

Bill No. 71 of 1938.

AN ACT FOR THE SECURING OF THE PAYMENT  
OF WAGES TO WORKERS IN THE MINING  
INDUSTRY AND CERTAIN OTHER INDUSTRIES

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NOTE.

This Bill requires every employer engaged in a designated industry to lodge with the Minister charged with the administration of the Act security for the payment of wages to his employees.

“Designated industry” is defined as meaning any mine, any quarry, any salt-mine or any works operated for the purpose of processing salt or tar sands at or in the immediate vicinity of the place at which the salt or tar sands is mined, won or gotten, or any drilling operations which are carried on for the purpose of searching for natural gas or oil or salt or for the purpose of obtaining natural gas or oil or salt; and “Mine” means a coal-mine.

Section 3 provides for the statement to be delivered to the Minister by employers; and section 4 prescribes the amount of security to be lodged by the employer, which amount is such as may be fixed by the Minister in case the preceding period during which the employer has been employing workmen is less than twelve months; and in other cases the amount of the highest monthly pay-roll for the preceding period of twelve months.

Section 5 empowers the Minister to require additional security at any time in any case in which he considers the security furnished is inadequate.

The security to be lodged by an employer is to consist of cash or a guarantee bond of a bonding company, or marketable bonds or securities approved by the Minister (Section 6).

Sections 6 and 7 provide for the realization of securities in case default is made in payment of wages, and the payment out of the proceeds of, firstly, wages for thirty days preceding the default, secondly, the expenses of the Minister and thirdly if there is a balance, the payment thereof to the persons legally entitled thereto.

The Minister is authorized to issue to employers who have complied with the Act a certificate to that effect, which is made *prima facie* evidence of the statements contained therein (Section 9).

The Minister is empowered to order the cessation of operations by an employer who has not complied with the Act; and non-compliance with such order is made an offence pun-

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ishable by a fine of one hundred dollars for each day during which the non-compliance continues.

Sections 11 and 12 prescribe penalties for non-compliance by employers of the requirements as to the delivery of statements under section 3 or as to furnishing security.

Section 13 requires every employer to make a monthly return to the Minister as to whether or not he has paid wages in full on the last pay day; and default in complying with this requirement is declared to be an offence punishable by a fine and in default of payment to imprisonment.

Section 14 requires every employer who has complied with the Act to keep posted up in a conspicuous place in the office at the place where the industry is carried on, a notice in such form as may be prescribed by the Minister to the effect that the employer has given security; that in case of default in payment of wages the Minister may apply the security in the payment of wages; and that in case of a default in payment of wages prompt notice should be given to the Minister thereof.

The Minister is empowered to deal with money in his hands by way of security or on account of securities held by him, in the rateable payment of the wages to which the same relates.

*The Coal Miners' Wages Securities Act* is repealed as and from the first day of June, 1938, upon which date this Act comes into force.

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. 71 of 1938.

An Act for the Securing of the Payment of Wages to  
Workers in the Mining Industry and certain  
other Industries.

(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 Mining Industry Wages  
Security Act.*"

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

- (a) "Designated industry" means any mine, any quarry, any salt mine or any works operated for the purpose of processing salt or tar sands at or in the immediate vicinity of the place at which the salt or tar sands is mined, won or gotten, or any drilling operations which are being carried on for the purpose of searching for natural gas or oil or salt or for the purpose of obtaining natural gas or oil or salt;
- (b) "Employer" means any person who is engaged in or proposes to engage in any designated industry and who employs or proposes to employ any workmen at wages in such industry;
- (c) "Mine" means any place or any part of any place in or on which there is any natural bed of coal or stratum of coal or aggregation of strata, whether the same be upon the surface of the earth or sub-jacent thereto, and whether it be within the property of one owner or several at which coal is being gotten for sale;
- (d) "Minister" means the Minister who is charged with the administration of this Act;
- (e) "Workman" means and includes every person who is ordinarily employed by an employer in a designated industry in, on or about the place at which such industry is carried on as an employee at salary or wages.

**3.—(1)** Every employer within the meaning of this Act who is engaged in any designated industry, shall,—

- (a) on the fifteenth day of the month of May in each year, deliver to the Minister a statement of the total amount of the wages paid or payable by him to all the workmen employed by him in any designated industry in which he is engaged, during the period of twelve months immediately preceding the month in which such statement is required to be delivered;
  - (b) if and when required so to do by the Minister, deliver to him a statement showing the assets of the employer and his liabilities, and shall set out with detail all mortgages or charges whatsoever against any of his assets and the nature thereof and the amounts secured by any such mortgages or charges, all as at the last day of the month preceding the month in which such statement is delivered.
- (2) Every employer within the meaning of this Act who proposes to engage in a designated industry shall, before commencing to engage in such industry, deliver to the Minister a statement showing the assets of the employer and his liabilities and shall set out in detail all mortgages or charges whatsoever against any of his assets and the nature thereof and the amounts secured by any such mortgages and charges as at the last day of the month preceding the delivery of the statement and any further information which the Minister may require.

**4.—**(1) On or before the first day of June in the year 1938 and in each subsequent year, every employer who is then engaged in a designated industry shall lodge with the Minister security for the payment of wages to workmen employed by him in each designated industry in which he is engaged, during the period of twelve months as and from the said day in the amount and of the nature and kind hereinafter mentioned.

