

(2) The owner and employer and his or their agents and servants shall furnish all necessary means in his or their power required by the inspector for any entry, inspection, examination, inquiry or the exercise of his powers in relation to such factory, shop, bake-shop or office building.

(3) Every person who wilfully delays the inspector in the exercise of any power under this section or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate, books, papers, files, records or documents which he is required by or in pursuance of this Act to produce, or who conceals or attempts to conceal, or prevents or attempts to prevent any employee, child or woman from appearing before or being examined by the inspector shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(4) Where the inspector is obstructed in the execution of his duties, the person obstructing him shall incur a penalty not exceeding \$30; and where he is so obstructed in a factory, shop, bake-shop or office building, the employer shall incur a penalty not exceeding \$30 or where the offence is committed at night \$100.

19. Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister and on applying for admission to any premises shall, if required, produce such certificate.

20. The inspector, wherever he deems it necessary, may take with him into any premises a legally qualified medical practitioner, medical officer of health or sanitary inspector.

21. The inspector before entering, in pursuance of the powers conferred by this Act without the consent of the occupier, any room or place actually used as a dwelling, shall obtain such a warrant as is hereinafter mentioned from a justice of the peace.

(2) The justice, if satisfied by information on oath that there is reasonable cause to suppose that any provision of this Act is contravened in any such room or place, shall grant a warrant under his hand authorizing the inspector named therein, at any time not exceeding one month from the date thereof to enter the room or place named in the warrant and exercise therein the powers of inspection and examination conferred by this Act; and the provisions of this Act with respect to obstruction of the inspector shall apply.

22. Where an inspector is called as a witness, he may by the direction and on behalf of the Attorney General or of a member of the Executive Council refuse to give evidence as to any premises inspected by him in the course of his duty.

23. There shall be affixed at the entrance of a factory and in such other convenient parts of every factory, shop, bake-shop and office building, as the inspector directs, and be constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons employed—

- (a) Such notices of the provisions of this Act and any regulations made thereunder as the inspector deems necessary to enable the persons employed therein to become acquainted with the rights, liabilities and duties under this Act;
- (b) A notice of the name and address of the inspector;
- (c) In the case of a factory a notice of the clock, by which the period of employment and times for meals in the factory are regulated;
- (d) Every other notice and document required by this Act to be so affixed.

(2) In the event of a contravention of any provision or requirement of this section the employer shall incur a penalty not exceeding \$20.00; and any person who pulls down, alters or defaces any such notice shall incur a like penalty.

24. Any notice, order, requisition, summons or document required or authorized to be served or sent for the purposes of this Act may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer by delivering the same, or a true copy thereof, to his agent or to some person in the factory, shop, bake-shop or office building of which he is the employer.

(2) Such notice, order, requisition, summons or document may also be served or sent by post, and if so served or sent shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and mailed; and where it is required to be served on or sent to any employer it shall be deemed to be properly addressed if addressed to the factory, shop, bake-shop or office building in respect of which he is employer, with the addition of the proper postal address, but without naming the employer.

EMPLOYMENT.

25. No child shall be employed in any factory, shop, office or office building.

(2) No person shall be employed by any employer in any factory, shop, office or office building at a wage less than \$1.50 per shift;

Provided that in any factory apprentices may be employed in a proportion not greater than one apprentice to five other employees skilled in the art, trade, profession or handicraft at which such apprentice is employed, and such apprentice shall be paid a wage of not less than \$1.00 per shift;

Provided also that within one week from the commencement of the employment of an apprentice a notice in writing thereof shall be given to the inspector by the employer;

Provided also that the inspector may at any time prohibit the continuance of the employment of such apprentice and upon seven days' notice of such prohibition to the employer and to the apprentice the employment of such person as apprentice shall cease.

26. In any shop in which women are employed the employer shall at all times provide and keep therein a sufficient and suitable chair or seat for the use of every such woman, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed; and the employer shall not by any open or covert threat, rule or other intimation express or imply, 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 incur a penalty of not less than \$10 nor more than \$25.

