

BILL

No. 7 of 1926.

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

(Assented to 1926.)

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, 1926.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—
 - (a) "Bake-shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture 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 said products;
 - (b) "Child" shall mean a person under the age of fifteen years;
 - (c) "Commissioner" shall mean the Commissioner of Labour appointed under *The Bureau of Labour Act*;
 - (d) "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;
 - (e) "Employer" as applied to a factory, shop or bake-shop, office or office building, shall mean any person who in his own behalf, or as manager, superintendent, overseer or agent has charge of any factory, shop or bake-shop, office or office building and employs persons therein and shall include contractor and sub-contractor;
 - (f) "Factory" shall include—
 - (i) any building, workshop, structure or premises of the description mentioned in Schedule A hereto, 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;

- (ii) 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;
- (iii) 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 of any article or part of any article, the altering, repairing, ornamenting or finishing of any article, or the adapting for sale of any article;
- (g) "Inspector" shall mean any inspector of the Bureau of Labour appointed by the Lieutenant Governor in Council;
- (h) "Mill-gearing" shall include every shaft, whether upright, oblique or horizontal and every wheel, drum, pulley or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process;
- (i) "Minister" shall mean that member of the Executive Council who is entrusted with the administration of this Act;
- (j) "Office" shall include a building or that part of a building occupied and under the control of a separate employer and used for office purposes;
- (k) "Office building" shall mean a building used or occupied for office purposes and not as a shop or factory, and shall include a part of a building when so used or occupied;
- (l) "Outworking" shall mean working on articles or materials given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale in the home of the employee or elsewhere;
- (m) "Regulations" shall mean regulations made by the Lieutenant Governor in Council under the authority of this Act;
- (n) "Shop" shall mean any building or warehouse or a portion of a building, warehouse, booth, stall or place where goods are handled or exposed or offered for sale, and also any hotel, or restaurant;

- (o) "Woman" shall mean a female person of fifteen years of age and upwards.

APPLICATION OF ACT.

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

(2) For the purposes of this Act in respect to sanitary measures the Provincial Medical 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 in any part of a factory, shop, bake-shop or office building, or to any person temporarily engaged in such repairing.

5.—(1) 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, bake-shop or office building.

(2) When 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. A dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade shall not be deemed to be a factory to which this Act applies.

7.—(1) 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.

8. Any person who works in a factory 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.

9.—(1) Every employer employing persons in a factory, shop, office or office building shall keep a register of the names and addresses, the working hours and the actual earnings of all his employees, 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 of not less than ten dollars and costs, and not more than thirty dollars and costs.

10. 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 person is employed, is some other person than the employer, and the person employed is in the employment and pay of the owner or hirer of such machine or implement the latter shall, so far as respects any offence against this Act which may be committed in relation to such person, be deemed to be the employer.

11.—(1) Before erecting any building, or altering any existing building which it is intended thereafter to use as a factory, the owner shall, if the Commissioner so directs, submit the plans of such building or of the proposed alterations to the Commissioner.

(2) When such plans are submitted the Commissioner shall examine them, and if he finds that they 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.

12. Every person shall within one month after he begins to occupy a factory, transmit to the Commissioner a notice 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 person or firm under which the business of the factory is to be carried on and in default shall incur a penalty of not less than ten dollars and costs, and not more than thirty dollars and costs for every month or part thereof during which he is so in default.

ADMINISTRATION.

13. The provisions of this Act shall apply to shops, bake-shops, offices, and office buildings in cities and towns having a population exceeding five thousand and to all factories within the Province.

14. The Lieutenant Governor in Council for the purpose of carrying out the provisions of this Act, may make such regulations as may be deemed necessary, which regulations shall have the same force and effect as if incorporated herein.

