

Bill No. 19 of 1943.

A BILL TO ENACT THE LABOUR WELFARE ACT.

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NOTE.

This Act enables the Board of Industrial Relations to make investigations relating to the welfare and conditions of labour in any particular industry or in industries generally, and to make orders to ensure proper working conditions for employees, male and female, engaged in such industries.

Section 4 outlines the nature of the orders which the Board may make relating to working conditions in industries.

Section 6 makes provision for chairs or seats for female employees in industries where work may be conveniently done by women while seated.

Section 7 provides for prompt payment of wages to employees.

Section 8 is a repetition of the present provisions of *The Factories Act* outlining the requirements of industrial plants re sanitation and comfort of employees.

Sections 9, 10 and 11 are taken from present provisions of *The Factories Act*.

Section 12 provides for proper examination of the premises and working conditions by inspectors under the Act, and provides penalties for any delay or obstruction of inspectors in carrying out their duties under the Act.

Section 13 provides for the making and publication of orders of the Board.

Section 14 enables the Board to vary, alter, suspend or repeal any of its orders.

Section 15 provides penalties for a breach of the Act.

Section 16 places the onus of proving that he is not an employer upon the person charged with an offence.

Section 17 repeals certain provisions of *The Factories Act* now incorporated in this Act.

W. S. GRAY,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 19 of 1943.

An Act respecting the Welfare and Conditions of Labour  
of Employees Engaged in any Industry, Trade,  
. Business, Occupation or Employment.

(Assented to \_\_\_\_\_, 1943.)

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Alberta,  
enacts as follows:

## SHORT TITLE.

1. This Act may be cited as "*The Labour Welfare Act.*"

## INTERPRETATION.

2. In this Act unless the context otherwise requires,—
  - (a) "Board" means the Board of Industrial Relations constituted under the provisions of *The Hours of Work Act*;
  - (b) "Chairman" means the Chairman of the Board of Industrial Relations constituted under the provisions of *The Hours of Work Act*;
  - (c) "Chief Inspector" means the Chief Inspector of the Board of Industrial Relations;
  - (d) "Employee" means any person who is employed in any capacity under any agreement whether oral or in writing or whether express or implied by which the relationship of master and servant is created between such person and the person by whom he is employed;
  - (e) "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 employment of any employee;
  - (f) "Employment" includes employment in any industry, trade, business or occupation;
  - (g) "Inspector" means any inspector appointed by the Minister or Lieutenant Governor in Council;
  - (h) "Minister" means the Minister of Trade and Industry.
3. This Act shall apply to all persons in the Province who are employers and employees except persons who are farm labourers or domestic servants in private houses.

4.—(1) The Board may at any time and from time to time hold an inquiry for the purpose of investigating the facts with respect to the welfare of employees in relation to conditions of labour in any employment or industry, and after such inquiry as the Board deems adequate, the Board may, in its sole discretion, make an order prescribing generally, having regard to the interests of employers and employees, actions to be taken and conditions to be observed for the welfare of employees in any employment or employments or in different classes or descriptions of employment.

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

- (a) prescribe the type of safety outer garments or safety appliances to be worn by employees for the protection of the head, eyes, hands, feet, or body of the said employees engaged in any employment, and to determine, when the Board deems it advisable, the terms and conditions upon which such garments and appliances shall be provided by the employer for his employees;
- (b) prohibit female employees in any employment and in any class or description of employment from lifting or carrying burdens, connected with their employment, of a greater weight than that prescribed from time to time by order of the Board;
- (c) prohibit the employment of a pregnant woman on day shifts for a period of six weeks prior to and a further period of two months after delivery, and on night shifts during the whole period of pregnancy;
- (d) in cases where employees are engaged in any employment or in any class or description of employment operating on a two or three shift basis, require that the shifts shall be rotated at least once every three months or within such other period or in such manner as the Board may deem necessary, and that the employees be employed on different shifts on the expiration of the period;
- (e) require any employer who has in his employ over fifty employees in any employment or in different employments or in different classes or descriptions of any employment to retain the services of an industrial nurse for the welfare of the employees in his employ;
- (f) require an employer in any employment or class of employment to provide compartments or lockers for the purpose of storing wearing apparel and other personal belongings or articles of his employees;
- (g) require an employer in any employment or class of employment to give his employees one week's holidays with regular pay after one year's employment, and may by the said order or subsequent or-

der require the employer to give a longer holiday than one week up to a maximum of two weeks with regular pay, and by such order establish the length of employment which will entitle the employee to a longer holiday up to a maximum of two weeks' holidays with pay;

- (h) exempt from any order of the Board made under this Act, any industry, business, trade, occupation or employment, wholly or in part;
- (i) make such other order or orders as the Board deems necessary for the welfare of employees in any employment.

