

1937

CHAPTER 90

An Act respecting Industrial Standards.

[Assented to April 16, 1937.]

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

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| Short title | 1. This Act may be cited as <i>The Industrial Standards Act, 1937</i> . |
| Interpretation | 2. In this Act, unless the context otherwise requires, the expression: |
| “Association of employees” | 1. “Association of employees” means a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers; |
| “Commissioner” | 2. “Commissioner” means the Commissioner of Labour and Public Welfare appointed under <i>The Bureau of Labour and Public Welfare Act</i> ; |
| “Employer” | 3. “Employer” includes every person who by himself or his agent or representative is directly or indirectly responsible for the payment of wages to any person who comes within the provisions of any schedule promulgated by order in council as hereinafter provided; |
| “Industry” | 4. “Industry” includes any business, calling, trade, undertaking and work of any nature whatsoever and any branch and any combination thereof, except the mining and agricultural industries; |
| “Minister” | 5. “Minister” means the Minister of Municipal Affairs or such other member of the Executive Council as is for the time being charged with the administration of this Act; |
| “Officer” | 6. “Officer” means an industrial standards officer appointed under the authority of this Act; |
| “Regulations” | 7. “Regulations” means the regulations made by the Lieutenant Governor in Council under the authority of this Act; |
| “Wages” | 8. “Wages” includes any form of remuneration for labour performed and, without restricting the generality |

of the foregoing, includes payment at an hourly, daily, weekly or monthly rate or on a production basis at a piece work or unit price rate.

PART I.

ADMINISTRATION OF ACT.

3. The Lieutenant Governor in Council may appoint ^{Appointment of officers} one or more persons as industrial standards officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules.

4. Every officer shall have such powers and perform ^{Powers and duties of officers} such duties as may be prescribed by this Act and the regulations and shall have authority to conduct inquiries and investigations respecting all matters within the scope of this Act and the regulations and shall, for such purposes, have all the powers of a commissioner appointed under *The Public Inquiries Act*.

5.—(1) The minister may from time to time designate ^{Power of minister to define zones} the whole of Saskatchewan, or any part or parts thereof, as a zone or zones for any industry for the purpose of carrying out the provisions of this Act and the regulations.

(2) Any area so designated as a zone may be enlarged or reduced or divided into separate zones by the representatives of employers and employees in any conference held as hereinafter provided and, upon the approval of the minister, the area as enlarged, reduced or divided, shall be deemed to be the designated zone or zones for the industry affected.

6. The commissioner shall have authority to enforce ^{Powers of commissioner} the provisions of this Act and of the regulations and schedules.

PART II.

SCHEDULES.

7.—(1) The minister may, upon the petition of repre- ^{Power of officer to convene conferences} sentatives of employers or employees in any industry within a designated zone or zones, authorize an officer to convene a conference of the employers and employees in such industry for the purpose of investigating and considering the conditions of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in section 8.

(2) An officer who is authorized under subsection (1) to convene a conference shall cause a notice of the conference to be inserted in at least two issues of a newspaper published or circulating in such zone or zones. Such notice shall be published at least two weeks before the date fixed for the conference.

Report by
conference to
minister

8. The conference may submit to the minister in writing a schedule of wages and hours and days of labour for the industry affected and such schedule may:

- (a) establish the maximum number of hours comprising the regular working day;
- (b) establish the maximum number of hours comprising the regular working week;
- (c) establish the minimum rates of wages;
- (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 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.

Approval of
schedule of
wages, hours
and days of
labour

9. If, in the opinion of the minister, the schedule of wages and hours and days of labour submitted by the conference is agreed to by a proper and sufficient representation of employers and employees, he may approve the schedule and upon his recommendation the Lieutenant Governor in Council may declare the schedule to be in force during pleasure, or for the period not exceeding twelve months stipulated in the schedule, within such designated zone or zones as may be prescribed, and to be binding upon the employers and employees in the industry referred to in the schedule.

Publication of
schedules

10. No schedule shall become effective until ten days after publication of the order in council in *The Saskatchewan Gazette*.

Formulation
of subsequent
schedules

11. At any time after a schedule has been in force for a period of at least twelve months, an officer may, with the approval of the minister, convene a new conference of employers and employees in the industry affected for the purpose of investigating or considering the conditions of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in section 8, and the provisions of sections 8, 9 and 10 shall apply *mutatis mutandis* to such negotiations and to any schedule which may be approved by the minister as a result of the conference.