15. 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, office 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, office 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, office, 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, office 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) exercise such other powers as may be necessary for 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 for the exercise of his powers in relation to such factory, shop, bake-shop, office 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 any employee 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 of not less than ten dollars and costs and not more than thirty dollars and costs; and where he is so obstructed in a factory, shop, bake-shop, office or office building, the employer shall incur a penalty of not less than ten dollars and costs and not more than thirty dollars and costs, or where the offence is committed at night, not less than twenty-five dollars and costs, nor more than one hundred dollars and costs.

16. 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.

17.—(1) 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.

18.—(1) Every employer in a factory, shop, office or office building is required to see that such notices, as may be approved by the Minister, are posted in such convenient places as the inspector directs and in such position as to be easily read by the person employed.

(2) For every contravention of this section the employer shall incur a penalty of not less than ten dollars and costs and not more than thirty dollars and costs; and any person who pulls down, alters or defaces any such notice shall incur a like penalty.

19.—(1) 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.

(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, without naming the employer, to the factory, shop, bake-shop, office or office building in respect of which he is employer, with the addition of the proper postal address.

EMPLOYMENT.

20.—(1) No child shall be employed in any factory, shop, office or office building.

(2) Wherever a minimum wage has been fixed for female workers in any class of employment, no male worker shall be employed in such class of employment at a less wage:

Provided that subsection 2 shall not apply to apprentices who have been duly indentured by indentures approved of by the Commissioner, and who are receiving proper instruction from the persons to whom they are apprenticed.

21. Every employer shall, in case any apprentice leaves his service, give to such apprentice a certificate showing the length of time such apprentice has been employed in any particular line of work.

22.—(1) 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 permanently employed, 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 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) Where in the opinion of the inspector the whole or a substantial portion of the work upon which female employees

are engaged in any department of a factory or office in which women or young girls are employed can be efficiently performed while such female employees are seated, the employer shall provide such chairs or seats as may be directed in writing by the Commissioner.

(3) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than ten dollars and costs and not more than thirty dollars and costs.

23. The hours of labour for any person employed in a factory, shop, office, or office building shall not exceed nine in the day and fifty-four in the week:

Provided, however, that the inspector may in individual cases permit employment for a longer period for reason of occupation, trade, accident or other necessity:

Provided further that on and after the first day of January, one thousand nine hundred and twenty-seven, the Lieutenant Governor in Council may by proclamation declare that the hours of labour for persons employed in a factory, shop, office, or office building shall not exceed forty-eight in the week.

(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 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.

24. All wages earned by any person employed in or about any factory or shop during the first fifteen days of any month shall be paid not later than on the first Saturday after the fifteenth day of such month and all wages earned in any month after the fifteenth day thereof shall be paid not later than the first Saturday of the month following.

25. In any factory or shop—

- (a) if the 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 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, 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 suitably closed receptacles.

SANITARY REGULATIONS.

26.—(1) The employer of every factory, shop, office or office building shall—

- (a) keep it in a clean and sanitary condition and free from any effluvia;
- (b) provide a sufficient number and description of privies, earth or water closets and urinals for the employees of such factory, shop, office or office building, 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 the factory, shop, office or office building and shall keep at the entrance to every closet a clearly painted sign indicating the sex for which such closet is provided. Such closets shall be in reasonable access to the employees to the satisfaction of the inspector;
- (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 inspector in writing;
- (e) ventilate the factory, shop, office or office building 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;
- (f) 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 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 in the case of a foundry, when directed by the inspector in writing, shower baths for the employees;

- (h) if the manufacturing process carried on in any part of the premises is calculated to wet the floor to such an extent that the health of any persons employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors;
 - (i) in printing offices where there are three or more typesetting machines (linotypes, intertypes, monotypes, monolines and the like) see that the melting pots of all typesetting, type-casting 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 type-casting 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 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 to 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) 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, 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, nor shall any person affected with any of the said diseases work in any such factory or shop.
- (5) The employer of a factory, shop, office or office building who for thirty days refuses or neglects to comply with the regulations after being notified in writing in regard to the same by the inspector, shall incur a penalty of not less

than twenty-five dollars and costs, nor more than one hundred dollars and costs, except as to subsection (4) of this section, in which case the penalty shall be not less than fifty dollars and costs, nor more than five hundred dollars and costs, and in default of payment he shall be liable to imprisonment for a period of not more than three months as to subsections (1) to (3) inclusive of this section, and not more than twelve months as to subsection (4) of this section.

