

1970

c 220 Industrial Safety Act

Ontario

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Bibliographic Citation

Industrial Safety Act, RSO 1970, c 220

Repository Citation

Ontario (1970) "c 220 Industrial Safety Act," *Ontario: Revised Statutes*: Vol. 1970: Iss. 2, Article 94.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1970/iss2/94>

CHAPTER 220

The Industrial Safety Act

1. In this Act,

- (a) "architect" means a person registered as a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under *The Architects Act*; Interpretation
R.S.O. 1970,
c. 27
- (b) "child" means a person under the age of fifteen years;
- (c) "Crown" includes a board, commission or agency of the Crown in right of Ontario and The Hydro-Electric Power Commission of Ontario;
- (d) "employer" means a person who in his own behalf, or as the manager, superintendent or agent, has charge of an industrial establishment, and includes the Crown and a person who is self-employed, and, in the case of an office building, includes the superintendent, manager or caretaker thereof;
- (e) "engineer of the Department" means a professional engineer, as defined in *The Professional Engineers Act*, appointed to enforce this Act; R.S.O. 1970,
c. 366
- (f) "factory" means a premises or place, including any land appertaining thereto, other than a premises or place where homework is done,
- (i) where any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,
 - (ii) where any form of thermal, hydraulic, electrical, aero-dynamic, kinetic, chemical, nuclear, solar or other form of energy is used to work any machinery or device, or where any form of such energy is modified in any manner in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, or
 - (iii) wherein the employer of the persons working there has the right of access and control, and wherein any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, demolishing, repairing,

maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes,

and any other building, premises, shop, workshop, structure, room or place, including any land appertaining thereto, designated by the Lieutenant Governor in Council as a factory under section 3;

- (g) "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation, and "homeworker" has a corresponding meaning;
- (h) "industrial establishment" means a factory, shop, office or office building;
- (i) "inspector" means an inspector appointed for the purposes of this Act, and includes the chief inspector;
- (j) "Minister" means the Minister of Labour;
- (k) "office" includes a building, including any land appertaining thereto, or that part of a building occupied and under the control of a separate employer and used for office purposes, and any other building, including any land appertaining thereto, or part thereof designated by the Lieutenant Governor in Council as an office under section 3;
- (l) "office building" means a building, including any land appertaining thereto, used or occupied for office purposes and not as a shop or factory, and includes a part of such a building when so used or occupied, and any other building, including any land appertaining thereto, or part thereof designated by the Lieutenant Governor in Council as an office building under section 3;
- (m) "owner" means the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents and profits of any premises used as an industrial establishment so far as such rents and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon, and includes the Crown;
- (n) "parent" means a parent or the guardian of a child, or the person having the legal custody of, control over, or direct benefit from the wages of, a child;

- (o) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act*; R.S.O. 1970,
c. 366
- (p) "regulations" means the regulations made under this Act;
- (q) "safety" means freedom from injury to the body or freedom from damage to health;
- (r) "shop" means a building or a part of a building, booth, stall or place where goods are handled or exposed or offered for sale, or any building or part of a building, booth, stall or place where services are offered for sale or where goods are manufactured and that is not a factory or a premises or place where homework is done, and includes a restaurant, bowling alley, pool room and billiard parlour and any other building, booth, stall or place designated by the Lieutenant Governor in Council as a shop under section 3, and in all cases includes any land appertaining thereto;
- (s) "wages" means wages within the meaning of *The Wages Act*. 1964, c. 45, s. 1; 1968, c. 56, s. 1; 1970, c. 28, s. 1. R.S.O. 1970,
c. 486

2. The Crown, or a municipality as defined in *The Department of Municipal Affairs Act*, using and occupying an office building shall be deemed to be the owner thereof for the purposes of this Act. 1964, c. 45, s. 2. Crown and municipalities deemed owners
R.S.O. 1970,
c. 118

3. The Lieutenant Governor in Council may designate any class of premises, buildings, shops, workshops, structures, rooms or places as factories, shops, offices or office buildings, as the case may be, to which this Act applies. 1964, c. 45, s. 3. Designation of factories, shops, offices or office buildings

