

## CANADA (ALBERTA)

### 2. Act: Minimum Wage (Women)

An Act to provide a minimum wage for women. 15 Geo. V,  
c. 23. Assented to 10th April, 1925.

#### SHORT TITLE.

1. This Act may be cited as "The Minimum Wage Act, 1925."

#### INTERPRETATION.

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

- (a) "apprentice" shall include any person who receives instruction in any trade or occupation;
- (b) "Board" shall mean the Minimum Wage Board hereby created;
- (c) "class of employees" shall mean any class of employees in any class of employment or any body of employees which at the uncontrolled discretion of the Board may be determined by it to be a class of employees within the meaning of this Act;
- (d) "class of employment" shall mean any trade or occupation or any branch of work in any trade or occupation, or any process in any trade or occupation, or in any number of trades or occupations, or any work which at the uncontrolled discretion of the Board may be determined by it to be a class of employment within the meaning of this Act;
- (e) "employee" shall mean a female worker employed in any trade or occupation, except domestic servants in private houses;
- (f) "employer" shall include every person, firm or corporation, agent, manager, representative, contractor, sub-contractor or other person responsible directly or indirectly for the payment of wages to an employee;
- (g) "Minister" shall mean the Minister of Public Works;
- (h) "wages" shall include all wages and salary.

#### MINIMUM WAGE BOARD.

3. (1) The Lieutenant Governor in Council may appoint three members to constitute a Minimum Wage Board, one of whom shall be appointed as representing the employers, the second as representing the employed, and the third as representing the Province at large.

(2) The Lieutenant Governor in Council shall also name one of the members as chairman of the Board.

(3) Two members of the Board shall constitute a quorum.

#### POWERS OF THE BOARD.

4. The Board may inquire into the conditions prevailing in any class of employment and the scale of wages payable therefor, and in conducting such inquiry shall have all the powers conferred upon a commissioner under *The Public Inquiries Act*.

ice 2d.

349  
712  
304  
230  
2632  
CAN

Pamphlet



349-7123042302632 CAN

5. (1) The Board may at any time direct a conference between representatives of employees and employers in any class of employment, for the purpose of reaching an agreement as to the minimum wage which ought to be paid in that class of employment, and as to any matter referred to in section 9 hereof.

(2) Every such conference shall consist of an equal number of representatives of employees and employers approved of by the Board and of the chairman of the Board sitting as chairman of the conference.

(3) Such number shall be fixed by the board.

(4) The chairman shall not vote.

6. The agreement, if any, arrived at by a majority of the conference shall be submitted in writing to the Board, but a minority report may also be made.

7. (1) The Board may at any time by an order, and whether a conference has been held under the provisions of this Act or not, fix minimum wages and direct that no employer affected thereby shall employ any employee affected thereby at a rate of wages less than that fixed therein.

(2) The wages may be fixed so as to apply universally to a trade or occupation or so as to apply to any class of employment or to any special area, and the Board may fix different wages for any place or places mentioned in the schedule hereto.

(3) Any such order shall apply to all the places designated in schedule A, unless its operation is by its terms expressly restricted to one or more such places.

(4) Any such order or further or other order of the Board may provide for a minimum wage per hour, day or week.

(5) Any such order or further or other order of the Board may provide for making deductions from the minimum wage in the event of the employment of the employees affected being for a less number of hours than a number of hours therein fixed, or in any case where meals or lodging are furnished in lieu of wages or in any similar case.

(6) Any such order or further or other order of the Board may fix a minimum wage for overtime in excess of the periods of employment or shifts fixed by the Board or customary in the class of employment affected by the order.

(7) Any such order or further or other order of the Board may fix a series of minimum wages to come into operation successively on the expiration of specified periods, and may make such series applicable in respect of a series of periods of learning or apprenticeship.

(8) Where the Board makes an order fixing a minimum wage with regard to a class of employees who are learning any class of employment, it may also make such order as it may think necessary for securing the effective instruction of such employees.

(9) If the Board is satisfied that any employee or person desiring to become an employee in any class of employment with respect to which a minimum wage has been fixed is affected by any infirmity or physical injury which renders her incapable of earning the minimum wage, it may, if it thinks fit, grant to such employee a permit exempting the employment of such worker from the operation of the provisions

3800155572

of this Act relating to the payment of wages at less than the minimum rate and while the permit is in force the employer shall not be liable for paying wages to the employee at a rate less than the minimum rate, so long as the conditions as to payment, hours or any other matters whatsoever which may be prescribed by the Board on the grant of the permit are complied with.

(10) The Board may at any time vary, suspend or cancel any order made by it and such power shall include the power to vary or suspend so that the variation or suspension shall be operative only during a specified period.

(11) The provisions of *The Factories Act*<sup>1</sup> as to a minimum wage and any other statutory provision with regard thereto shall not be applicable to any employee in respect of whom a minimum wage has been fixed by this Act.