- (2) The amount of the security shall be as follows:
- (a) in case the period during which wages have been paid or payable to workmen employed by him in any designated industry immediately preceding the said first day of June is less than a full period of twelve months, such amount as the Minister in his uncontrolled discretion may determine; and
  - (b) in all other cases, an amount equal to the greatest amount paid by him for wages in one month during the period of twelve months immediately preceding the said day.

**5.** In case it is made to appear to the Minister at any time that the amount of the security furnished by an employer has become inadequate by reason of any substantial increase in the amount of wages payable by the employer to his employees, the Minister may in his discretion order that the employer lodge with him additional security and prescribe the amount thereof, and shall cause a copy of such order to

be sent by registered mail to the employer at his last known post office address and the employer shall within thirty days of the date of the mailing of a copy of such order, lodge with the Minister additional security in the amount so fixed and of the nature prescribed in section 6 of this Act.

**6.** The security shall consist of cash, or a guarantee bond of a bonding company authorized to carry on business in the Province, or such marketable bonds or securities as may be approved by the Minister.

**7.** In case default is made in the payment of any wages earned in the period for which security is given, the Minister may proceed to realize upon all or any of the securities lodged with him in respect of that period and for that purpose may take such proceedings and do all such acts and things as may be requisite having regard to the nature of the securities.

**8.** The proceeds of any securities furnished by an employer or any cash deposited under any of the provisions of this Act shall be dealt with in the manner following, namely:

- (a) firstly, in the payment of all wages owing by the employer to his workmen earned during the said period in the thirty days immediately preceding the default and unpaid, or in case the money is insufficient to pay all those wages in full, then in the payment *pro rata* of those wages;
- (b) secondly, out of the balance, if any, in the payment of the costs and expenses of the Minister in realizing the securities and in making the payment of wages; and
- (c) thirdly, in payment of the balance, if any, to the persons legally entitled thereto.

**9.** The Minister or any person or persons designated by him from time to time for that purpose, may certify in writing as to whether or not at or during any specified time or times any employer has furnished security in accordance with the requirements of this Act; and any certificate so given purporting to be signed by the Minister or by a person duly authorized by the Minister for that purpose, shall be deemed to be *prima facie* evidence of the facts set out therein and shall be received in evidence in any proceedings in any court under this Act without proof of the signature thereto.

**10.—(1)** In case default is made by any employer in furnishing any security which he is required by any provision of this Act to furnish in respect of any designated industry, or in case default is made in the payment of any wages payable to any workmen employed by such employer in such industry, then and in each such case, the Minister

may by order signed by him, order the employer to cease the operation of such industry as and from such date as may be fixed for that purpose in the order until such time as the Minister may by subsequent order determine and notice of any such order shall be given to the employer.

(2) Every employer who, being notified of any such order, omits or neglects to comply therewith, shall be guilty of an offence and liable on summary conviction to a penalty of one hundred dollars for each day during which such offence continues.

**11.** Every employer who makes default in delivering any statement required by section 3 of this Act shall be guilty of an offence, and shall be liable on summary conviction to a fine of not less than one hundred dollars nor more than one thousand dollars and costs, and in default of payment to imprisonment for a term of not more than three months.

**12.** Every employer who makes default in furnishing the Minister with any security which he is required by this Act to furnish and continues after so making default to employ in a designated industry hired employees, shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than one hundred dollars nor more than two thousand five hundred dollars and costs, and in default of payment to imprisonment for a term of not more than three months.

**13.** Every employer shall not later than the fifteenth day and the last day of each month make a return to the Minister in such form as he may from time to time prescribe, setting out whether or not the wages payable to workmen employed by him on the last preceding pay day have or have not been paid in full, and in case the wages have not been so paid, the amount of the wages which were not then paid; and every employer who makes default in making any return which he is required by this section to make, shall be guilty of an offence and liable on summary conviction therefor to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days.

**14.** Every employer who has complied with the provisions of this Act as to the furnishing of security in respect of a designated industry, shall at all times during which such compliance continues, keep posted up in a conspicuous place in the office at the place where that industry is carried on, a notice of such kind, size, description and form as may be prescribed by the Minister, to the effect that the employer has furnished security in accordance with the provisions of this Act and that in case default is made in the due payment of wages to any employees, the Minister is empowered to apply such security in paying the wages in default; and that in the case of any such default occurring, prompt notice should be given to the Minister thereof.

**15.** Any sum in the hands of the Minister by way of security or on account of any security held by him under this Act, shall be available for the payment of all the wages for the securing payment whereof such security was given and shall be distributed rateably.

**16.** Every demand or notice by the Minister pursuant to this Act shall be deemed to have been duly made, given or delivered upon the same being left at the office or place of business of the employer to whom the same is addressed.

**17.** *The Coal Miners' Wages Securities Act*, being chapter 46 of the Statutes of Alberta, 1928, is hereby repealed.

**18.** Section 3 of this Act shall come into force on the day upon which it is assented to and the remainder of this Act shall come into force on the first day of June, 1938.

SIXTH SESSION  
EIGHTH LEGISLATURE

1 GEORGE VI

1938

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**BILL**

An Act for the Securing of the Payment of Wages to Workers in the Mining Industry and certain other Industries.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. TANNER.

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EDMONTON:  
A. Shnitka, King's Printer  
1938