4. Every place where a laundry is operated in conjunction with, Places deemed factories

- (a) a public hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanitarium licensed under *The Private Sanitaria Act*, or a psychiatric facility as defined in *The Mental Health Act*; R.S.O. 1970,
cc. 378, 270,
422, 363, 269
- (b) a private hospital licensed under *The Private Hospitals Act*; R.S.O. 1970,
c. 361
- (c) a hotel within the meaning of *The Hotel Registration of Guests Act* or a motel; or R.S.O. 1970,
c. 212
- (d) an institution for religious, charitable or educational purposes,

shall, except for the purposes of section 16, be deemed to be a factory to which this Act applies. 1968, c. 56, s. 2, *amended*.

When Act
does not
apply
R.S.O. 1970,
c. 80

5. This Act does not apply to,

- (a) a construction hoist within the meaning of *The Construction Hoists Act*;
- (b) a mine and machinery within the meaning of *The Mining Act* and including office and service buildings located at a mine;
- (c) loggers within the meaning of *The Loggers' Safety Act*;
- (d) a well or work within the meaning of *The Energy Act*;
- (e) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations; and
- (f) the performing of custom laundry work for a regular family trade by a person in his dwelling. 1964, c. 45, s. 5; 1968, c. 56, s. 3.

R.S.O. 1970,
c. 274

R.S.O. 1970,
c. 257
R.S.O. 1970,
c. 148

Separate
industrial
establish-
ments

6. Such part of an industrial establishment as the chief inspector approves in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. 1964, c. 45, s. 6.

Appoint-
ment of
inspectors

7.—(1) For the purpose of carrying out this Act, such inspectors as are considered necessary to enforce this Act may be appointed, and one of them may be designated as the chief inspector who shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act.

Certificate
of appoint-
ment

(2) Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister, and, on applying for admission to any premises, shall, upon demand, produce his certificate. 1964, c. 45, s. 7.

Powers of
inspector

8.—(1) An inspector may, for the purposes of this Act,

- (a) subject to subsection 3, enter in or upon, take up or use any property, real or personal, at any time without warrant;
- (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;
- (c) alone or in conjunction with such other person or persons possessing special or expert technical knowledge or skill as the Minister designates, make such examinations, tests, inquiries or, subject to subsection 2, take such samples as are necessary to ascertain whether this Act and the regulations are being complied with;

- (d) take with him a constable into an industrial establishment in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, and, whenever the inspector requires a constable authorized to act in the locality to accompany him, it is the duty of the chief of police and every member of the police force in the locality to render him such assistance in carrying out his duties under this Act as he requires, and to put down by force if necessary any resistance, obstruction or hindrance;
- (e) examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, any person whom he finds in an industrial establishment or whom he has reasonable cause to believe to be or to have been within the two preceding months employed in an industrial establishment, and require such person to be so examined and to sign a statutory declaration of the truth of the matters respecting which he is so examined;
- (f) take with him into any premises a legally qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health;
- (g) exercise such other powers and do such other things as are necessary for the carrying out of this Act and the regulations.

(2) Where an inspector takes a sample under clause *c* of subsection 1, the owner, employer or person in charge of the place from which the sample is taken may, at the time the sample is taken and upon providing the necessary facilities, require the inspector to divide the sample into two parts and to deliver one part to such owner, employer or person. Samples

(3) An inspector shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. Entry to dwellings
R.S.O. 1970,
c. 450

(4) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1964, c. 45, s. 8. Powers on investigation
R.S.O. 1970,
c. 379

9.—(1) No person shall obstruct or attempt to obstruct an inspector in the exercise of a power or the performance of a duty under this Act. Obstruction of inspector

(2) The owner and employer and their agents and servants shall furnish all means in their power required by an inspector for entry, inspection, examination, testing and inquiry in the exercise of his powers and duties. 1964, c. 45, s. 9. Co-operation by owner and employer

Directions by inspector where non-compliance with Act or regulations

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations and may require that his directions be carried out within such time as he specifies.

In writing

(2) If a person to whom an inspector gives oral directions under subsection 1 requests that the directions be put in writing, the inspector shall put the directions in writing.

