

BILL

No. 6 of 1936 (Second Session).

An Act Limiting the Hours of Work in Industrial Undertakings.

(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 Hours of Work Act.*"
2. In this Act, unless the context otherwise requires—
 - (a) "Board" means the Board of Industrial Relations constituted under the provisions of this Act;
 - (b) "Employee" means any 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 or subcontractor having control or direction of or responsible, directly or indirectly, for the employment of any employee;
 - (d) "Industrial undertaking" includes any establishment, work or undertaking in or about any industry, trade or occupation with the exception of farming.
3. This Act shall not apply in respect of farm labourers or domestic servants.
- 4.—(1) For the purpose of the administration of this Act there shall be a Board known as the "Board of Industrial Relations" which shall consist of such persons, not more than five in number, who shall be appointed by the Lieutenant Governor in Council and one of such persons shall be designated as the Chairman of the Board.
 - (2) The presence of a majority 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 hold office during pleasure and 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 Lieutenant Governor in Council.

5. Subject to the exceptions provided by or under this Act, the working hours of an employee in any industrial undertaking shall not exceed eight in the day and forty-eight in the week for females and nine in the day and fifty-four in the week for males.

6.—(1) In the case of a person holding a position of supervision or management or employed in a confidential capacity, the provisions of section 5 shall not apply to him so long as the duties performed by him are entirely of a supervisory or managerial character and do not comprise any work or duty customarily performed by other employees.

(2) In case of dispute the Board may determine whether or not the position held by any person or the capacity in which he is employed is such as to bring him within the scope of this section, and the decision of the Board shall be final.

7. Where in accordance with the customary practice of any industrial undertaking or pursuant to any existing arrangement between employers' and workers' organizations, the hours of work on one or more days of the week are fewer than the daily limit, the daily limit may be exceeded on any of the remaining days of the week provided the weekly limit is not exceeded thereby; but in no case under the provisions of this section shall the daily limit be exceeded by more than one hour without the approval of the Board.

8.—(1) The limit of hours of work prescribed in section 5 may be exceeded in case of accident or in case of urgent work to be done to machinery or plant or in case of unforeseeable and unpreventable circumstances but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

(2) Every employer shall send to the Chairman of the Board a weekly report in writing as to every day upon which the limit of hours of work is exceeded under the provisions of this section and such report shall be sent by mail in a duly prepaid cover addressed to "The Chairman of the Board of Industrial Relations, Edmonton", not later than three days following the week in which the said limit is exceeded, and the report shall set out the reason for the excess, the names of the employees employed in excess of the limit and the extent of the excess in respect of each employee.

9. 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 industrial undertaking as members or alleged members of any partnership or association, or in the execution of any agreement or scheme of profit-sharing or co-operative or joint contract or undertaking, including the investigation of 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 its due and equitable application in limiting hours of work, the Board may make regulations for applying the provisions of this Act in respect of the partnership, association, agreement or scheme, and to all persons engaged or working therein, with like force and effect as if the partnership, association, agreement, or scheme, were an industrial undertaking and the persons so engaged or working were employees therein.

10. 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 may by law be conferred upon commissioners appointed under *The Public Inquiries Act*.

11.—(1) Every employer shall keep a true and correct record in the English language setting out the names, ages, nationalities and residential addresses, of all of his employees in the Province, the place or places at which they are employed and the hours worked each day by each of his employees.

(2) In case an employer carries on any industrial undertaking at more than one place in the Province, the records relating to each undertaking shall be kept at such of the employer's places of business in the Province as may from time to time be prescribed by the Board; and in all other cases the records shall be kept at the employer's principal place of business in the Province.

(3) Every employer shall, on demand of the Board or any person authorized in writing by the Board or by the Chairman of the Board, produce for inspection all records kept by him relating to the hours of labour of any person employed by him.