27. The hours of labour for any person in any one day working day shift shall not be earlier than seven o'clock in the forenoon or later than six o'clock in the afternoon, and the hours of labour for any such person working night shift shall not exceed eight hours. No person shall be employed for more than one shift in one day. Provided that the inspector may permit employment for a longer period on either shift for special reasons of trade or accident.

(2) No employee who has been previously on any day employed within any factory or shop for the number of hours permitted by this Act shall, to the knowledge of an employer, be employed on the same day in any other factory or shop, and no such person who has been so employed in a factory or shop for less than eight hours shall be employed in any other factory or shop on the same day for a longer period than will complete such number of hours.

(3) The employer shall allow every employee not less than one hour between 11 and 2 o'clock of each day for meals.

(4) All wages earned by any person employed in or about any factory, office, office building or shop between the first day and fifteenth day of a month, both days inclusive, shall be paid not later than on the first Saturday after the fifteenth day of such month and all wages earned by any person so employed between the sixteenth day and the last day of a month, both days inclusive, shall be paid not later than the first Saturday of the month following.

28. Notice of the hours between which employees may be employed in a factory or shop shall be in form 4, schedule B, or in such other form as may be prescribed by the regulations, and shall be signed by the inspector and by the employer and shall be posted up during the period covered by such notice in such conspicuous place or places in the factory as the inspector requires.

MEALS ON PREMISES.

29. In a factory or shop—

- (a) If the inspector so directs in writing the employer shall not allow any such person to take meals in any room in which any manufacturing process is then being carried on;
- (b) After being directed by the 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 for persons employed in the factory or shop, no part of the expense of which shall be payable by or chargeable to the wages of the employees;
- (c) No person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, 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 suitably closed receptacles.

30. Where a woman is employed in a factory or shop in which there is a contravention of any of the provisions of sections 24 to 27 inclusive or of section 30, or of any permission given under section 26, or of any regulations made under section 30, such woman shall be deemed to be unlawfully employed and so that her health is likely to be injured.

HEALTH AND SAFETY.

SANITARY REGULATIONS.

31. The owner of every building used as a factory, shop or office building shall—

- (a) Provide a sufficient number and description of privies, earth or water-closets and urinals for the employees of such factory, shop or office building, including separate sets for the use of male and female employees with separate approaches thereto, one closet for every twenty-five persons of each sex employed in the factory, shop or office building, and shall keep at the entrance to such a closet a clearly painted sign indicating for which sex the closets are provided;
- (b) Be responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition;
- (c) Arrange for a supply of pure drinking water available for each employee.

(2) The Lieutenant Governor in Council may prescribe such additional regulations with respect to such conveniences as may be deemed proper.

(3) The owner of every factory, shop or office building who for thirty days, or such extended period as the inspector in writing allows, refuses or neglects to comply with the requirements of subsection 1 or of the regulations after being notified in writing in regard to the same by the inspector, shall incur a penalty of not more than \$500 and in default of payment shall be liable to imprisonment for any period of not more than twelve months.

32. The employer of every factory or shop shall—

- (a) Keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind;
- (b) Keep privies, earth or water-closets and urinals in good repair and in a sanitary condition and keep closets separated for male and female employees, and provide conveniences to the satisfaction of the inspector for the employees using them;
- (c) 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 60 degrees Fahrenheit unless authorized by the inspector in writing;
- (d) Ventilate the factory or shop 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 manufacturing process or handicraft carried on therein that may be injurious to health;
- (e) Not allow overcrowding while work is carried on therein so as to be injurious to the health

of the persons employed therein, the standard to be allowed being 300 cubic feet of room space for each employee;

- (f) 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 in the case of a foundry, shower baths for the employees;
- (g) If the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered see that adequate means are provided for the proper draining of such floors;
- (h) In printing offices where there are three or more type-setting machines (linotypes, intertypes, monotypes, monolines and the like) the melting pots of all type-setting, type-casting and similar machines and apparatus, such as linotype machines, monotype casters, stereotype melting pots, and the like, shall be piped in a proper and efficient manner, so as to effectually carry off the noxious fumes and gases arising during their operation; and all melting pots of stereotyping and type-casting devices shall be 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 factories as the 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) The inspector may require the employer of any factory or shop to provide a sufficient number of spittoons and place the same in different parts of the premises and to keep the same clean.