Appeal from direction

(3) Any owner or employer affected by a direction of an inspector under subsection 1 may appeal therefrom by forthwith giving notice to the chief inspector orally or in writing.

Oral notice of appeal

(4) Oral notice of appeal may be given by telephone and shall be confirmed in writing.

Disposal of appeal

(5) The chief inspector shall vary, rescind or confirm the direction after giving the owner or employer an opportunity to be heard. 1964, c. 45, s. 10.

Directions by inspector where safety endangered

11.—(1) Where an inspector considers that any place, matter or thing, or any part or parts thereof, in an industrial establishment is a source of danger to the safety of persons employed therein or having access thereto, he,

(a) shall give such directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to take measures for guarding the source of danger, or

(ii) to protect the safety of any person against dangers therefrom; and

(b) may direct that any place, matter or thing shall not be used until his directions are complied with.

Affixing notice prohibiting use

(2) Where an inspector gives a direction under clause *b* of subsection 1, he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. 1964, c. 45, s. 11.

Power of inspector re approvals

12. Where this Act or the regulations require the approval of an inspector, the approval may be given upon such terms and conditions as the inspector considers necessary, and the approval may be withdrawn for a breach of any condition or upon a change in relevant circumstances. 1964, c. 45, s. 12.

Inspector's evidence in civil suits

13.—(1) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties under this Act except with the written permission of the Minister.

(2) No person who is admitted into any industrial establishment in pursuance of the powers conferred by section 8 shall disclose to any person any information obtained by him therein with regard to any manufacturing process or trade secret except for the purposes of this Act or as required by law. Information confidential

(3) No person, except for the purposes of this Act or for the purposes of a prosecution, shall publish or disclose the results of any analysis, examination, testing, inquiry or sampling made or taken under this Act. Information not to be published

(4) No person to whom information is communicated in confidence under section 8, Information not to be disclosed

(a) shall divulge the name of the informant to any person except for the purposes of this Act;

(b) is competent or compellable to divulge the name of the informant before any court or other tribunal.

(5) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. 1964, c. 45, s. 13. Inspector not liable

14.—(1) An inspector shall post up in an industrial establishment, in such conspicuous positions as he determines, Posting of notices

(a) a notice of the name and address of the inspector; and

(b) such notices of the provisions of this Act and the regulations as the inspector considers necessary to enable the persons therein to become acquainted with their rights, liabilities and duties under this Act.

(2) Every employer shall maintain in position and without change or defacement any notice or document posted under this Act or the regulations until otherwise directed by an inspector, and no person shall remove, change or deface any such notice or document. 1964, c. 45, s. 14. Removal of notices

15.—(1) The sending or service of any notice, order, direction, summons or document to or upon any person for the purposes of this Act or the regulations shall be made, Service

(a) by serving it personally on such person;

(b) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer, by leaving it at the industrial establishment for which he is the employer; or

(c) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively, in the case of an employer, addressed to the industrial establishment for which he is the employer without naming him in the address.

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending or service on the date of the leaving or mailing.

Proof of mailing

(2) The service or sending of a notice, order, direction, summons or document under clause *c* of subsection 1 may be proved by affidavit of the the person who mailed the notice, order, direction, summons or document, and the affidavit shall state,

- (a) the place and date of mailing;
- (b) the name of the person and the address to which the notice, order, direction, summons or document was sent; and
- (c) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction, summons or document was sent is the last known or usual address,
 - (i) of the person to whom it was sent, or
 - (ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. 1964, c. 45, s. 15.

Approval of drawings and specifications

16.—(1) No person shall commence to construct or reconstruct a building or add to or alter an existing building,

- (a) that is to be or is used as a factory;
- (b) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or
- (c) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,
 - (i) exterior walls, or
 - (ii) any combination of exterior walls and interior fire-resistive walls without any opening to another building,

or install or alter in an industrial establishment any equipment, machinery or device designated by the regulations until the drawings and specifications thereof have been approved by an engineer of the Department. 1964, c. 45, s. 16 (1); 1968, c. 56, s. 4 (1).

