

# BILL

No. 65 of 1934.

An Act for the Establishment of a Bureau of Trade and Industry and to Prescribe Its Powers and Duties.

(Assented to \_\_\_\_\_, 1934.)

**H**IS 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 Bureau of Trade and Industry Act*."

**2.** For the purposes of this Act, "Minister" means the member of the Executive Council for the time being charged with the administration of this Act.

## PART I.

**3.** There shall be a Bureau of Trade and Industry consisting of a Director and such other officers, clerks and employees as may be required for the proper conduct of the activities of the Bureau.

**4.** It shall be the duty of the Director to encourage the betterment of the conditions of all trades, businesses and industries in the Province and the development of the natural resources of the Province, and for that purpose he is empowered—

- (a) to enquire into any condition for the time being prevalent in any trade, business or industry which he deems to be detrimental to the interest of the trade, business or industry and the public, or either of them;
- (b) to make surveys from time to time of all or any natural resources of the Province and to formulate plans for their useful, economical and orderly development;
- (c) to promote and attend conferences of representatives of the persons engaged in carrying on or employed in any trade, business or industry for the purpose of discussing any matter, circumstance or thing which detrimentally affects the well-being thereof or any persons or class of persons engaged therein, or which operates to the disadvantage of any other trade, business or industry, or of the public generally, and for the purpose of formulating such measures as are calculated to remedy the detrimental state of affairs;

- (d) to promote the formation of associations of the persons engaged in carrying on any trade, business or industry where no such association exists with the object, amongst others, of bettering the conditions of the trade, business or industry and all persons engaged therein, and the elimination or discontinuance of any system, practice or method of business which is detrimental to the trade, business or industry or any persons or class of persons engaged therein;
- (e) to collect, arrange and systematize such information as to the trades, businesses and industries of the Province and as to the natural resources of the Province as he may from time to time deem proper;
- (f) to assist with information and advise any person engaged in any trade, business or industry or any association of any such persons in any manner calculated to the betterment of the trade, business or industry and the public;
- (g) generally to do all acts and things necessary or incidental to any of the matters hereinbefore set out.

5. As soon as may be after the coming into force of this Act, the Director may proceed to invite the persons carrying on any trade, business and industry in the Province or any class of trade, business or industry, to appoint representatives to confer with him for the purpose of bettering the conditions of the trade, business or industry, and shall proceed to arrange conferences with the persons so appointed for the purpose of formulating codes and setting up standards of ethics, methods, practices and systems applicable to the trade, business or industry calculated to effect stability in the conditions thereof, with the object of putting an end to competitive practices which are in their nature detrimental either to the trade, business or industry, or to any persons or classes of persons engaged therein, or to the public; and without derogating from the generality of the foregoing, with the object of establishing standards of price below which no commodity produced or dealt in by the trade, business or industry shall be sold whether by wholesale or retail; and minimum standards as to the conditions of employment, hours of employment and wages of any persons or class or classes of persons employed in the trade, business or industry.

6. In case the Minister is satisfied that any code so formulated is approved by sixty per centum of the persons carrying on the trade, business or industry to which it relates and he deems it expedient and in the public interest so to do, he may by order declare that the code shall be in force and upon publication of notice of the order and a copy of the code in *The Alberta Gazette*, the same shall as and from

the date of such publication or such later date as may be specified for that purpose in the order be binding upon every person carrying on the trade, business or industry, and shall thereafter continue to be so binding subject to any modifications or amendments thereto approved by the Minister until the publication in *The Alberta Gazette* of an order of the Minister cancelling the same.

**7.** The Director and the Advisory Board constituted pursuant to this Act and any advisory committee constituted pursuant to this Act shall, for the purposes of making any investigation or enquiry, have the same powers of summing witnesses before them, requiring witnesses to give evidence on oath, and to produce documents and things as may be conferred upon Commissioners appointed pursuant to *The Public Enquiries Act*.

**8.** If after the adoption of any code the persons carrying on the trade, business or industry or the persons employed therein acting through their respective associations being desirous of the modification, amendment or cancellation thereof advise the Director of their desire, or in case it is made to appear to him that the public interest requires the modification, amendment or cancellation thereof, he shall proceed as soon as reasonably possible to call a conference of the representatives of all such persons and shall confer with them with a view to formulating modifications and amendments designed to improve the existing code or to formulate another code in the place of the existing code.

**9.** Upon the Minister being satisfied that the modification or amendment of an existing code or any new code to replace an existing code has been approved by not less than sixty per centum of all the persons carrying on trade, business or industry to which it relates and that its provisions are in the public interest he may order that the same be adopted and upon publication of a notice of the order and a copy of the modification or amendment in *The Alberta Gazette*, the modification or amendment shall take effect upon the date of publication or upon such later date as may be mentioned in the order for that purpose, and upon the same taking effect the original code as so modified or amended shall be the code binding upon all persons engaged in the trade, business or industry to which it relates; and upon a notice of the order and a copy of the substituted code in *The Alberta Gazette*, the new code shall take effect and be substituted for the previously existing code either upon the date of publication or upon any later date mentioned in the order for that purpose.