(3) 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, subject to the regulations, the inspector may, if such inhalation can by mechanical means be prevented or partially prevented, direct that such means shall be provided within a reasonable time by the employer who shall be bound to provide them.

(4) Where grinding, polishing or buffing is carried on in any factory or shop, subsection 3 shall apply irrespective of the number of persons employed therein.

(5) No employer shall knowingly permit or suffer any person to work in a factory or shop in which food or food products or materials are manufactured, stored or kept for sale or sold, who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, and every employer shall keep himself in a reasonably healthy condition and shall not employ or keep in his employ any person who, there is reason to believe, is not in a reasonably healthy condition.

(6) The employer of a factory or shop who for thirty days refuses or neglects to comply with the requirements of this section or with the regulations after being notified in writing in regard to the same by the inspector shall incur a penalty of not more than \$500 and in default of payment shall be liable to imprisonment for a period of not more than twelve months.

33. Every employer of an office shall—

- (a) See that the office is kept in a clean and sanitary condition and properly ventilated, heated and lighted so as not to be injurious to the health or comfort of the persons employed therein;
- (b) Not allow overcrowding so as to be injurious to the health of the persons employed therein;
- (c) Provide a supply of clean towels, soap and water for washing and a sufficient supply of wholesome drinking water and proper drinking cups for the persons employed therein.

(2) Where in an office building the privies, closets or urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situated in that part of the building occupied by and under the control of a separate employer, it shall be the duty of such employer to keep the same in good repair and in a sanitary condition.

(3) The owner of every office building shall at all times keep the same or such parts thereof as are used in common by the tenants or occupants thereof and are under his control in a clean and sanitary condition and so as not to be injurious to the health of persons employed in the building or using or having access to the same.

(4) Every owner or employer, who, for thirty days or for such extended period as the inspector allows refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by the inspector shall incur a penalty not exceeding \$500 and in default of payment shall be liable to imprisonment for any period of not more than twelve months.

34. Where an owner is required by or under the provisions of this Act to do anything which as between him and his tenant it is not his but the tenant's duty to do, he shall be entitled to recover from the tenant the amount of any expenditure incurred in doing it.

35. Where two or more persons occupy or use the same room or premises as a factory and employ in the aggregate six persons or more, no one of them employing so many as six, such room or premises shall for the purposes of sections 30 and 31 be deemed a factory to which this Act applies.

36. Without the written consent of the inspector no part of a factory shall be kept or used as a bedroom or sleeping place.

37. No public laundry work shall be done in a room used for a sleeping or living room or in a room used for cooking or preparing meals.

38. The provisions of section 36 shall not apply to a female engaged in doing custom laundry at her home for a regular family trade.

39. A stable shall not be kept or used under the same roof as a factory or bakeshop unless there is between the stable and the factory or bakeshop a sufficient brick or other partition wall approved by the inspector separating the one from the other.

CLOTHING MANUFACTURERS.

40. Every person contracting for the manufacture of any garment, article of clothing or wearing apparel or any part thereof, or giving out the same to be wholly or partially altered or improved, or giving out for manufacture, alteration or improvement material from which the same are to be made up or completed, shall keep a written register of the name and address serially numbered of every person so contracted with or to whom any such garment, article or material is so given out, and of the places where the work is to be done.

