

1936

## CHAPTER 115

An Act respecting Minimum Wages, Hours of Employment and Conditions of Labour in Shops and Factories.

[Assented to February 28, 1936.]

HIS Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

1. This Act may be cited as *The Minimum Wage Act*,<sup>Short title</sup> 1936. R.S.S. 1930, c. 258, s. 1.
2. In this Act, unless the context otherwise requires,<sup>Interpretation</sup> the expression:
  1. "Board" means the Minimum Wage Board hereby "Board" created;
  2. "Employee" means any female worker for hire in a "Employee" shop or factory to which this Act from time to time applies, and includes any male worker therein to whom this Act may from time to time be made applicable under the authority of subsection (2) of section 3;
  3. "Employer" includes every person, firm or corpora-<sup>"Employer"</sup> tion, agent, manager, representative, contractor, sub-contractor or principal and every other person having control or direction of one or more workers in a shop or factory to which this Act applies, or who is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more workers in a shop or factory to which this Act applies;
  4. "Factory" has the same meaning as in *The Factories* "Factory" Act;
  5. "Hotel" includes a boarding house or rooming "Hotel" house in which there are more than five beds set apart for the use of boarders or lodgers;
  6. "Minister" means the Minister of Municipal Affairs; "Minister"
  7. "Restaurant" means any place in which meals are "Restaurant" supplied daily, for a consideration, to more than five persons;
  8. "Shop" means a building or portion of a building, "Shop" booth, stall or place where goods are exposed or offered for sale by retail, and includes:

- (a) a mail order house, a hotel, a restaurant, a refreshment room, a barber shop, a beauty parlor and a place where the trade or business carried on is that of a tobacconist or newsagent, and sale by retail includes sale by auction;
- (b) not only the part of a building or place in which goods are exposed or offered for sale by retail but also all other parts thereof used in connection with the sale of goods by retail;

“Wage” or  
“wages”

9. “Wage” or “wages” means any compensation for labour or services paid to or retained by, or partly paid to and partly retained by, a worker in a shop or factory to which this Act applies, whether measured by time, piece, commission or by any other method whatsoever. R.S.S. 1930, c. 258, s. 2; 1934, c. 55, s. 2; 1934-35, c. 80, s. 3; amended.

Application  
and extension  
of Act

3.—(1) This Act shall apply to the cities of Saskatchewan, but the board may with the approval of the Lieutenant Governor in Council from time to time make an order extending its provisions to any other portion of the province and to any class of employees not herein mentioned.

(2) The board may, from time to time, subject to the approval of the Lieutenant Governor in Council, by order declare that the provisions of this Act shall apply to male employees in any class or classes of shops or factories or in any shop or factory to which this Act applies, in which case the said provisions and the provisions of any order of the board then existing or from time to time in force governing such shops or factories, shall apply to such class or classes of shops or factories, or to such shop or factory, as the case may be, as and from a date to be specified in the order.

(3) Upon publication of an order made under subsection (1) or (2) in two successive issues of *The Saskatchewan Gazette* the order shall come into force on a date, subsequent to the second publication, to be named in the order for that purpose.

(4) All orders made under this section shall have the same force and effect as if incorporated herein. 1934, c. 55, s. 7; 1934-35, c. 80, s. 9.

Minimum  
Wage Board

4.—(1) There shall continue to be a board, called the “Minimum Wage Board”, to be appointed by the Lieutenant Governor in Council and consisting of five persons, one of whom shall be appointed chairman and two of whom shall be females.

(2) Three members of the board shall constitute a quorum.

(3) The members of the board shall hold office during pleasure and shall be paid such compensation for their services and expenses as may be determined by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may appoint such clerical and other assistants as are necessary to carry out the provisions of this Act. R.S.S. 1930, c. 258, s. 3; amended.

**5.** The board shall ascertain what wages are adequate to furnish the necessary cost of living to employees and what are reasonable hours of labour for employees. R.S.S. 1930, c. 258, s. 4, in part; amended.