Application for approval

(2) An application for approval shall be in the form prescribed by the regulations, and shall,

- (a) be accompanied by the drawings and specifications in duplicate of the proposed construction, reconstruction, addition, installation or alteration and the estimated cost thereof; and
- (b) be supplemented by such additional information as an engineer of the Department requires. 1964, c. 45, s. 16 (2).

(3) Drawings and specifications of a building that is to be or is more than two storeys in height shall bear the signature and seal of a professional engineer or an architect. 1970, c. 28, s. 2. Drawings and specifications to be signed and sealed

(4) An engineer of the Department shall examine the drawings and specifications and, if they comply with this Act and the regulations, he shall certify his approval thereon and return one copy to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings and specifications as approved. 1964, c. 45, s. 16 (3); 1968, c. 56, s. 4 (2). Approval of specification

(5) The owner of the building or of the land on which the building is being constructed or a person designated by him shall keep one copy of the approved drawings and specifications at the site of the construction, reconstruction, addition, installation or alteration until the completion thereof, and such drawings and specifications shall be produced upon demand to an inspector or to a building inspector or construction safety inspector appointed by a municipality or by the Lieutenant Governor in Council. 1968, c. 56, s. 4 (3). Copy of drawings, etc., on site

17. Every employer, upon commencing to occupy a factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business of the factory is to be carried on, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. 1964, c. 45, s. 17 (1). Notice of occupation of factory

18. The Minister may suspend or revoke any approval, permit or registration granted under this Act. 1964, c. 45, s. 18. Revocation of approvals, permits or registration

19.—(1) Every employer shall keep his industrial establishment so that the safety of persons in the establishment is not likely to be endangered. Safety

(2) Without restricting the generality of subsection 1, where, in an industrial establishment, When safety deemed endangered

- (a) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened;
- (b) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder; R.S.O. 1970, c. 47
- (c) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder; R.S.O. 1970, c. 143
- (d) *The Operating Engineers Act* and the regulations thereunder are contravened; or R.S.O. 1970, c. 333

- (e) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act*,

R.S.O. 1970,
c. 81

such industrial establishment shall be deemed to be kept so that the safety of persons therein is endangered.

Safety
precautions

(3) Every employer shall take such precautions as are reasonable in the circumstances to ensure the safety of every person in the industrial establishment. 1964, c. 45, s. 19.

Duty of
lessee

20. Every person in possession of an industrial establishment or part thereof, other than the owner, is jointly responsible with the owner for any thing that the owner is required to do under this Act or the regulations if such thing is the obligation of the person in possession to do under the agreement for possession. 1964, c. 45, s. 20.

Persons
deemed
employees

21.—(1) A person who has charge and control of an industrial establishment shall be deemed to be the employer of every person,

- (a) working therein, notwithstanding that the work is performed under a contract with another person; or
- (b) found in a factory except at meal times or while the machinery of the factory is stopped or except when present for the purpose of bringing food to persons employed in the factory,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act*.

Person
deemed
employer

(2) Notwithstanding subsection 1, any person who under a contract with an employer of an industrial establishment supplies the employer with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied.

Exemption

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause b of subsection 1. 1964, c. 45, s. 21.

Unsafe
equipment

22.—(1) No person who has reasonable cause to believe that any machine, device or thing in or about an industrial establishment is unsafe or in contravention of this Act or the regulations shall use or operate or cause or permit it to be used or operated.

Unsafe
operation

(2) No person shall use or operate any machine, device or thing in or about an industrial establishment in an unsafe manner or in a

manner that does not comply with the regulations. 1964, c. 45, s. 22.

23. No person on his own behalf or for any other person shall make any agreement for sale or sell, lease or transfer possession of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing is unsafe or does not comply with the regulations. 1964, c. 45, s. 23.

Sale of
unsafe
equipment

24.—(1) Subject to subsection 2, no person shall employ a child in an industrial establishment.

Employment
of children

(2) A child who is fourteen years of age may be employed in a shop, office or office building under such conditions as are prescribed by the regulations.

Employment
of children
14 years of
age

(3) Where a parent consents to the employment of his child in an industrial establishment contrary to subsection 1 or 2, the parent shall be deemed to have contravened this Act.

Parental
consent

(4) The employment of a child in an industrial establishment contrary to subsection 1 or 2 is *prima facie* proof of the consent of his parent thereto. 1964, c. 45, s. 24.