**5.** Every employer shall in case any apprentice leaves his service, give such apprentice upon request a statement showing the length of time such apprentice has been employed in any particular line of work.

**6.—(1)** In any employment in which women are employed an inspector may by written direction require the employer to provide and keep therein at all times a sufficient and suitable chair or seat for the use of every such woman employed, and upon receipt of that direction the employer shall permit her to use such chair or seat while engaged in the work or duty for which she is employed; and the employer shall not by an open or covert threat, rule or other intimation, express or implied, or by any contrivance, prevent any female employee from using such chair or seat.

(2) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of not less than ten dollars and costs and not more than thirty dollars and costs, and in default of payment to imprisonment for a period not exceeding thirty days.

**7.—(1)** Every employer shall pay to every employee engaged or employed by him in any employment to which this Act applies, all wages earned by such employee within ten days after the expiration of each period of employment during which the employee has been so engaged or employed, which period of employment shall not be greater than one calendar month.

(2) In case the employment of an employee is terminated by the employer, the wages earned by the employee shall be paid to him by his employer upon the termination of the employment.

**8.—(1)** The employer in any industry, business, trade, occupation, or employment shall,—

- (a) keep the premises where his employees are employed, in a clean and sanitary condition and free from any effluvia;
- (b) to the satisfaction of the Chairman or Chief Inspector, provide a sufficient number and description

of privies, earth or water closets and urinals for the employees working in such premises including separate sets for the use of male and female employees with separate approaches thereto, and shall provide one closet for every twenty-five persons of each sex employed in such premises and shall keep at the entrance to every closet a clearly painted sign indicating the sex for which such closet is provided. Such closets shall be reasonably accessible to the employees;

- (c) keep privies, earth or water closets and urinals in good repair and in a sanitary condition;
- (d) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein and not to be injurious to the health or comfort of the employees; but in no case shall the temperature be less than sixty degrees Fahrenheit unless authorized by the Chairman or Chief Inspector in writing;
- (e) ventilate the premises in such a manner as to keep the air reasonably pure and so as to render harmless as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of any employment carried on therein that may be injurious to health;
- (f) not allow overcrowding while work is carried on therein so as to be injurious to the health of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;
- (g) provide a wash room, clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for employees, and water taps which shall be at least eight feet distant from any water closet or urinal, and also when directed by the Chairman or Chief Inspector in writing, shower baths for the employees;
- (h) if the manufacturing process carried on in any part of the premises is calculated to wet the floor to such an extent that the health of any persons employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors;
- (i) in printing offices where there are three or more typesetting machines (linotypes, intertypes, monotypes, monolines and the like) see that the melting pots of all typesetting, typesetting and similar machines and apparatus, such as linotype machines, monotype casters, stereotype melting pots, and the like are piped in a proper and efficient manner, so as to effectually carry off the noxious fumes and gases arising during their operation; and that all melting pots of stereotyping and typesetting devices are properly provided with hoods extending

over the melting pots and connected with the aforesaid piping in such manner as to carry off the fumes from the molten metal as well as the burned gas fumes; provided that exhaust fans, blowers or other suitable devices shall in such premises as the Chairman or Chief Inspector orders also be installed for the purpose of further aiding in the discharge of all deleterious matter from composing and other rooms where any of the above machines may be in operation.

(2) The Chairman or Chief Inspector may in writing require the employer of any factory or shop to provide a sufficient number of spittoons and to place the same in different parts of the premises and to keep the same clean.

(3) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then, subject to the regulations, the inspector may, if such inhalation can be prevented or partially prevented, direct that adequate measures shall be taken for the prevention of inhalation within a reasonable time by the employer, who shall be bound to take any measures so directed.

