

Bill No. 50 of 1936.

A BILL TO PROVIDE A MINIMUM WAGE FOR MEN.

NOTE.

This Bill makes provision for the establishment of a Male Minimum Wage Board consisting of a chairman and two other members.

The Board is empowered to fix a minimum wage for male employees in any industry, business, trade or occupation in the Province, or in any specified part of it, except only farm labourers and domestic servants.

Powers are conferred upon the Board for the purpose of making necessary inquiries and investigations, and upon inspectors for the purpose of the enforcement of the provisions of the Act.

Contraventions of orders made pursuant to the Act or of the provisions of the Act are made an offence punishable on summary conviction.

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. 50 of 1936.

An Act to provide a Minimum Wage for Men.

(Assented to _____, 1936.)

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 Male Minimum Wage Act.*"

2. In this Act, unless the context otherwise requires,—

- (a) "Board" means the Male Minimum Wage Board constituted under the provisions of this Act;
- (b) "Employee" means any adult male person who is in receipt of or entitled to any compensation for labour or services performed for another;
- (c) "Employer" includes every person, firm, corporation, agent, manager, representative, contractor, sub-contractor, or other person having control or direction of, or responsible, directly or indirectly, for the wages of any employee;
- (d) "Minimum wage" means the amount of wages fixed by the Board under this Act;
- (e) "Minister" means the member of the Executive Council for the time being charged with the administration of this Act;
- (f) "Wage" or "Wages" includes any compensation for labour or services measured by time, piece or otherwise.

3.—(1) Subject to subsection (2), this Act shall apply to all employees in any industry, business, trade or occupation and to their employers.

(2) This Act shall not apply in respect of farm labourers or domestic servants.

4.—(1) There shall be a Board known as the "Male Minimum Wage Board" which shall consist of a chairman and two other persons, all of whom shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council.

(2) The presence of the chairman and one member of the Board shall constitute a quorum.

(3) The existing or continuing members of the Board shall have and may exercise all the powers, duties and functions of the Board notwithstanding any vacancy in the membership thereof.

(4) The members of the Board shall be paid such allowance as remuneration for their services and for the expenses necessarily incurred in the performance of their duties as may be fixed by the regulations.

5.—(1) After the holding from time to time of such inquiry as the Board considers adequate, the Board may make an order fixing a minimum wage for employees at such rate and in such manner as the Board in its discretion considers advisable.

(2) Without limiting the generality of the provisions of subsection (1), the Board may by its order,—

- (a) apply the minimum wage so fixed to all employees or to any group or class of employees in any industry, business, trade or occupation, or to any group or class of employees in all or in any two or more industries, businesses, trades or occupations;
- (b) fix a different minimum wage to be paid to employees in the same industry, business, trade or occupation in different parts of the Province;
- (c) fix a minimum wage applicable only in the part or parts of the Province designated in the order;
- (d) fix the minimum wage upon an hourly, daily, weekly or monthly basis.

(3) The Board may from time to time inquire into the wages and conditions of labour and employment of all or any male persons under the age of twenty-one years employed or working in any industry, business, trade or occupation; and may, in the like manner and with the like effect as provided in subsections (1) and (2) make an order fixing a minimum wage for those male persons at such rate as the Board in its discretion considers advisable.

(4) Every order of the Board fixing a minimum wage shall apply throughout the Province, unless its application is by its terms restricted to some designated part or parts of the Province.

6. In the case of any employees classified by the Board as handicapped or as part-time employees or as apprentices, the Board may by permit in writing authorize the payment of a wage less than the minimum wage fixed under section 5, and may in any case limit and define the number of handicapped employees, or part-time employees or apprentices to whom the lesser wage fixed under this section may be payable by any employer.

7. Where board or lodging is furnished by any employer to an employee to whom a minimum wage fixed by the Board applies, the Board may investigate the matter, and if in the opinion of the Board the price charged by the employer for the board or lodging is excessive and unduly affects the wages of the employee, the Board may make an order fixing a maximum price to be charged by the employer for the board or lodging furnished to that employee, or fixing a maximum price to be charged by the employer for

the board and lodging furnished by him to any group of his employees or to his employees in any industry, business, trade or occupation.

