

BILL

No. 28 of 1921.

An Act to Fix a Minimum Wage for Women.

(Assented to , 1921.)

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

1. This Act may be cited as "*The Minimum Wage Act.*"
2. In this Act, unless the context otherwise requires,—
 - (a) "Board" means the board created by this Act;
 - (b) "Employer" includes every person, firm or corporation, agent, manager, representative, contractor, sub-contractor, or principal, or other person, directly or indirectly having control or direction of, or directly or indirectly responsible for the payment of wages of any employee in manual labour of any kind, trade, manufacturing process, occupation, industry, calling or profession, excepting any of the aforesaid persons directly or indirectly having the control or direction of, or directly or indirectly being responsible for the payment of wages of nurses and domestic servants, and excepting always the Government of the Dominion of Canada and the Province of Alberta, municipal corporations, school boards or other public bodies;
 - (c) "Employees" shall include every female person who is in receipt of or entitled to any compensation for labour or services performed for any employer;
 - (d) "Wage" or "wages" means any compensation for the labour of an employee;
 - (e) "Minimum wage" means the amount of wages fixed by the board.
3. This Act shall apply to the cities and towns of Alberta, but the board may at its discretion make an order extending its provisions to any town of the province and thereupon the Act shall apply to such town in all respects as if it were a city.
4. Nothing in this Act shall in any way conflict or interfere with the powers and duties of the local boards of health or the officers appointed under *The Public Health Act*.

5. Every employer shall pay to every employee engaged by him wages at not less than the minimum wage applicable to such employees and fixed by the board under the provisions of this Act.

(2) If an agreement be made for the payment of wages in contravention of this section or for the abstaining from exercising any right for the enforcement of payment of wages in accordance with this section, the employee shall, notwithstanding such agreement, be entitled to the minimum wage fixed by the board.

6. For the purposes of this Act there is hereby created a board to be called "The Minimum Wage Board" to be appointed by the Lieutenant Governor in Council on the recommendation of the Attorney General, to consist of five persons as follows:

- (a) Two representatives of the employers;
- (b) Two representatives of the employees;
- (c) A disinterested person to be chairman of the board, who shall not be directly or indirectly connected with the employers or employees.

(2) The Lieutenant Governor in Council shall also appoint a secretary to the board.

(3) The provisions of (a), (b) and (c) hereof shall be directory only and the Lieutenant Governor in Council shall be the sole judge of the fitness and qualifications of the members of the board.

(4) The members of the board, including the secretary, shall be paid such compensation for their services and expenses as may be determined by the Lieutenant Governor in Council.

7. The board may make all necessary inquiries and investigations respecting matters and things appertaining to or in any way connected with the subject matter of this Act, and shall for this purpose have power to demand the attendance of witnesses and to examine them on oath, affirmation or otherwise, and to demand the production of books, registers, letters, copies of letters and any other document or copy thereof necessary to complete an investigation held under the provisions of this Act.

(2) Such demand may be made by serving upon the persons whose attendance is required a notice in the following form or to like effect:

"Take notice that you are required to attend before The Minimum Wage Board at *(name of building or office, giving street number and street address when necessary)* on.....day, the.....day of.....A.D. 19...., at the hour of.....o'clock in the forenoon and so

on from day to day until the investigation there and then being held is completed, or until permission is given you by the board to absent yourself therefrom."

(If a production of documents is required, add):

"And further take notice that you are required to bring with you and produce at the time and place aforesaid (here indicate the documents required).

"Dated at this day of 19

"Secretary or Chairman of the Minimum Wage Board.

"To of"

(3) Such notice may be served—

- (a) Pursuant to the provisions of the Consolidated Rules of the Supreme Court relating to service of notice to witness to attend a trial, except that no conduct money shall be paid; or
- (b) Sent by registered post, and if so sent it shall have been 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 sending it shall be sufficient to prove that it was properly addressed and mailed, and in the case of an employer it shall be deemed to have been properly addressed if addressed to his place of business.

8. Any person who has been served with such notice, and who fails without reasonable cause to appear and to produce any document which he is required to produce, shall be guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100, or to imprisonment for not less than ten days nor more than three months or to both fine and imprisonment.

9. The Lieutenant Governor in Council may for the purposes of carrying out this Act 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 carrying out the provisions of this Act.

10. All the provisions of *The Factories Act* with respect to inspectors shall be incorporated into this Act, and the board or any member thereof shall have all the powers of an inspector.

11. The board is hereby authorized and empowered to ascertain and declare and to make all necessary orders relative to—

- (a) The division of employees into different classes, having regard to the localities in which they are living and their occupation, and making a distinction where deemed advisable between journeymen and apprentices;
- (b) In their discretion fixing the ratio that shall exist between journeymen and apprentices;
- (c) Subject to the provisions of paragraph (a) hereof, standards of minimum wages for employees and what wages are adequate to supply the necessary cost of living to employees and maintain them in health;
- (d) Standards of conditions of labour for employees and what surroundings sanitary or otherwise are essential to the health of employees in any such occupation:

Provided always that this paragraph (d) shall not apply to any place or premises within the jurisdiction of the Workmen's Compensation Board.

(2) Any order or orders made hereunder shall be effective, and shall be in full force one month after the publication of the same in *The Alberta Gazette*.

(3) The board shall from time to time ascertain and determine whether employers are obeying the provisions of this Act and of any order made by the board.

12. The board may issue to any person not capable of earning an ordinary wage a special license authorizing the employment of the licensee under such rules and regulations as may be made under this Act, and the provisions of this Act shall apply to such licensee subject to the provisions of the said license.

13. All the provisions of *The Factories Act* with respect to the keeping of a register of employees shall be incorporated into this Act.

14. It shall be unlawful for any employer to discharge or threaten to discharge, or in any other manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this Act.

15. Any employer who violates any of the provisions of this Act or rule or regulation made by the Lieutenant Governor in Council or of any order, rule or regulation by the board shall be guilty of an offence, and upon conviction thereof before a police magistrate shall be punished by a fine of not less than \$25 nor more than \$100 and in default of

payment by imprisonment for not less than ten days nor more than three months or by both such fine and imprisonment, in the discretion of the police magistrate trying the charge.

(2) In any proceedings under this Act for failure to pay wages required by this Act the tribunal may whether there is a conviction or not order the employer to pay in addition to the fine (if any) such sum as appears to the tribunal to be due to the workman employed on account of wages.

16. The Lieutenant Governor in Council is hereby authorized and empowered to prepare, adopt and promulgate rules and regulations for the carrying into effect of the provisions of this Act, which shall have the same force and effect as if incorporated herein, after same have been published in *The Alberta Gazette*.

17. This Act shall come into force on a day to be fixed by proclamation of the Lieutenant Governor in Council.

No. 28.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to Fix a Minimum Wage for
Women.

Received and read the

First time

Second time

Third time

HON. J. R. BOYLE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921