(2) The register shall at all times be open to inspection by the inspector, and the person required to keep it shall furnish a copy of the register to the inspector whenever demanded by him.

(3) No person shall knowingly sell or expose for sale any of the garments or articles mentioned in this section and made in any dwelling house, tenement house or building forming part of or in the rear of a tenement or dwelling house without a permit from the inspector stating that the place of manufacture is thoroughly clean and otherwise in a good sanitary condition.

(4) Such permit shall state the maximum number of persons allowed to be employed upon the premises and shall not be granted until an inspection thereof has been made by the inspector; and the permit may be revoked by the inspector at any time if, in his opinion, the protection of the health of the community or of those so employed upon the premises renders such revocation desirable.

(5) When any such garment or article is found by the inspector to be made under unclean or unhealthy conditions, or upon any premises not entered on the register, he shall seize and impound the same and affix thereto a label bearing the words "unsanitary" printed on a tag not less than four inches in length; and shall immediately notify the local board of health whose duty it shall be to disinfect it and thereupon remove such label.

(6) The owner of any such garment or article shall be entitled after it has been disinfected to have the same returned to him upon first paying the expense of such seizure and disinfection.

(7) If the inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop or in any tenement or dwelling where any of the garments or articles hereinbefore mentioned are made, altered or improved, or in any goods manufactured or in process of manufacture on such premises, he shall forthwith report the facts to the local board of health which shall forthwith make such order as the public health

may require, or may condemn and destroy all such garments or articles, or any garment or article made, altered or improved or in process of manufacture under unclean or unsanitary conditions.

FEMALE EMPLOYEES—MODE OF WEARING HAIR.

41. Women in a factory shall, during working hours, wear their hair rolled or plaited and fastened securely to their heads or confined in a close-fitting cap or net so as to avoid contact with machinery, shafting or belting or with the material being handled.

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

42. A woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing while the same is in motion.

(2) A woman allowed to clean or work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

GUARDING MACHINERY.

43. In every factory—

- (a) All mill-gearing, vats, pans, cauldrons, reservoirs, wheel races, flumes, water-channels, openings and doors opening in the floors or walls, bridges and dangerous machinery, shafting, or belting, and all other dangerous structures and places shall be as far as practicable securely fenced or guarded;
- (b) No machinery other than steam engines shall be cleaned while in motion if the inspector gives written notice to the employer to that effect;
- (c) Any matter or thing which the inspector considers dangerous, and in regard to which he gives notice in writing to that effect to the employer, shall be securely fenced or guarded to the satisfaction of the inspector.

(2) The Lieutenant Governor in Council may make regulations prescribing the manner in which any of the matters or things mentioned in subsection 1 shall be fenced or guarded, and the class of fence or guard to be used on any such machinery or about any such structure or place in any factory or class of factories, and for such further precautions to be taken with respect to the matters mentioned in subsection 1 as he may deem necessary for preventing loss of life or personal injury.

(3) A factory in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered.

44. Where coal oil, petroleum, benzine, naphtha, gasoline, ammonia or explosives of any kind or any combustible or

inflammable material are kept or stored in a factory or shop they shall be kept stored when not in actual use in a building separate from the other parts of the factory or shop, or in a fireproof compartment of the factory or shop which shall be approved of by the inspector.

(2) The Lieutenant Governor in Council may add to the articles mentioned in subsection 1 any inflammable or combustible material to which he deems it expedient that the provisions of subsection 1 should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in subsection 1 or in the regulations which may at any time be in actual use in the factory or shop.

(3) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered.

BOILER INSURANCE AND INSPECTION.

45. In a factory, shop or office building no boiler shall be used that is not insured in some boiler insurance company registered under *The Alberta Insurance Act*, or that has not been inspected within one year by the Provincial Boiler Inspector and the owner or employer shall, whenever so requested by the inspector, produce for examination the insurance policy or certificate of inspection.