8.—(1) The Board may from time to time hold an inquiry for the purpose of investigating the facts with respect to any persons engaged or working in or about any industry, business, trade or occupation as members or alleged members of any partnership or association or in the execution of any agreement or scheme or profit-sharing or co-operative or joint contract or undertaking, including the investigation of the contractual and other relations of the persons so engaged or working, as between themselves or as between them and their master or employer; and if, after the holding of such inquiry as the Board considers adequate the Board is of the opinion that the partnership, association, agreement or scheme and the engagement or working of those persons in connection therewith as aforesaid are intended or have the effect, either directly or indirectly, of defeating the true intent and object of this Act in respect of the payment of a minimum wage, the Board may, notwithstanding the provisions of any other Act, make an order prohibiting the carrying on of the partnership, association, agreement or scheme in whole or in part, and prohibiting the doing by any person of any act or thing in connection therewith set out in the order; and the order shall be published in *The Alberta Gazette* and thereupon shall take effect and be binding on all persons so engaged or working and on their master or employer (if any).

(2) Every person who contravenes any order made under subsection (1) or does any act or thing prohibited by an order so made shall be liable, on summary conviction, to a fine of not less than fifty dollars nor more than five hundred dollars, and in default of immediate payment of the fine shall be liable to imprisonment for a period of not less than two months nor more than six months.

9. For the purpose of any inquiry held pursuant to the provisions of this Act the Board shall, in respect of the inquiry, have the like powers as are by law given to commissioners appointed under *The Public Inquiries Act*.

10. Every order of the Board fixing a minimum wage shall be published in *The Alberta Gazette* and shall take effect on the day on which it is so published, or on such later day as is fixed by the Board and stated in the order.

11. Upon the petition of any employers or employees, or upon its own motion the Board may review, suspend, vary or rescind any order made by it pursuant to the provisions of this Act.

12. The Board shall supply copies of every order fixing a minimum wage to any employer requesting the same and every employer of employees affected by any such order shall post and keep posted in a conspicuous place in his

establishment or plant a copy of the order so that all employees affected thereby may have ready access to and see the same.

13. The Minister is hereby charged with the general administration of this Act and, for the purpose of enforcing the provisions thereof, may appoint such fit and proper persons as may be necessary as inspectors whose duty it shall be, subject to the direction of the Minister, to enforce the provisions of this Act, and every such inspector is empowered to enter upon any premises whereon any employee is employed and to question any employee apart from his employer with the object of ascertaining whether any order made under this Act is being carried out.

14.—(1) Every employer shall keep in his principal place of business in the Province a true and correct record in the English language of the wages paid to and the hours worked each day by each of his employees, together with a register in the English language of the names, nationalities, ages and residential addresses of all his employees.

(2) Every employer shall, on demand of the Minister or any person authorized in writing by the Minister or any inspector appointed by the Minister pursuant to this Act, produce for inspection all records kept by him relating to the wages, hours of labour or conditions of employment affecting any of his employees.

15.—(1) Any inspector appointed by the Minister pursuant to this Act is hereby empowered to,—

- (a) inspect and examine all books, pay-rolls and other records of any employer which in any way relate to the wages, hours of labour or conditions of employment affecting any employees;
- (b) take extracts from or make copies of any entry in such books, pay-rolls and records;
- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the wages paid to all or any of his employees, and the hours of labour and conditions of their employment; and to require the statements to be made by the employer on oath or to be verified by his statutory declaration;
- (d) require any employee to make full disclosure, production or delivery to him of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof as the employee may have in his possession or control, or other information either verbal or in writing, and either verified on oath or otherwise as may be directed, as may in any way relate to the wages, hours of labour or conditions of his employment;
- (e) require any employer to make full disclosure, production or delivery to him of all records, documents,

statements, writings, books, papers, extracts therefrom or copies thereof as the employer may have in his possession or control, or other information, either verbal or in writing and either verified on oath or otherwise, as may be directed, as may in any way relate to the profit and loss and the production and operating costs in the industry, business, trade or occupation carried on by or under the control or direction of the employer.