**10.** In case the representatives of the persons carrying on any trade, business or industry or any class thereof fail to agree upon a code, or in case any code to which those representatives have agreed is not approved by more than sixty per centum of the persons engaged in carrying on the

trade, business or industry or any class thereof, the Director may with the assistance of the Advisory Board proceed to draw up a code applicable to that trade, business or industry or class thereof for submission to the Lieutenant Governor in Council and upon the same being approved by the Lieutenant Governor in Council and published in *The Alberta Gazette* the code so approved shall be binding upon all persons carrying on the industry to which it relates and all persons engaged as employees therein as and from the date of publication or such other date as may be fixed by the order in council for the purpose, and shall continue to be so binding until repealed by the Lieutenant Governor in Council or until another code is substituted therefor pursuant to the other provisions of this Act.

**11.** The Lieutenant Governor in Council may appoint an Advisory Board consisting of not less than three nor more than five persons and prescribe their remuneration and the times and manner in which they shall discharge their duties.

**12.** For the purpose of carrying out any duty or power imposed or conferred on the Director by this Act with respect to any trade, business or industry, the Director may appoint an advisory committee to act in the place of the Advisory Board in relation to that trade, business or industry; any committee so appointed shall have all the powers by this Act conferred upon the Advisory Board in relation to the trade, business or industry in respect of which it is appointed; any such committee shall consist of persons carrying on the trade, business or industry for which it is appointed, and they shall receive such remuneration for their services as may be fixed by the Lieutenant Governor in Council; and every committee so appointed shall meet at the call of the Director for the purpose of advising him as to the formulation of and putting into force any code or any other matter or thing relating to the trade, business or industry.

**13.** The Lieutenant Governor in Council may from time to time—

- (a) provide for the registration of all persons engaged in carrying on trades, businesses or industries or any description or class thereof and prohibit the carrying on of any trade, business or industry by a person who is not registered;
- (b) provide for the licensing of all persons engaged in carrying on trades, businesses or industries or any description or class thereof, and prohibit the carrying on of any trade, business or industry by a person who is not licensed;
- (c) provide that any person required to be registered or licensed in respect of any trade, business or industry or any class thereof shall be registered or licensed in respect of each trade, business or indus-

try or class thereof carried on by him, and in respect of each separate place at which he carries on any trade, business or industry or any separate class thereof;

- (d) prescribe as to the duration of any license, the form of and mode of issuing any license and the renewal thereof;
- (e) prescribe the fees payable upon the registration of any trade, business or industry or any class thereof and the fees payable upon the issue of any license and any renewal thereof, and in so doing may prescribe different fees in respect of different trades, businesses and industries and classes thereof and different fees in respect of the same trade, business or industry or classes thereof in different localities as may be deemed expedient;
- (f) from time to time make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent, or to meet cases which may arise and for which no provision is made by this Act.

**14.** This Act shall apply to wholesale dealers in any goods, wares or merchandise; retail dealers of any goods, wares and merchandise; druggists; printers; restaurant keepers; dry cleaners; barbers; hairdressers; plumbing, heating and sanitary engineers; and any other class, category or description of persons engaged in any trade, business or industry as may be from time to time designated by order in council as a class, category or description to which this Act applies.

**15.** The Lieutenant Governor in Council may by order published in *The Alberta Gazette* from time to time prohibit the sale of any commodity named therein by any person at a price which is less than the invoice cost thereof together with such additional amount as may be fixed by the Director as sufficient to provide for the cost of carrying on business fairly attributable to that commodity and may prohibit the dealing in or disposition of any commodity so named in any manner specified in the order, or in the alternative, in any manner except the manner prescribed in the order.

**16.—(1)** In relation to the formulation of any code as to any trade, business or industry, the Director is hereby empowered to make such enquiries as he may deem proper into the wages for the time being paid in the trade, business or industry to which the code relates, and to promote conferences between representatives of the persons carrying on and of the persons engaged as employees in that trade, business or industry for the purpose of effecting an agreement as to the minimum scale of wages which shall be paid to the employees.

(2) In case no agreement is effected as to the minimum scale of wages in any trade, business or industry the Director, with the approval of the Lieutenant Governor in Council, may make an order—

- (a) classifying employees according to the nature of the employment or their sex, or both;
- (b) dividing the Province into districts;
- (c) fixing the minimum wage payable to all classes of employees or any specified class or classes of employees in the Province or in any specified district or districts into which the Province may have been divided.

(3) Upon it being made to appear to the Director at any time after the making of any order under this section that having regard to the conditions of the trade, business or industry affected thereby or of the persons engaged therein or the public interest it is necessary to review that order, he shall proceed in the manner by this section provided and may, with the approval of the Lieutenant Governor in Council, by subsequent order vary, alter, modify, amend or cancel the previous order.