(2) Whenever the inspector is of opinion that a boiler in use in any factory, shop or office building is in such a condition or is so located or operated as to be dangerous to life or property, he may by written notice to the owner and employer direct that the use of the boiler shall be discontinued until it has been inspected by some competent person approved by the inspector, and a certificate has been given by him that the boiler may be safely operated.

(3) A factory, shop or office building in which a boiler is used in contravention of the requirements of this section or after such notice from the inspector and before a certificate has been given as provided by subsection 2 shall be deemed to be kept so that the safety of the persons employed therein is endangered.

ELEVATORS AND HOISTS.

46. Subject to the regulations, in every factory, shop and office building—

- (a) The openings of the hoistway, hatchway and well-hole used for every power elevator shall, at each floor including the basement, be provided with and protected by good and sufficient trap doors or self-closing hatches or, in the case of an elevator not operated by hand power, by gates closing automatically not less than five feet six inches high and which may be made in sections;
- (b) The sides of the shafts on all floors including the basement not guarded by gates shall be protected by enclosures at least six feet high, approved by the inspector;

- (c) Where any elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;
- (d) In every case the elevator must be provided with a lock to secure the operating rope;
- (e) Where an elevator is operated by hand power the gates shall not be less than three feet in height and shall be automatic closing gates, and the sides not protected by gates shall be protected by enclosures not less than four feet in height approved by the inspector;
- (f) The top of every elevator platform shall be provided with a sufficient guard to protect the occupants, approved by the inspector;
- (g) Every elevator, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the inspector whereby the car or cab will be stopped and held in case of accident to the elevator or to the tower, machinery or appliances connected therewith.

(2) The Lieutenant Governor in Council may by regulation prescribe such requirements in addition to or in substitution for the requirements of subsection 1 with respect to the use of elevators and hoists in factories, shops or office buildings, or in any class of factories, shops or office buildings.

(3) Every owner or employer who after notice from the inspector uses or permits to be used any elevator or hoist in respect of which the provisions of this section are not complied with shall incur a penalty not exceeding \$500 and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months.

(4) Nothing in this section shall take away, reduce or interfere with the powers possessed by municipal councils in respect of hoists or elevators.

FIRE PREVENTION AND PROTECTION.

47. In every factory, shop or office building there shall be such means of prevention and protection from fire and of extinguishing fire as the inspector, acting under the regulations, directs in writing.

(2) In every factory and office building and in every shop in which more than fifteen persons are employed at any time during the year the main inside and outside doors for the use of the employees shall open outwardly, and any door leading to or being the principal or main entrance for employees or leading to any tower, stairway or fire-escape shall not be bolted, barred or locked at any time during the ordinary and usual working hours.

(3) The owner of every factory, shop or office building over two storeys in height, and where deemed necessary by the inspector, the owner of every factory, shop or

office building over one storey in height, shall provide one or more systems of fire escape and shall keep the same in good repair and to the satisfaction of the chief inspector, as follows:

- (a) A sufficient number of tower stairways with iron doorways within reach of or having easy communication with all the working rooms;
- (b) A sufficient number of iron or other unflammable fire escapes on the outside of the building consisting of stairways with railing or, if the approval of the inspector is given in writing then of iron ladders; and every such stairway or ladder shall be connected with the interior of the building by iron or tinned doors or windows with iron shutters, and shall have suitable landings at every storey including the attic if the attic is occupied as a workroom, and the stairways shall start at distance of not more than eight feet from the ground or pavement.

(4) The Lieutenant Governor in Council may make regulations for the more effectual carrying out of the provisions of this section and for the adoption of any system of fire escape in substitution for those above mentioned.

(5) The owner or proprietor of any factory, shop or office building refusing or neglecting to provide the means of safe exit in case of fire prescribed in this section, or by the regulations made thereunder, shall incur, on summary conviction, a penalty of not more than \$500 and in default of immediate payment of the same shall be liable to imprisonment for a period of not more than twelve months.