(4) The Board may by notice in writing given to any employer require him, forthwith or within a time to be set out in the notice, to make provision for the true and correct registration of the hours of work of each of his employees, with respect to starting-time, stopping-time, and rest intervals, by means of time-clocks or in such manner as the Board may direct; and every employer shall comply with and observe the requirements and directions of the Board set out in any notice given to him pursuant to this subsection.

12. The Board may, either by an inspector appointed by the Minister pursuant to the provisions of *The Bureau of Labour Act*, or by any person authorized in writing by the Board or the Chairman—

- (a) inspect and examine all books, pay-rolls and other records of any employer which in any way relate to the hours of labour of 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 hours of labour of all or any of his employees and, in the discretion of the member of the Board or person so authorized, 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 the Board or to the person so authorized 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 his hours of labour as an employee.

(2) Every member of the Board and 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) and to certify to the same having been administered or taken.

13.—(1) For the purpose of carrying into effect the provisions of this Act according to their true intent the Board may, with the approval of the Lieutenant Governor in Council, make such regulations as are considered necessary or advisable.

(2) The regulations shall determine—

- (a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an industrial undertaking or for certain classes of workers whose work is essentially seasonal or intermittent; and all permanent exceptions made by the Board shall forthwith be published in *The Alberta Gazette* and thereupon shall have the same force and effect as if incorporated in this Act;
- (b) the temporary exceptions that may be allowed so that industrial undertakings may deal with exceptional cases of pressure of work;
- (c) the extent to which the hours of work prescribed in section 5 may be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts; but regulations under this subsection shall be made only after inquiry and the Board shall fix the maximum of additional hours in each instance.

(3) In exceptional cases where it is recognized that the provisions of section 5 cannot conveniently be applied but only in those cases, agreements between workers' and employers' organizations or between workers' and employers' representatives concerning the daily limit of work over a longer period of time may be given the force of regulations if confirmed by the Board.

14. Every employer shall notify his employees, by means of the posting of notices in conspicuous places in the works or other suitable place or by such other method as may be approved by the regulations, the hours at which work begins and ends and, where work is carried on by shifts, the hours at which each shift begins and ends: these hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Act and when so notified they shall not be changed except with such notice and in such manner as may be approved by the regulations.

15. Every employer shall notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours.

16. Every employer shall keep a record in the form prescribed by the regulations of all additional hours worked in pursuance of section 8 or in pursuance of any regulations made under subsection (2) of section 13 and to furnish the Board with a copy of the record.

17. The Board, after due inquiry and with the approval of the Lieutenant Governor in Council, may from time to time exempt any industrial undertaking or class of industrial undertakings in whole or in part from the operation of this Act or for such seasons or portions of the year as it may consider necessary or expedient having regard to the nature and conditions of the industrial undertaking, the conditions of employment and the welfare of the employees.

18.—(1) Every employer who neglects or fails to notify his employees of the hours of work as required by section 14 or who employs any person outside the hours fixed in accordance with that section or during any rest interval fixed in accordance with section 15 shall be liable, on summary conviction, to a fine of not less than twenty-five dollars nor more than one hundred dollars for each employee affected.

(2) Except as provided in subsection (1), every employer and every employee who neglects or fails to perform any duty imposed on him by this Act or the regulations, or who refuses or neglects to permit of any inspection or examination authorized by this Act or the regulations, or who refuses or neglects to disclose, produce, furnish or deliver any information or thing required under this Act or the regulations, shall be liable on summary conviction to a fine of not less than ten dollars nor more than five hundred dollars.

(3) Every person who violates any provision of this Act or of the regulations for which violation no penalty is otherwise provided in this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

19. In any prosecution for any offence against any of the provisions of this Act alleged to have been committed by an employer, the onus of proof that he is not an employer shall be upon the person charged with the offence.

20. The provisions of this Act shall not in any way limit or affect the provisions of *The Coal-mines Regulation Act*.

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

No. 6

SECOND SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act Limiting the Hours of Work
in Industrial Undertakings.

Received and read the

First time

Second time

Third time.....

HON. MR. MANNING.

EDMONTON:
A. Shnitka, King's Printer
1936