

Bill No. 61 of 1934.

A BILL TO AMEND THE COAL MINERS' WAGES
SECURITY ACT.

NOTE.

Section 2 of the Bill amends the definitions of "coal miner" and "mine."

Section 3 transfers from the Minister to the Board of Public Utility Commissioners the duty of determining the sufficiency of the security to be furnished in all cases where the amount for which security is to be furnished exceeds \$500 and the Minister is not satisfied with the security offered; makes express provision for the distribution of the proceeds of any security in cases of default of payment of wages; and gives an evidentiary value to certificates of the Minister as to whether or not a mine owner has or has not furnished any required security.

By section 4 the minimum penalty for operating a mine without furnishing security is reduced to \$100.

Section 5 makes a new provision requiring a return by every mine owner as to the payment of wages twice in each month and imposes a penalty for non-compliance.

By section 6 the power to cancel certificates of exemption is transferred from the Minister to the Board of Public Utility Commissioners.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 61 of 1934.

An Act to amend The Coal Miners' Wages Security Act.

(Assented to _____, 1934.)

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 Coal Miners' Wages Security Act Amendment Act, 1934.*"

2. *The Coal Miners' Wages Security Act*, being chapter 46 of the Statutes of Alberta, 1928, is hereby amended as to section 2 thereof—

- (a) by striking out paragraph (a) thereof and by substituting therefor the following:
“(a) ‘Coal miner’ includes every miner and every other person who is ordinarily and usually employed in, on or about a coal mine by a mine owner as an employee at salary or wages”; and
- (b) by adding after the last word of paragraph (b) thereof the words “at which coal is being gotten for sale.”

3. The said Act is further amended by striking out section 4 thereof and by substituting therefor the following new sections:

“**4.**—(1) On or before the first day of June in each year every mine owner shall lodge with the Minister security for the payment of wages during the period of twelve months as and from the said day in the amount and of the nature and kind hereinafter mentioned.

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

“(a) In case the mine owner has not operated his mine for a full period of twelve months immediately preceding the said first day of June, such amount as the Minister in his uncontrolled discretion may determine; and

“(b) In all other cases, an amount equal to the greatest amount paid by him for wages in one month during the period of twelve months immediately preceding the said day.

“(3) In case the amount of the security which the mine owner is required to furnish is not more than five hundred dollars, the nature, form and extent of the security shall be

such as the Minister may in his uncontrolled discretion think fit to accept having regard to the circumstances of the mine owner.

“(4) In case the amount of security which the mine owner is required to furnish is more than five hundred dollars, the nature and form of the security shall be such as the Board of Public Utility Commissioners may in its uncontrolled discretion certify to be good and sufficient security for the required amount.

“(5) Pending the determination by the Board of Public Utility Commissioners of any application by a mine owner for the approval of security, the Board may from time to time in its discretion grant to the mine owner a temporary permit upon such terms and conditions as to furnishing security for the payment of wages to coal miners and the operation of his mine as it may think proper, authorizing the mine owner to operate his mine for such period not in excess of thirty days as may be fixed by the order.

“(6) In case the mine owner makes a deposit in cash with the Minister of a sum equal to that for which he is required to furnish security, he shall be deemed to have complied with the provisions of this Act, and any sum so deposited shall be invested by the Minister in bonds or other securities of the Province in the name of the Minister and shall be held by him as security for the payment of wages by the mine owner during the year for which the deposit is made.

“(7) In case default is made in the payment of any wages earned in the period for which security is given, the Minister may proceed to realize upon all or any of the securities lodged with him in respect of that period and for that purpose may take such proceedings and do all such acts and things as may be requisite having regard to the nature of the securities.

“(8) In case it is proposed to commence the operation of any mine at any time between the first day of June in any year and the first day of June in the next following year, the mine owner shall comply with all the requirements of this Act as to the making of returns and the furnishing of security for the payment of wages before he commences to operate his mine with hired employees.

“4a. The proceeds of any securities furnished by a mine owner under any of the provisions of this Act shall be dealt with in the manner following, namely:

- “(a) Firstly, in the payment of all wages owing by the mine owner earned during the said period in the thirty days immediately preceding the default and unpaid, or in case the money is insufficient to pay all those wages in full, then in the payment *pro rata* of those wages;
- “(b) Secondly, out of the balance, if any, in the payment of the costs and expenses of the Minister in realizing the securities and in making the payment of wages; and
- “(c) Thirdly, in payment of the balance, if any, to the persons legally entitled thereto.

"4b. The Minister or any person or persons designated by him from time to time for that purpose may certify in writing as to whether or not at or during any specified time or times any mine owner has furnished security in accordance with the requirements of this Act; and any certificate so given purporting to be signed by the Minister or by a person duly authorized by the Minister for that purpose shall be deemed to be *prima facie* evidence of the facts set out therein and shall be received in evidence in any proceedings in any court under this Act without proof of the signature thereto."

4. The said Act is further amended as to section 6 thereof by striking out the words "one thousand dollars," where the same occur therein, and by substituting therefor the words "one hundred dollars."

5. The said Act is further amended by inserting therein, immediately after section 6 thereof, the following new section:

"6a. Every mine owner shall not later than the fifteenth day and the last day of each month make a return to the Minister in such form as he may from time to time prescribe, setting out whether or not the wages payable to coal miners employed by him on the last preceding pay day have or have not been paid in full, and in case the wages have not been so paid, the amount of the wages which were not then paid; and every mine owner who makes default in making any return which he is required by this section to make shall be guilty of an offence and liable on summary conviction therefor to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days."

6. The said Act is further amended as to section 9 thereof by striking out subsection (3) thereof and by substituting therefor the following:

"(3) The said Board may at any time by order upon the application of the Minister or any person employed at a mine, either *ex parte* or upon such notice as the Board may require, suspend or cancel any certificate of the Board issued under this section in respect of that mine, and may upon the issuance of any certificate order that it be subject to such terms and conditions as may to the Board seem proper, and that upon the non-performance or non-observance of any such term or condition the certificate shall cease to have any force or effect."

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

No. 61.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend The Coal Miners'
Wages Security Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. REID

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934