

BILL

No. 96 of 1935.

An Act respecting Industrial Standards.

(Assented to _____, 1935.)

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 Industrial Standards Act*.

2. In this Act—

- (a) “Association of Employees” shall mean a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers;
- (b) “Bureau” shall mean the Bureau of Labour constituted under *The Bureau of Labour Act*;
- (c) “Commissioner of Labour” and “Commissioner” shall mean the Commissioner of Labour appointed pursuant to *The Bureau of Labour Act*;
- (d) “Employee” shall mean and include every person engaged in any industry who is in receipt of or entitled to compensation for labour performed in Alberta whether such labour is performed on the premises of the employer or of the employee or elsewhere and whether such compensation is on the basis of time or of the amount of work performed or piece work, but shall not include domestic servants;
- (e) “Employer” shall mean and include every person, corporation, partnership, firm, manager, representative, principal, agent, contractor, and subcontractor, directly or indirectly responsible for the payment of wages to an employee;
- (f) “Industry” shall mean and include every business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof in which there are employees and employers except the mining and agricultural industries;
- (g) “Minister” shall mean the member of the Executive Council for the time being charged with the administration of this Act;
- (h) “Officer” shall mean Industrial Standards Officer appointed under the authority of this Act;
- (i) “Regulations” shall mean the regulations made by the Lieutenant Governor in Council under the authority of this Act;

- (j) "Schedule" shall include schedule of wages and schedule of hours of labour;
- (k) "Schedule of Hours of Labour" shall mean a schedule of the maximum number of hours in each day or of days in each week, or of both, which an employee shall be permitted to work;
- (l) "Schedule of Wages" shall mean a schedule of the minimum wages or remuneration payable to an employee.

PART I.

3. The Lieutenant Governor in Council may appoint one or more persons as Industrial Standards Officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules.

4. Every officer shall have such powers and duties as may be prescribed by this Act and regulations and shall have authority to conduct enquiries and investigations respecting all matters coming within the scope of this Act and of the regulations and shall, for such purposes, have all the powers, rights and privileges as a commissioner appointed under *The Public Enquiries Act*.

5. The Minister may define and redefine zones in the various industries for the purpose of carrying out the provisions of this Act and the regulations.

6. The Bureau of Labour shall have authority to enforce the provisions of this Act and of the regulations and schedules.

PART II.

7. The Minister may, upon the petition of representatives of employees or employers in any industry, convene a conference or series of conferences of employees and employers engaged in such industry in any one or more zones, for the purpose of investigating or considering the condition of labour and the practices prevailing in such industry and for negotiating standard or uniform rates of wages and hours and days of labour in each industry in said zone or zones.

8. The employees and employers in attendance may formulate and agree upon a schedule of wages and of hours of labour for all or any class of employees in such industry within such zone or zones and the parties to every agreement entered into under the authority of this Act shall assist in maintaining the standard of wages and hours and days of labour provided for by any schedule affecting such parties.

9. If, in the opinion of the Minister a schedule of wages and of hours of labour for any industry is agreed upon in

writing by a proper and sufficient representation of employees and of employers, he may approve thereof, and upon his recommendation, the Lieutenant Governor in Council may declare such schedule to be in force for a period not exceeding twelve months and thereupon such schedule shall be binding upon every employee and employer in such industry in such zone or zones to which such schedule applies.

10. No such schedule shall become effective until ten days after publication of the order in council in *The Alberta Gazette*.

11. Every employer affected by any schedule shall cause a copy of such schedule to be posted in a conspicuous place where his employees are engaged in their duties so that the same may be readily seen and read by all employees and further shall cause such schedule to be there maintained so long as it remains in force.

PART III.

12. The Minister may investigate and enquire into any partnership or association and if he considers any such partnership or association is being used for the purpose of defeating the provisions of this Act or the regulations, he may, in writing, declare any or every partner or member of such partnership or association an employee for the purpose of this Act and the regulations.

13. Whenever a schedule is in force, the Commissioner of Labour may require any employer affected thereby to—

- (a) furnish the name, address and age of all employees and such further information respecting wages, hours and days and conditions of labour as may be required;
- (b) produce for inspection at a place named by the Commissioner of Labour any books, registers, pay-rolls, financial statements, attendance records, time records, contracts of employment and all such records as may be deemed necessary.

14. The Lieutenant Governor in Council may make such regulations not inconsistent with this Act as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof and such regulations shall be published in *The Alberta Gazette*, and upon being so published shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time and such repeal, alterations or amendment shall be published in *The Alberta Gazette* and upon being so published shall have the same force and effect as if enacted in this Act.

15. In every zone or group of zones to which any schedule applies, the employees and employers engaged in the industry to which such schedule applies may establish a board of not more than five members, one of whom may act as chairman, and such board shall hear complaints of employees and employers to whom such schedule applies, and shall generally assist in enforcing such schedule.

16.—(1) No employer shall pay or cause to be paid to any employee wages or remuneration of a sum less than is prescribed by any schedule nor shall he require or permit any employee to work a greater number of hours in each day or a greater number of days in each week than is prescribed by any schedule, which schedules apply to the industry in which the employee or employer is engaged and to the zone in which the employer's business is located or in which the work is performed.

(2) Everyone who violates any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than \$25 and not exceeding \$100, and in default of payment, to imprisonment for a term not to exceed three months, and in addition shall pay to the employee the full amount of the wages then found to be unpaid under the provisions of the schedule and in default of payment the said amount of wages may be recoverable by distress at the instance of the Commissioner of Labour.

17.—(1) No employee shall agree or consent to be employed for wages or remuneration of a sum less than he is entitled to by any schedule nor shall any employee work a greater number of hours in each day, or a greater number of days in each week than is prescribed by any schedule, which schedules apply to the industry in which the employee or employer is engaged and the zone in which the employer's business is located or in which the work is performed.

(2) Everyone who violates any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of not less than \$1 and not exceeding \$10 together with costs, and in default of payment to not more than ten days imprisonment.

(3) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence under this Act and shall, upon summary conviction, where no penalty has been specifically provided, be liable to a fine of not less than \$1 and not exceeding \$100 together with costs, and in default of payment, to imprisonment for not more than thirty days.

18. The wage rates for women and girls prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour

in each week be greater than is provided in or prescribed pursuant to *The Minimum Wage Act, 1925*, or *The Factories Act, 1926*, or any order or regulation made thereunder.

19. This Act shall not extend to persons employed by the Government of the Province or by any of the Departments thereof or to any municipal corporation or by any board or commission created by any Act of this Legislature.

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

No. 96.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

B I L L

An Act respecting Industrial
Standards.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOADLEY.

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1935