Duties of board

**6.—(1)** The board may by order:

Power to make orders

- (a) subject to the provisions of *The Factories Act*, fix the maximum number of hours of labour which may be performed in any specified period by employees in any class of employment;
- (b) fix the minimum wage which shall be paid to employees in any class of employment who work for the maximum number of hours fixed by the board for employees in that class;
- (c) fix the minimum wage which shall be paid to employees in any class of employment where the number of hours worked in any specified period is less than the maximum number of hours of labour for the same period fixed by the board for employees in that class;
- (d) fix the minimum wage which shall be paid to employees in any class of employment for every hour and portion of an hour worked with the permission of the secretary of the board, given under subsection (2), in excess of the maximum number of hours fixed by the board for employees;
- (e) where board or lodging is or board and lodging are furnished by an employer to an employee, fix the maximum price to be charged therefor by the employer;
- (f) fix the minimum period which an employer may allow to his employees for meals;
- (g) determine what number or proportion of the employees in any shop or factory may be apprentices, learners or inexperienced employees.

(2) Any order made under clause (a) of subsection (1) may, subject to such conditions as may be specified therein, authorize the secretary of the board to extend, in any particular case, the maximum number of hours of

labour fixed by the order, if in his opinion the circumstances warrant such action.

(3) Any order of the board may be of general application or may be restricted to shops and factories in any specified area or areas.

(4) Orders made under this section shall be published in two successive issues of *The Saskatchewan Gazette*, and shall name a date subsequent to the second publication on which they shall come into force. R.S.S. 1930, c. 258, s. 4, in part; 1934, c. 55, s. 3; 1934-35, c. 80, s. 4; amended.

Special  
licenses

**7.** The minister may, on the recommendation of the board, issue to a physically defective employee or to a learner or apprentice a special license authorizing the employment of the licensee under such regulations as may be made under this Act. R.S.S. 1930, c. 258, s. 10; 1934-35, c. 80, s. 6; amended.

Investigations

**8.** The board may make inquiries and investigations respecting matters and things appertaining to or in any way connected with the subject matter of this Act, and shall for that purpose have all the powers conferred upon commissioners under sections 3 and 4 of *The Public Inquiries Act*. R.S.S. 1930, c. 258, ss. 5 and 6; amended.

Power to enter  
premises, in-  
spect records  
and obtain  
information

**9.—(1)** Any person authorized in writing by the minister may:

- (a) enter and inspect at all reasonable times by day or night any shop or factory to which this Act applies when he has reasonable cause to believe that any person is employed therein at the time of entry;
- (b) inspect and examine all books, payrolls and other records of any employer which in any way relate to the wages or hours of labour of any of his employees or the conditions of their employment;
- (c) take extracts from or make copies of any entry in such books, payrolls and records;
- (d) require any employer to make or furnish within a stated period full and correct statements, either orally or in writing, respecting the wages paid to all or any of his employees, and the hours of labour and conditions of their employment, and require that the statements be made on oath or verified by statutory declaration;
- (e) require any employer to make within a stated period full disclosure, production or delivery of

all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof in his possession or control, and to give within a stated period any information, either on oath or verified by statutory declaration, in any way relating to the profit and loss and the production and operating costs of the business carried on by or under the control or direction of the employer;

- (f) require any employee to make within a stated period full disclosure, production or delivery of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof in the possession or control of the employee and relating to employees, their wages, hours of labour or conditions of employment, and to give within a stated period any information, either on oath or verified by statutory declaration, in any way relating to the wages, hours of labour or conditions of employment of any employee.

(2) Any person authorized pursuant to subsection (1) may administer all oaths and take all affidavits and statutory declarations required by him under the provisions of that subsection. New.

**10.** Every employer shall keep in each shop or factory a register of the names and addresses, the working hours and the actual earnings of all his employees working therein. 1934, c. 55, s. 4; amended.

Employer's  
register of  
employees

**11.** No employer shall discharge or threaten to discharge or in any other manner discriminate against an employee because such employee has testified or is about to testify in an investigation or proceedings relative to the enforcement of this Act. R.S.S. 1930, c. 258, s. 12.

Discrimination  
by employer  
prohibited

**12.** No employer shall discharge an employee who has been in his service continuously for six months or more without having given to the employee at least one week's written notice of termination of employment; but this section shall not apply to the discharge of an employee for any of the causes set forth in section 3 of *The Masters and Servants Act*. R.S.S. 1930, c. 258, s. 13.