(6) A factory, shop or office building in which a contravention of this section, or of any regulation made thereunder occurs, shall be deemed to be kept so that the safety of the persons employed therein is endangered.

NOTICE OF ACCIDENTS, EXPLOSIONS AND DEATHS.

48. Where a fire or accident in any factory, shop or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days next after the fire or accident, a notice in writing, form 5, schedule B, shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty not exceeding \$30.

49. Where an explosion occurs in a factory, shop or office building, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Chief Inspector in writing by the employer, form 5, schedule B, within twenty-four hours next after the explosion takes place, and if such notice is not so sent the employer shall incur a penalty not exceeding \$30.

50. Where in a factory, shop or office building any person is killed from any cause, or is injured from any cause in a manner likely to prove fatal, written notice of the accident, form 5, schedule B, shall be sent to the Chief

Inspector within twenty-four hours after the occurrence thereof and if such notice is not so sent the employer shall incur a penalty not exceeding \$30.

BAKE-SHOPS.

51. Every bake-shop shall be constructed and maintained as to lighting, heating, ventilation and drainage in such a manner as not to be dangerous or injurious to the health of any person working therein, and shall be kept at all times in a clean and sanitary condition, and so as to secure the manufacture and preservation of all food products and materials therein in a good and wholesome condition.

52. Every bake-shop which is not within the provisions of this Act relating to factories or shops shall be provided with a proper washroom and a sufficient supply of clean towels and soap, and a closet and other conveniences for the health and comfort of the persons employed therein.

(2) The washroom, closet and other conveniences shall be separate from the bake-shop and shall be kept clean and in a sanitary condition.

53. No bake-shop shall be kept in any basement or in any part of a building which is below the level of the street or road upon which the bake-shop is situate.

54. The sleeping places of the employees of every bake-shop shall be separate from the bake-shop, and no person shall sleep in a bake-shop.

55. Section 30 and subsection 5 of section 31 and section 56 shall apply to every bake-shop whether the same is or is not a factory or shop within the provisions of this Act relating to factories and shops.

56. Every bake-shop, not being a factory or shop to which section 46 applies, shall be provided with proper means and facilities of escape in case of fire to the satisfaction of the inspector.

57. No person shall sell, expose or offer for sale bread or buns manufactured out of Alberta without the written permission of the inspector.

58. Except with the written permission of the inspector no person shall require, permit or suffer any employee in any bake-shop to work on Sunday, nor for more than one shift in any twenty-four hours, and a copy of such permission shall be posted up in a conspicuous place in the bake-shop.

BARBER SHOPS.

- 59.** The proprietor of a barber shop shall not—
- (a) Require, permit or suffer any employee to work therein on Sunday;
 - (b) Open his barber shop or permit the same to be opened to the public, or carry on any business or work therein at any time between the hours

of twelve o'clock on Saturday night and twelve o'clock on the following Sunday night.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of not less than \$20 nor more than \$50.

OFFENCES AND PENALTIES.

60. No person shall keep a factory, shop or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop or office building shall be liable on summary conviction to a penalty not exceeding \$500 and costs or in default or in lieu thereof to imprisonment for a term not exceeding twelve months.

(2) The enumeration in this Act of cases in which it is declared that where an act or omission occurs a factory, shop or office building shall be deemed to be kept so that the safety of the persons employed therein is endangered shall not restrict or limit the generality of the provisions of subsection 1.

61. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall, on summary conviction, incur a penalty of not more than \$100 and in default of immediate payment of such penalty shall be liable to imprisonment for a period not exceeding six months.

62. The parent of any child employed in contravention of this Act, unless such employment is without the consent, connivance or wilful default of such parent, shall for each offence incur a penalty of not more than \$50.

63. If any of the provisions of this Act, or of the regulations, or any directions of the inspector are contravened and no other penalty is herein provided for such contravention the offender shall incur a penalty of not more than \$50.