27. Without the written consent of the inspector no part of the factory shall be kept or used as a bed-room or sleeping place.

28. No public laundry work shall be done in a building used for sleeping.

29. The provisions of section 28 hereof shall not apply to a female engaged in doing custom laundry at her home for a regular family trade.

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

CLOTHING MANUFACTURERS.

31.—(1) 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 Commissioner before the last day of each month, and upon any addition being made to the said register, shall immediately notify the Commissioner thereof.

(3) Every inspector shall have power to enter, inspect and examine at all reasonable times, by day, any place where the said work is to be done.

(4) When any garment or article is found by an inspector to be made under unclean or unhealthy conditions, or upon any premises not entered upon the register, the inspector shall immediately notify the person for whom work upon such garment or article has been or is being done, and

such person shall not thereafter send any further article or garment to any such premises, nor dispose of any such article or garment until permitted so to do by the local board of health.

(5) Any person who contravenes any of the provisions of this section shall be liable to a penalty of not less than twenty-five dollars and costs, nor more than one hundred dollars and costs.

FEMALE EMPLOYEES—MODE OF WEARING HAIR.

32.—(1) 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.

33.—(1) A woman shall not be allowed to clean any mill-gearing in a factory 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 in the factory contrary to the provisions of this Act and so that her safety therein is likely to be endangered.

GUARDING MACHINERY.

34.—(1) 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 machinery, structure, place 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 machinery, structures, places or things mentioned in subsection (1) of this section shall be fenced or guarded, and the class of fence or guard to be used on any such machinery or about any such structure, place or thing in any factory or class of factories, and for such further precautions to be taken

with respect to the matters mentioned in subsection (1) of this section 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.

35.—(1) Where coal oil, petroleum, benzine, naptha, gasoline, ammonia or explosives of any kind or any combustible or inflammable materials 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) of this section should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in the said subsection 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.

ELEVATORS AND HOISTS.

36.—(1) The Lieutenant Governor in Council may by regulation prescribe requirements with respect to the construction, and use of elevators and hoists in any class of factories, shops or office buildings.

(2) Every owner or employer who, after notification by the inspector, uses or permits to be used, any elevator or hoist in respect of which such regulations have not been complied with, shall incur a penalty of not less than fifty dollars and costs, nor more than five hundred dollars and costs, and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months.

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

FIRE PREVENTION AND PROTECTION.

37.—(1) In every factory, shop, office or office building there shall be such means of prevention of 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 no door leading to or being the principal or main entrance for employees or leading to any tower, stairway or fire-escape shall 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 a 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 escapes in substitution for those above mentioned.

(5) The owner 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 less than fifty dollars, and costs, nor more than five hundred dollars and costs, 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.

38.—(1) Where a fire, explosion or accident in any factory, shop, office or office building occasions any bodily injury to any person employed therein, a notice in writing shall be sent to the Bureau of Labour by the employer within six

days of the occurrence of the said accident, and if such notice is not so sent the employer shall incur a penalty of not less than five dollars and costs and not more than thirty dollars and costs.

(2) The provisions of this section shall not apply to an accident in connection with which a report is required to be furnished to the Workmen's Compensation Board.

BAKE-SHOPS.

39. 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.

40. 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.

(2) This section shall apply to all bake-shops now being constructed or to be constructed and to all bake-shops within the Province after January first, one thousand nine hundred and twenty-eight.

41. 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.

OFFENCES AND PENALTIES.

42.—(1) 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 of not less than twenty-five dollars and costs, nor more than one hundred dollars and costs, or in default or in lieu thereof to imprisonment for a term not exceeding three 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) of this section.