12. Every employer affected by any schedule shall ^{Posting of schedules} cause a copy thereof to be posted in a conspicuous place where his employees are engaged in their duties so that the same may be readily seen and read by all employees, and shall cause the schedule to be kept so posted so long as it remains in force.

PART III.

MISCELLANEOUS.

13. For the purposes of this Act every person who is ^{One man operators and partners} in any way engaged in any industry shall, in so far as he personally performs work in such industry, be deemed an employee, and, in so far as he employs another person or is the proprietor of a shop or business either alone or in partnership with another person, be deemed an employer, and the provisions of this Act and the regulations and schedules shall, *mutatis mutandis*, be read and construed accordingly, notwithstanding that such person may thereby become both an employer and an employee, or may become an employer for one purpose and an employee for another purpose, or that the status of such person may be changed from time to time.

14. Whenever a schedule is in force, the commissioner ^{Information by employers} may require any employer affected thereby to:

- (a) keep a register showing and furnish the name, address and age of all employees and such information respecting wages, hours and days and conditions of labour as the commissioner deems necessary;
- (b) produce for inspection at a place named by the commissioner such books, registers, payrolls, financial statements, attendance records, time records, contracts of employment and other records as the commissioner deems necessary.

15. The Lieutenant Governor in Council may ^{Regulations} from time to time make such regulations not inconsistent with this Act as he may deem necessary for carrying out its provisions and for the efficient administration thereof. Such regulations shall be published in *The Saskatchewan Gazette*, and upon being so published shall have the same force and effect as if enacted by this Act.

16.—(1) For every zone or group of zones to which any ^{Advisory Board} schedule applies the minister may establish an advisory board of five members, two of whom shall be nominated by the employers and two by the employees and the other member, who shall be chairman, shall be appointed by

the minister. The board may hear complaints of employers and employees to whom the schedule applies and may generally assist in carrying out the provisions of this Act and the regulations; and, notwithstanding anything contained in any schedule, the board may fix a special minimum rate of wages for any employee who is handicapped by reason of age or physical or other disability, and thereupon the minimum rate of wages for such employee shall be the rate as fixed by the board.

(2) Any employer or employee aggrieved by a decision of an advisory board may appeal therefrom to the commissioner, who shall have jurisdiction to hear and determine the appeal, and his decision shall be final.

Violation of
schedule

17.—(1) Any employer who contravenes any of the provisions of a schedule applicable to him shall be guilty of an offence and liable on summary conviction, in case of a first offence, to a fine of not less than \$25 nor more than \$100, and in default of payment to imprisonment for a term not exceeding two months, and, in case of a second or any subsequent offence, to a fine of not less than \$50 nor more than \$500, and in default of payment to imprisonment for a term not exceeding six months; and in every case shall be ordered to pay as an additional penalty to the employees the full amount of the wages then found to be unpaid under the provisions of the schedule, or if the magistrate finds that any employee has, by his conduct, induced or in any way participated in the offence, he may order that such unpaid wages be paid to the minister for the use of the province.

(2) Every employee who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$25 and in default of payment to imprisonment for a term not exceeding ten days.

(3) No prosecution shall be instituted under this Act except with the consent in writing of the commissioner, and the production of such consent purporting to be signed by the commissioner shall be received as *prima facie* evidence of consent without proof of the appointment or signature of the commissioner.

General
penalty

18. Every person who violates any of the provisions of this Act or the regulations for which violation no penalty is herein specifically provided, shall be guilty of an offence and liable on summary conviction to a fine of not less than \$1 nor more than \$100 and in default of payment to imprisonment for a term not exceeding thirty days.

Wages of
persons under
*Minimum
Wage Act*

19. The wage rates prescribed by any schedule for any person or persons to whom *The Minimum Wage Act* applies shall not be for lesser amounts nor shall the

number of hours of labour in each day or the number of days of labour in each week be greater than is provided in *The Minimum Wage Act* or any order or regulation made thereunder.

20. This Act shall not extend to persons employed by the Government of Saskatchewan or by any of the departments thereof or by any board or commission created by any Act of the Legislature, or to any municipal corporation. Non-application of Act

21. A copy of all schedules approved and regulations made under the authority of this Act shall be laid before the Legislative Assembly within the first fifteen days of the then next ensuing session thereof. Returns to Legislature