64. Where a child is, in the opinion of a police magistrate or justice of the peace, apparently not of the age alleged by the informant it shall lie on the person charged to prove that the child is of that age.

65. Where an offence for which an employer is liable under this Act has in fact been committed by some agent, servant, workman or other person such agent, servant, workman or other person shall also be liable to the same penalty or punishment for such offence as if he were the employer.

66. Where the employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the police magistrate or justice of the peace at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the police magistrate or justice that he had used due diligence to enforce

the execution of this Act, and that such other person had committed the offence without the knowledge, consent or connivance of the employer such other person may be summarily convicted of such offence and the employer shall be exempt from any penalty or punishment.

67. Where it appears to the satisfaction of the inspector that an employer had used all due diligence to enforce the execution of this Act, and also by what other person an offence against this Act was committed, and that it was committed without the knowledge, consent or connivance of the employer and on contravention of his orders the inspector shall proceed against the person whom he believes to be the actual offender in the first instance and not against the employer, and in case of his conviction the employer shall be exempt from any penalty or punishment.

68. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger penalty or punishment than the highest penalty or punishment fixed by this Act for the offence except where—

- (a) The repetition of the offence occurs after an information has been laid for the previous offence; or
- (b) The offence is one of employing two or more children or women contrary to the provisions of this Act.

69. All penalties in money recovered under or in pursuance of this Act shall be paid by the convicting police magistrate or justice, as the case may be, to the inspector who shall forthwith pay the same over to the Provincial Treasurer of Alberta.

70. All prosecutions under this Act may be brought on summary conviction.

(2) The information shall be laid within two months, or, where the offence is punishable, at discretion, by imprisonment, within three months after the offence has come to the knowledge of the inspector, or where the inspector has given notice to the offender to remedy the matter which is alleged to be an offence against this Act within three months after the expiry of the time given by the notice to remedy the same.

(3) It shall be sufficient to allege that a factory, shop or office building is a factory, shop or office building within the meaning of this Act.

(4) It shall be sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known.

71. In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of this Act the liability shall be subject to the limitations contained in *The Workmen's Compensation Act*.

72. The provisions of sections 24 and 26 of this Act shall *mutatis mutandis* apply to work or employment given by employers to employees to be done by piece-work in the factory or elsewhere and to every other species of outworking.

SCHEDULE A.

Abattoirs.	Furriers' workshops.
Agricultural implement factories.	Galvanized and pressed iron work factories.
Bake-houses and Bake-shops.	Gun and small arm factories.
Baking powder and yeast factories.	Hair cloth factories.
Barrel factories.	Hames factories.
Bicycle factories.	Harness and leather factories.
Biscuit factories.	Hosiery factories.
Blanket factories.	Iron bridge works.
Boiler factories.	Jams, jellies and pickle works.
Bookbinding factories.	Jewellery factories.
Boot and shoe factories.	Knitting factories.
Box factories.	Knitting machine factories.
Brass foundries.	Laundries.
Breweries.	Laundry, bluing and washing crystal factories.
Brick factories.	Lithographers' workshops.
Broom factories.	Locomotive works.
Brush factories.	Machine shops.
Canning factories.	Marble works.
Car shops.	Matting factories.
Carpet factories.	Mattress factories.
Carriage factories.	Meat packing establishments.
Carriage goods (iron) factories.	Metallic factories.
Carriage woodwork factories.	Millinery shops.
Cartridge factories.	Oil refineries.
Cement factories.	Ornamental moulding factories.
Chemical works.	Paint works.
Cigar factories.	Paper bag factories.
Clay products.	Paper box factories.
Clock factories.	Paper and pulp mills.
Clothing factories.	Paraffin factories.
Coffin factories.	Patent fertilizer factories.
Concentrated egg factories.	Patent medicine factories.
Confectionery factories.	Picture frame works.
Coopers' workshops.	Planing mills.
Cider factories.	Plated metal works.
Distilleries.	Potteries.
Domestic utensils factories.	Printing and publishing establishments.
Dressmaking establishments.	Pulp factories.
Dress shield factories.	Rag-sorting workshops.
Dye works.	Rolling mills.
Edge tool factories.	Rope works.
Electric machinery factories.	Saddlery hardware factories.
Electrotype foundries.	Safe works.
Elevators (grain).	Salt drying works.
Envelope factories.	Sash and door factories.
Extracts and essential oil factories.	Saw mills.
Felt factories.	Sewer pipe factories.
Flax mills.	Sewing machine factories.
Flouring mills.	Shirt factories.
Foundries.	Show case factories.
Fruit desiccating factories.	Skate works.
Furniture factories.	