43. 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 less than twenty-five dollars and costs, nor more than one hundred dollars and costs, and in default of immediate payment of such penalty, shall be liable to imprisonment for a period not exceeding three months.

44. 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 less than five dollars and costs, nor more than fifty dollars and costs.

45. 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 less than ten dollars and costs, nor more than fifty dollars and costs.

46. 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.

47. 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.

48. 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 in 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.

49.—(1) 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, office or office building is a factory, shop, office 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.

50. The provisions of sections 20 and 23 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.

51. *The Factories Act* is hereby repealed.

SCHEDULE A.
(Section 2).

Abattoirs.	Carriage factories.
Agricultural implement factories.	Carriage goods (iron) factories.
Automobile factories and repair shops.	Carriage woodwork factories.
Bag and sack factories.	Cartridge factories.
Bake-houses and bake-shops.	Cement factories.
Baking powder and yeast factories.	Chemical works.
Barrel factories.	Cheese factories.
Bicycle factories.	Cigar factories.
Biscuit factories.	Clay products.
Blanket factories.	Clock factories.
Boat-building plants.	Clothing factories.
Boiler factories.	Coffin factories.
Bolt and nut factories.	Concentrated egg factories.
Bookbinding factories.	Confectionery factories.
Boot and shoe factories.	Coopers' workshops.
Box factories.	Cider factories.
Brass foundries.	Creameries.
Breweries.	Distilleries.
Brick factories.	Domestic utensils factories.
Broom factories.	Dressmaking establishments.
Brush factories.	Dress shield factories.
Canning factories.	Dye works.
Cap factories.	Edge tool factories.
Car shops.	Electric machinery factories.
Carpet factories.	Electrotype foundries.
	Elevators (grain).
	Elevators (passenger & freight).
	Envelope factories.

Extracts and essential oil factories.	Patent fertilizer factories.
Felt factories.	Patent medicine factories.
Flax mills.	Piano and organ factories.
Flour mills.	Picture frame works.
Foundries.	Planing mills.
Fruit-dessicating factories.	Plated metal works.
Furniture factories.	Potteries.
Furriers' workshops.	Printing and publishing establishments.
Galvanized and pressed iron work factories.	Pulp factories.
Garment works.	Rag-sorting workshops.
Glass works.	Rolling mills.
Glove factories.	Rope works.
Gun and small arm factories.	Saddlery hardware factories.
Hair cloth factories.	Safe works.
Hames factories.	Salt-drying works.
Harness and leather factories.	Sash and door factories.
Hat factories.	Saw mills.
Hosiery factories.	Sewer pipe factories.
Iron bridge works.	Sewing machine factories.
Jam, jelly and pickle works.	Shirt factories.
Jewellery factories.	Show case factories.
Knitting factories.	Skate works.
Knitting machine factories.	Soap works.
Laundries.	Soda water factories.
Laundry bluing and washing crystal factories.	Stained glass factories.
Linsced oil mills.	Starch factories.
Lithographers' workshops.	Steel wire factories.
Locomotive works.	Straw works.
Machine shops.	Sugar refineries.
Marble works.	Syrup factories.
Match factories.	Spice and coffee mills.
Matting factories.	Tailor shops.
Matting houses and mills.	Tanneries.
Mattress factories.	Tent and awning factories.
Meat-packing establishments.	Tin box factories.
Metallic factories.	Tobacco factories.
Millinery shops.	Toy factories.
Oil refineries.	Trunk factories.
Ornamental moulding factories.	Tub and pail factories.
Paint works.	Type foundries.
Paper bag factories.	Vinegar works.
Paper box factories.	Wagon and sleigh factories.
Paper and pulp mills.	Window shade factories.
Paraffin factories.	Wood-preserving plants.
	Woollen factories.

No. 7.

SIXTH SESSION
FIFTH LEGISLATURE
16 GEORGE V
1926

BILL

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

Received and read the

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Second time.....

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HON. MR. ROSS.

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