(2) Every person authorized pursuant to subsection (1) shall have power to administer all oaths and take all affidavits and statutory declarations required or authorized to be made under the provisions of subsection (1).

16.—(1) Every employer who contravenes any order of the Board made under this Act by the payment of wages of less amount than the minimum wage fixed by the Board or by the charging of a price for board or lodging in excess of the maximum price fixed by the Board shall be liable, on summary conviction, to a penalty of not less than fifty dollars nor more than five hundred dollars for each employee affected; and in addition thereto shall upon conviction be ordered to pay to each employee the difference between the wages actually paid to him and the minimum wage fixed by the Board; and in default of payment of such penalty or difference shall be liable to imprisonment for a period of not less than two months nor more than six months.

(2) Every employer and every employee who neglects or fails to perform any duty imposed on him by this Act, or who refuses or neglects to permit of any inspection or examination authorized by this Act, or who refuses or neglects to disclose, produce, furnish or deliver any information or thing required under this Act shall be liable, on summary conviction, to a penalty of not less than ten dollars nor more than five hundred dollars; and in default of payment to imprisonment for a term of not more than six months.

17. Where an employee by collusion with his employer or otherwise works for less than the minimum wage to which he is entitled under this Act, or directly or indirectly returns to his employer any part of his wages which has the effect of reducing the wages actually received and retained by the employee to an amount less than the minimum wage to which he is entitled, the employee and the employer shall each be liable, on summary conviction, to a fine of not more than one hundred dollars, in addition to all other penalties to which he may be liable under this Act: and for the purpose of any prosecution for an offence under this section proof of the fact that any moneys were repaid or paid by the employee to his employer shall be *prima facie* evidence as against the person charged that the moneys were so repaid or paid for the purpose and had the effect of reducing the wages actually received and retained by the employee to an amount less than the minimum wage to which he was entitled.

18.—(1) Any employer who discharges or in any other manner discriminates against any employee because the employee has made a complaint under this Act or has testified or is about to testify, or because such employer believes that the employee may testify at any inquiry or in any proceedings relative to the enforcement of this Act, or because the employee has made or is about to make any such disclosure as may be required of him by virtue of the provisions of this Act, shall be liable, on summary conviction, to a penalty of not more than five hundred dollars; and in default of payment to imprisonment for a term of not more than six months.

(2) For the purpose of carrying out the provisions of this Act without prejudice to any complainant in any case where the complainant requests that his name and identity be withheld, the name and identity of the complainant shall not be disclosed to any person by the Board except where disclosure is necessary for the purposes of any prosecution under section 15 of this section or is considered by the Board to be in the public interest.

19.—(1) If any employee is paid less than the minimum wage to which he is entitled under this Act, the employee shall be entitled to recover from his employer, in a civil action, the difference between the amount paid and the amount of the minimum wage, with costs of action; but in the case of an employee whose services with the employer have terminated, no action shall be brought by the employee under this section unless the action is commenced within six months next after the termination of the services.

(2) Subsection (1) shall apply only with respect to the wages of an employee during the period of six months last preceding the termination of his services or the taking of civil action by him pursuant to that subsection, whichever event first occurs.

20. For the purpose of carrying into effect the provisions of this Act according to the true intent and meaning thereof, or of supplying any deficiency therein, the Lieutenant Governor in Council may make such regulations not inconsistent with the spirit of this Act as may be considered necessary, advisable or convenient.

21. This Act shall come into force upon a date to be fixed by Proclamation of the Lieutenant Governor in Council.

No. 50.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to provide a Minimum Wage
for Men.

Received and read the

First time

Second time

Third time

HON. MR. MANNING.

EDMONTON:
A. Shnitka, King's Printer
1936