

Bill No. 42 of 1938.

A BILL TO AMEND THE INDUSTRIAL
STANDARDS ACT.

NOTE.

The amendment made by section 2 relates to the schedules of wages and hours and days of labour for an industry which may be agreed upon at a conference called by the Minister of the representatives of any industry in any one or more zones, and in any such schedule may,—

- (a) establish the hours of work of a working day and prescribe the hours of the day during which such hours of work may be performed;
- (b) establish the maximum hours of work for a working week;
- (c) establish the minimum rates of wages for regular working periods;
- (d) establish the particular days in the week for the performance of labour in the industry;
- (e) establish the rates of wages, periods for and conditions governing overtime;
- (f) classify employees and employers and separately provide for each classification with respect to any matters dealt with in a schedule;
- (g) define any term used in the schedule;
- (h) specify the operations which are included in the industry;
- (i) prohibit overtime without a permit;
- (j) fix minimum charges for services;
- (k) authorize the fixing by the advisory committee of a minimum rate of wages lower than the rate fixed by the schedule for certain classifications;
- (l) assess employers or employers and employees in any industry to provide revenue for the enforcement of a schedule.

Section 3 amends section 16 of the Act by substituting the "Board" for the "Commissioner of Labour".

Section 4 adds two new provisions to the Act. The first relates to collusive agreements between employer and employee whereby the amount of wages payable is less than the minimum wage to which he is entitled under the Act and provides that any employee or employer entering into any such agreement shall each be liable on summary conviction to a fine of not more than one hundred dollars.

The second provision makes it an offence for an employer to discharge or discriminate against an employee because any employee has made a complaint under the 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 the Act, or because the employee has made or its about to make any such disclosure as may be required by him by virtue of the provisions of the Act, and prescribes a penalty of not more than five hundred dollars.

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. 42 of 1938.

An Act to amend The Industrial Standards Act.

(Assented to _____, 1938.)

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 Amendment Act, 1938.*"

2. *The Industrial Standards Act*, being chapter 47 of the Statutes of Alberta, 1935, is hereby amended as to section 8 by striking out the same and by substituting therefor the following:

"**8.** The employers and employees in attendance at any such conference may, with respect to any industry in any one or more zones, formulate in writing schedules of wages and hours and days of labour for the industry affected, and any schedule so formulated may, if agreed upon by a majority of the employers and employees so in attendance, be submitted to the Minister, and any such schedule may,—

- "(a) establish the maximum number of hours comprising the regular working day and prescribe the hours of the day during which such hours of work may be performed;
- "(b) establish the maximum number of hours comprising the regular working week;
- "(c) establish the minimum rates of wages for the regular working periods;
- "(d) establish the particular days in the week for the performance of labour in the industry;
- "(e) establish the rates of wages and the periods for, and the conditions governing, overtime work;
- "(f) classify the employees and employers and separately provide for each classification with respect to any of the matters which may be dealt with in such schedule;
- "(g) define any term used in the schedule;
- "(h) specify the particular operations which are included in the industry;
- "(i) prohibit overtime work without a permit and authorize the advisory committee to issue such permits subject to the terms and conditions of such schedule;

- “(j) fix the minimum charge which may be paid, accepted or contracted for with respect to the labour content of any service, work, operation or art and with the approval of the Board fix the minimum charge which an employer or employee may contract for or accept for any service, work, operation or art;
- “(k) authorize the advisory committee to fix a minimum rate of wages lower than the rate fixed by the schedule for any classification of employees or for any individual who performs work included in more than one classification of employees, or whose work is only partly subject to the provisions of the schedule, or who is handicapped;
- “(l) subject to the approval of the Board and with respect only to an inter-provincially competitive industry, assess employers only or employers and employees in any such industry to provide revenue for the enforcement of the schedule, and authorize the advisory committee generally to administer and enforce the schedule, and to collect such assessments, and out of the revenue collected to engage inspectors and other personnel and to make such expenditures as are necessary for such administration and enforcement.”

3. The said Act is further amended as to section 16 by striking out the words “Commissioner of Labour” where the same occur in subsection (2) thereof and by substituting therefor the word “Board”.

4. The said Act is further amended by inserting therein immediately after section 18 the following new sections:

“18a. 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.

“18b.—(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 16 of this Act or is considered by the Board to be in the public interest.”

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

No. 42.

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI

1938

BILL

An Act to amend The Industrial
Standards Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING.

EDMONTON:
A. Shnitka, King's Printer
1938