Notice to  
employee of  
discharge

**13.** Every agreement by an employee to work for less than the minimum wage fixed by the board with respect to the class of employment in which the employee is engaged shall have effect as if that minimum wage were stipulated for therein. R.S.S. 1930, c. 258, s. 11; amended.

Agreements  
subject to  
minimum  
wage

Power to make regulations

**14.**—(1) The board may make regulations for carrying into effect the provisions of this Act, and such regulations, when published as hereinafter mentioned, shall have the same force and effect as if incorporated herein.

(2) Regulations shall be published in two successive issues of *The Saskatchewan Gazette* and shall name a date subsequent to the second publication upon which they shall come into force. R.S.S. 1930, c. 258, s. 18.

Evidence of orders and regulations

**15.** A copy of any order or regulation made by the board, certified by the secretary to be a true copy, shall be *prima facie* evidence of such order or regulation without proof of the signature of the secretary. 1934-35, c. 80, s. 10.

Time limit for prosecutions

**16.** Prosecutions for offences created by this Act shall be instituted within six months after the commission of the alleged offence. R.S.S. 1930, c. 258, s. 15.

Obstructing representative of minister

**17.** Any person who obstructs a duly authorized representative of the minister in the exercise of any power hereby granted, and any employer or employee who fails, upon request, to do anything which such representative is hereby empowered to require him to do, shall be guilty of an offence and liable on summary conviction before a police magistrate or, in cities and towns for which a police magistrate has not been appointed, before two justices of the peace, to a fine of not less than \$25 nor more than \$100, and in default of payment to imprisonment for not less than ten days nor more than one month. New.

General penalty

**18.**—(1) An employer who violates the provisions of this Act or of any order or regulation of the board, shall be guilty of an offence and liable upon summary conviction before a police magistrate or, in cities and towns for which a police magistrate has not been appointed, before two justices of the peace, to a fine of not less than \$25 nor more than \$100, and in default of payment to imprisonment for not less than ten days nor more than one month.

(2) If the offence for which an employer is convicted is the payment of wages at a rate lower than the minimum wage fixed by the board, the convicting magistrate or justices shall order him to pay to the employee concerned the difference between the sum actually paid such employee and that to which the employee is entitled and may order:

- (a) that in default of payment thereof forthwith or within a limited time, such amount shall be levied by distress and sale of the goods and

chattels of the employer and, if sufficient distress cannot be found, that the offender be imprisoned for a further term of not less than twenty days nor more than three months; or

(b) that in default of payment of such amount forthwith or within a limited time, the offender be imprisoned for a further term of not less than twenty days nor more than three months.

(3) When making an order under subsection (2), if at the trial it has been made to appear to the magistrate or justices that the employer has paid wages, other than those in respect of which the order is being made, to the employee concerned at a rate lower than the minimum wage fixed by the board, then, notwithstanding the provision contained in section 16 and that more than six months have elapsed since such payment or payments were made, the magistrate or justices may also order payment by the employer to the employee of the difference between the sum actually paid in respect of such wages and that to which the employee was entitled, and may provide for the enforcement of the order in the manner mentioned in clause (a) or clause (b) of subsection (2). R.S.S. 1930, c. 258, s. 14; 1933, c. 77, s. 2; 1934, c. 55, s. 5; 1934-35, c. 80, s. 7.

**19.** In case of conflict between this Act or any order made hereunder, and any other Act or regulation made thereunder, the provisions of this Act and of the orders made hereunder, shall supersede the conflicting provisions. R.S.S. 1930, c. 258, s. 20. Act to prevail

**20.** The Lieutenant Governor in Council may from time to time authorize the expenditure of such of the moneys appropriated by the Legislature for the purposes of the Department of Municipal Affairs as may be required for the administration of this Act. R.S.S. 1930, c. 258, s. 19; 1934-35, c. 80, s. 11. Lieutenant Governor authorizes expenditure

**21.** The following enactments are hereby repealed: Repeal

*The Revised Statutes of Saskatchewan, 1930, c. 258;*

21 George V, 1931, c. 82;

23 George V, 1933, c. 77;

24 George V, 1934, c. 55;

25 George V, 1934-35, c. 80.

**22.** This Act shall come into force on the first day of May, 1936. Coming into force