(4) No employer shall knowingly permit or suffer any person who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, to work in a factory or shop in which food or food products or materials are manufactured, stored or kept for sale or sold, and every employer shall keep himself in a reasonably healthy condition, nor shall any person affected with any of the said diseases work in any such factory or shop.

**9.** Without the written consent of the Chairman or Chief Inspector, no part of any premises used for manufacturing or processing purposes, shall be kept or used as a bedroom or sleeping place.

**10.** No laundry work shall be done in a room in or about a place of employment used for a sleeping or living room or in a room used for cooking and preparing meals.

**11.—(1)** Women in any employment working with or about machinery, shafting or belting, or with the material being handled shall during working hours,—

- (a) wear their hair rolled or plaited and fastened securely or confined in a close-fitting cap or net so as to avoid contact with the said machinery, shafting or belting or with the material being handled;
- (b) refrain from wearing jewelry of any kind which might be caught in moving machinery or which might interfere with the safety of such employees.

(2) The manager, superintendent, foreman or other person in charge shall see that employees are adequately notified as to the provisions of this section.

**12.**—(1) Every inspector shall have the powers of a constable and may, in the execution of his duties under this Act, and for the purpose of enforcing the provisions of this Act or any orders of the Board or written instructions of the Chairman or Chief Inspector,—

- (a) enter, inspect and examine any premises at all reasonable times by day or night, when he has reasonable cause to believe that any person is employed therein;
- (b) require the production of any register, certificate, notice or document required by this Act to be kept, and inspect, examine and copy the same;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or any orders of the Board or any written instructions of the Chairman or Chief Inspector, have been complied with;
- (d) examine, either alone or in the presence of any other person or persons as he thinks fit, with respect to matters under this Act, any employer or employee whom he finds on the premises;
- (e) for the purpose of carrying out any investigation, inquiry or examination made by him under the authority of this Act, require any person to produce books, papers, documents, files, pay-rolls or records in relation to any employment and may obtain from any person whom he considers to have information relating to the employment, an affidavit or statutory declaration as to his or her knowledge of anything relating to the employment;
- (f) exercise such other powers as may be necessary for carrying out the provisions of this Act.

(2) An employer, his agents and servants shall furnish all necessary assistance to an inspector to enable him to make an entry, inspection, examination or inquiry in relation to the industry, business, trade, occupation or employment carried on, on the premises of the employer.

(3) Any person who wilfully delays or obstructs an inspector in the exercise of any power given to him under this section or who fails to comply with an order of the inspector or who fails to produce any books, papers, documents, files, pay-rolls or records which he is required to produce or who conceals or attempts to conceal an employee from appearing before or being examined by an inspector shall be guilty of an offence and liable on summary conviction to a fine of not less than ten dollars and costs and not more than two hundred dollars and costs and in default of payment, to imprisonment not exceeding three months.

(4) An inspector in carrying out his duties under this section or when inspecting any premises may be accompanied by a legally qualified medical practitioner, medical health officer or sanitary inspector.

**13.—(1)** Any orders made by the Board under the provisions of this Act shall be signed by the Chairman and the secretary and shall become operative upon the date of their publication in *The Alberta Gazette* or at such later date as may be named in the said order.

(2) Every employer shall post up on the date when it becomes operative in a conspicuous place in his place of employment where it can be readily seen by employees a copy of every order of the Board affecting the employment or the employer or employees engaged therein.

(3) All persons affected by the said order shall, after such publication, be deemed to have notice of its existence and of the terms of such order.

**14.** The Board may at any time and from time to time vary, alter, suspend or cancel any order made by it either permanently or for a specific period to be named by the Board.

**15.** Any person who violates any provision of this Act or any order of the Board or any instructions in writing of the Chairman or Chief Inspector for which no penalty is otherwise provided by this Act, shall be liable on summary conviction to a fine of not more than five hundred dollars and costs and in default of payment to imprisonment for a period not exceeding three months.

**16.** 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.

**17.** Sections 21, 22, 24, 25, 26, 27, 30 and 31 of *The Factories Act*, being chapter 310 of the Revised Statutes of Alberta, 1942, are hereby repealed.

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



No. 19.

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THIRD SESSION  
**NINTH LEGISLATURE**

7 GEORGE VI

1943

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**BILL**

An Act to enact The Labour  
Welfare Act.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MANNING.

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