Proof

25. No person shall employ in an industrial establishment during school hours a person who is required under *The Schools Administration Act* to attend school. 1970, c. 28, s. 3.

Employment
of
adolescents
R.S.O. 1970,
c. 424

26.—(1) The Lieutenant Governor in Council may make such regulations as in his opinion are advisable to ensure the safety and welfare of persons in or about industrial establishments. 1964, c. 45, s. 26 (1).

Regulations

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

Idem

1. prescribing forms and providing for their use;
2. providing for and prescribing fees;
3. requiring and prescribing the notices in one or more languages that shall be posted by employers;
4. prescribing the records that shall be kept by owners and employers;
5. respecting the duties and powers of inspectors or engineers of the Department;
6. designating equipment, machinery and devices for the purposes of section 16 and prescribing the nature of the drawings and specifications to be submitted under this Act and by whom such drawings and specifications shall be prepared or certified;

7. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons in connection with any industrial establishment;
8. respecting the use of any material or process;
9. regulating or prohibiting the sale, installation or use of any machine, device or thing;
10. exempting any person or any class of persons from the application of or compliance with this Act or the regulations or of any of the provisions thereof;
11. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Act or the regulations or of any of the provisions thereof;
12. requiring and regulating protective clothing and safety devices for persons employed or working in any manufacturing or industrial undertaking or process or who are exposed to any hazards;
13. respecting any poisonous, dangerous or harmful material, substance or thing;
14. prescribing the conditions under which the safety of persons is deemed to be endangered for the purpose of section 19;
15. prescribing the conditions under which a child who is fourteen years of age may be employed in a shop, office or office building;
16. respecting the weight that may be lifted, carried or moved by any person or class of persons employed in an industrial establishment or any class thereof;
17. respecting protection from fire in an industrial establishment;
18. respecting the provision and maintenance of any sanitary convenience or welfare provision in an industrial establishment;
19. respecting the employment of pregnant females in any factory or shop;
20. respecting safe atmospheric conditions to which any person or class of persons in an industrial establishment may be exposed in the course of any employment;
21. respecting medical examinations of persons employed in an industrial establishment and the reports to be made of such examinations;

22. respecting the reporting by physicians and others of cases of affection from dangerous or harmful substances or industrial poisoning;
23. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed;
24. respecting the provision of suitable facilities for medical treatment in cases of accident or sickness, and for the supervision of the general health of employees during working hours;
25. requiring that any machine, device or thing used in an industrial establishment bears the seal of approval of an organization designated to test and approve the machine, device or thing;
26. requiring the approval of an inspector in respect of any method, matter or thing;
27. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1964, c. 45, s. 26 (2), *amended*.

(3) Any regulation may be general or particular in its application. 1964, c. 45, s. 26 (3). Application of regulation

27.—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations. Injunction proceedings

(2) The judge in his discretion may make such order, and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. 1964, c. 45, s. 31. Idem

28. No person shall wilfully make a false statement or entry in a register, notice, certificate, plan, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false declaration under this Act, or knowingly make use of any such false statement, entry or declaration. 1964, c. 45, s. 32. False entries, etc.

29. Where in an information it is alleged that a person is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. 1964, c. 45, s. 33. Onus of proof as to age

30. Where there is an act or default that constitutes an offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. 1964, c. 45, s. 34. Offence by persons other than employer

Name of
employer

31. It is sufficient in an information for an offence against this Act or the regulations to name the employer by stating the ostensible employer or the firm name by which the employer is usually known. 1964, c. 45, s. 35.

Continuing
offences

32. Where the circumstances constituting an offence against this Act continue from day to day and,

- (a) an information has been laid in respect of the offence; or
- (b) the offence is one of employing two or more children contrary to this Act,

the offence shall be deemed to have been repeated on each day the circumstances continue. 1964, c. 45, s. 36.

General
offence and
penalty

33. Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, a direction of an inspector or a condition of an approval or permit is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than twelve months, or to both. 1964, c. 45, s. 37; 1968, c. 56, s. 6.

Limitation
on prosecu-
tion

34. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. 1964, c. 45, s. 38.