(4) Every order so made pursuant to this section shall be published in *The Alberta Gazette* and shall thereupon be binding upon all the persons engaged in the trade, business or industry or class thereof to which the order relates.

**17.—**(1) For the purpose of appointing representatives to attend any conference or hearing held under the provisions of this Act, the persons engaged as employees in any trade, business or industry may form an association to which every person for the time being engaged as an employee shall be entitled to membership without discrimination and on equal terms with every other member.

(2) The Director may nominate such persons as he may deem proper as the representatives to attend conferences and hearings on behalf of employees.

**18.** No employer shall directly or indirectly do any act or thing which is calculated to interfere with the free selection by any association so formed of representatives or in any other lawful activity of the association.

**19.** Every person who contravenes any of the provisions of this Act or of any order made pursuant thereto or who contravenes the provisions of any code which is binding upon him shall be guilty of an offence in respect of each day upon which the contravention occurs and shall be liable on summary conviction therefor to a penalty, in the case of a natural person, of not more than five hundred dollars and costs, and in default of payment to imprisonment for a term of not more than six months, and in the case of a body corporate, to a penalty of not more than two thousand dollars and costs.

**20.** Where by virtue of any code for the time being in force a minimum price has been fixed for the remuneration for any service the sale by retail within the Province of any commodity, whether produced in the Province or not, unless and to the extent only that the provisions of a code permit it to be done, it shall be unlawful for any person to render or receive that service to sell or buy that commodity by retail at a price which is less than the minimum remuneration fixed therefor or the minimum price fixed for the retail sale price thereof, and every person who renders or receives any service or sells or buys any commodity in contravention of this section shall be guilty of an offence and unless he is a person subject to the code whereby the minimum price is fixed, shall be guilty of an offence and liable on summary conviction to a penalty of not more than one hundred dollars and costs and in default of payment to imprisonment for not more than sixty days.

#### PART II.

**21.** The provisions of this Part of this Act shall apply exclusively to persons carrying on and engaged in the coal-mining industry and in the distributing and marketing of coal and coal products and are in addition to the provisions of Part I of this Act.

**22.** The Director may, with the approval of the Lieutenant Governor in Council, appoint from time to time an advisory committee consisting of one person or more not being residents of the Province, and any committee so appointed shall have the power to make such enquiries and investigations into any matters relating to the coal-mining industry or to the business of marketing of coal and to report the result of any enquiry or investigation to the Director and to confer with and advise the Director as to the formulation of codes applicable to the coal-mining industry as a whole, or to any class of that industry, or as to the coal-mining industry in any specified part or parts of the Province or as to any specified class of that industry in any specified part or parts of the Province or as to the business of marketing of coal.

**23.** No agreement heretofore or hereafter made whereby the remuneration of any person engaged in the getting of coal at any mine depends on the profits arising from the sale of the coal gotten, shall have any force or effect whatsoever unless and until that agreement is approved in writing by the Director.

**24.** It shall be the duty of the Director to promote conferences with any persons engaged in carrying on the coal-mining industry as well as persons engaged in the business of the sale and distribution of coal, or any class or group of any such persons, for any of the objects following:

- (a) The establishment of a common selling agency to distribute and sell the coal produced from all mines

or from any specified class of mines, or from the mines or any specified class of mines in any specified district;

- (b) Having regard to the market demand for any class of coal during any specified period, to limit during that period the production of that coal to the amount of the demand and to fix the amount of coal which may be produced by each operator producing the specified class of coal;
- (c) To promote schemes and plans for rationalizing the coal-mining industry in the Province in such a way that production is obtained from those mines which are more capable of the efficient and economical operation rather than from mines which are less capable, and to provide to the operator of a coal mine whose production is curtailed, either wholly or in part, assigned to other mines, compensation out of the increased profits accruing to operators of the mines to whom that production is wholly or partially assigned.

**25.** In any case when—

- (a) default has been made in the payment of wages to coal-miners for a period more than one month; or
- (b) the operator of a coal mine becomes unable to meet his ordinary liabilities as and when the same became due or becomes bankrupt; or
- (c) the operator of a coal mine makes default in complying with any of the provisions of any code which he is for the time being under an obligation to comply—

the Director, with the concurrence of the Advisory Board, may make a report thereon to the Minister of Lands and Mines.

**26.** In case the operator is a person who is entitled to work any coal under any lease or permit issued under *The Provincial Lands Act* other than a renewal of a lease or permit originally granted by the Dominion of Canada which the Province was under an obligation to renew, the Minister may in his discretion order that the lease or permit be cancelled; notice of every such order shall be published in *The Alberta Gazette* and upon publication the lease or permit shall become null and void and of no effect except as to the indebtedness of the lessee or permittee subsisting at the date of publication.

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



No. 65.

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FOURTH SESSION  
**SEVENTH LEGISLATURE**  
24 GEORGE V  
1934

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Received and read the

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Third time.....

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HON. MR. BROWNLEE

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