8. (1) Any order made under the provisions of the preceding section shall be signed by the chairman and the secretary, and shall become operative at the date of the publication thereof in *The Alberta Gazette* or at such later date as may be named in the said order.

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

9. (1) The Board, with the approval of the Lieutenant Governor in Council, may fix periods of employment and shifts for different classes of employees, and in so doing may determine the time or times to be allowed for meals.

(2) Wherever any periods of employment or shifts are determined by the Board under the provisions of this Act, such determination shall supersede the provisions of *The Factories Act*, with regard to shifts, and of any orders made thereunder.

(3) Where by reason of the season of the year or otherwise it seems advisable, the Board may temporarily increase the working hours for any class of employees and determine the rate at which such overtime shall be remunerated, and may temporarily increase the number of apprentices which may be employed in any trade or occupation.

(4) Where by reason of a breakdown in machinery or any other uncontrollable emergency whatsoever it seems advisable the Minister may temporarily increase the working hours for any class of employees.

10. The Minister may appoint inspectors or authorize any person to enter upon any premises whereon any employee is employed and to question any employee apart from her employer with the object of ascertaining whether any order made under this Act is being carried out, and shall be charged with the general administration of this Act.

11. (1) After an order fixing a minimum wage has become operative all employers shall in cases to which such wage is applicable pay wages at not less than the minimum wage, and if any employer fails to do so he shall be liable upon summary conviction to a penalty not exceeding five hundred dollars and costs and not less than twenty-five dollars and costs, and shall also upon conviction be ordered to

<sup>1</sup> Revised Statutes, 1922, c. 186 (vol. III, p. 2375).



pay to the employee or employees concerned the difference between the wages actually received by her or them and the minimum wage fixed by the Board.

(2) In default of his making payment of any penalty or any sum ordered to be paid to an employee, the employer shall be imprisoned for a period not exceeding six months and not less than two months.

12. Every employer who contravenes or fails to comply with any order made by the Board other than an order fixing a minimum wage, or hinders or prevents the entry of an inspector or other authorised person upon any premises, or contravenes or fails to comply with any provision of this Act or any regulation made thereunder, shall, upon summary conviction, be liable—

- (a) for a first offence, to a penalty of not less than twenty dollars, nor more than one hundred dollars and costs;
- (b) for a second offence, to a penalty of not less than seventy-five dollars, nor more than two hundred and fifty dollars and costs;
- (c) for a third offence, to a penalty of not less than one hundred dollars, nor more than five hundred dollars and costs, with or without imprisonment for a period not exceeding one month.

13. (1) No employer shall discharge or threaten to discharge, or in any manner discriminate, against any employee because such employee has testified or is about to testify in any investigation or proceedings permitted or prescribed by this Act.

(2) Every employer contravening the provisions of this section shall be liable to the same penalty as if he had disobeyed an order of the Board.

14. Every employer shall keep a register of the names and addresses, the working hours and the actual earnings of all his employees and shall on request permit any inspector or other person authorised by the Minister to inspect and examine the same.

15. Every employer shall upon request give to any apprentice who has been employed by him and has left his employment a written statement of the time of such employment.

16. Where an employee being a person to whom a minimum wage fixed by the Board applies is an apprentice or learner her employer shall not receive directly or indirectly from her or on her behalf or on her account any payment by way of premium:

Provided that nothing in the foregoing provision shall apply to any such payment duly made in pursuance of any instrument of apprenticeship not later than four weeks after the commencement of the employment.

#### AGREEMENTS.

17. Every agreement by an employee to work for less than the minimum wage fixed by the Board with respect to the trade or occupation in which she is engaged shall have effect as if that minimum wage were stipulated for therein.

#### REGULATIONS.

18. (1) The Lieutenant Governor in Council may make regulations—
- (a) as to the obtaining of information from employers and employees necessary or useful in carrying out the objects of this Act;
  - (b) defining and limiting the number of handicapped employees, part time employees and apprentices or learners who may be employed in any trade or occupation;
  - (c) as to the payment of expenses, witness fees and other charges which are necessarily or usefully incurred in carrying out the provisions of this Act;
  - (d) calculated to effectuate the objects of this Act and not contrary thereto.
- (2) Every such regulation when published in *The Alberta Gazette* shall have the same effect as if enacted by this Act.
19. *The Minimum Wage Act*, being chapter 181 of the Revised Statutes of Alberta, 1922, is hereby repealed, but all orders and regulations made thereunder shall continue to be operative until they are duly revoked by the Board or the Lieutenant Governor in Council, as the case may be.
20. This Act shall come into force on the day it is assented to.

#### SCHEDULE A.

(Section 7.)

Calgary	Blairmore
Edmonton	Camrose
Lethbridge	Cardston
Medicine Hat	Coleman
Red Deer	Drumheller
Wetaskiwin	Redcliff.