SCHEDULE B.
(The Factories Act.)

FORM 1.

REGISTER OF EMPLOYEES EMPLOYED IN (Name of Factory or Shop).

Under *The Factories Act* the word "child" means a person under the age of 15 years; the word "woman" means a female person of 15 years of age and upwards. (Sec. 2, Clauses (b), (p) and (r).)

NAME	RESIDENCE	DATE OF FIRST EMPLOYMENT	NATURE OF EMPLOYMENT	AGE	REMARKS When a woman ceases to be employed insert in this column opposite her name "left".

Soap works.
Soda water factories.
Stained glass factories.
Starch factories.
Steel wire factories.
Straw works.
Sugar refineries.
Syrup factories.
Tailor shops.
Tanneries.

Tin box factories.
Tobacco factories.
Trunk factories.
Tub and pail factories.
Type foundries.
Vinegar works.
Wagon and sleigh factories.
Window shade factories.
Woolen factories.

FORM 2.

(The Factories Act.)

This is to certify that I have inspected the factory ofand find it to conform to the requirements of *The Factories Act*, and I hereby give the owner permission to operate the same subject to the provisions of the said Act.

Dated at.this.day of.

.....
Inspector.

FORM 3.

The Factories Act.

To.....

Factories Inspector.

Pursuant to section of *The Factories Act*, I hereby give notice that I have begun to occupy a factory as under-mentioned:

Name under which the business is carried on.....

Name of the factory.....

Locality of the factory.....

Address to which letters are to be addressed.....

Nature of the work.....

Nature and amount of moving power.....

Dated this.....day of.....

.....
(Occupier or Agent.)

FORM 4.

The Factories Act.

NOTICE.

1. No person under the age of 15 years shall be employed in any factory, shop or office building.

2. No person shall be employed in any factory, shop or office building at a wage less than \$1.50 per shift or at a rate less than \$1.50 per shift.

3. Chairs shall be provided for women when not engaged in the work of her employment.

4. Dayshift shall be not earlier than 7 a.m. nor later than 6 p.m.

5. Night shift shall not be more than 8 hours; where any part of a shift is before 7 a.m. or after 6 p.m. it shall be deemed a night shift.

6. The inspector may for special reasons of trade or accident lengthen the shift.

7. The employer shall allow every employee one hour between 11 and 2 for meals.

Dated this day of

.....
(Signature of Employer or Agent.)

.....
(Inspector's Signature.)

FORM 5.

The Factories Act.

To.....

Factories Inspector.

You are hereby notified pursuant to section (or as the case may be) of *The Factories Act* of the happening of an accident in the factory hereunder mentioned, whereof the following are particulars:

1. Name of person injured (or killed).
2. Factory in which accident happened.
3. Date of accident.
4. Age of person injured (or killed).
5. Residing on.....street in the.....of.....
6. Cause of injury (or death).
7. Extent of injury.
8. Where injured or killed person sent.
9. Remarks.

Dated this day of

.....
(Signature of Employer or Agent.)

No. 36.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act for the Protection of Persons
Employed in Factories, Shops and
and Office Buildings.

Received and read the

First time.....

Second time.....

Third time.....

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
1917