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c 139 Female Employees' Fair Remuneration Act

Ontario

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CHAPTER 139

The Female Employees' Fair Remuneration Act

1. In this Act,

Interpre-
tation

- (a) "Director" means the Director of the Fair Employment Practices Branch of the Department of Labour;
- (b) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on;
- (c) "Minister" means the Minister of Labour;
- (d) "pay" means remuneration in any form. 1951, c. 26, s. 1.

2.—(1) No employer and no person acting on his behalf shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment.

Equal pay
for equal
work

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex does not constitute a failure to comply with this section. 1951, c. 26, s. 2.

Saving

3.—(1) The Minister may on the recommendation of the Director designate a conciliation officer to inquire into the complaint of any person that she has been discriminated against contrary to section 2.

Concilia-
tion officer,
appoint-
ment

(2) Every such complaint shall be in writing on the form prescribed by the Director and shall be mailed or delivered to him at his office.

Form of
complaint

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of and shall report the results of his inquiry and endeavours to the Director. 1951, c. 26, s. 3.

Concilia-
tion officer,
duties

4.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Director, appoint a commission composed of one or more persons and shall forthwith communicate the names of the members of the commission to the parties

Commission,
appoint-
ment

and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

powers
R.S.O. 1960,
c. 202

(2) The commission has all the powers of a conciliation board under section 28 of *The Labour Relations Act*.

duties

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Director the course that ought to be taken with respect to the complaint.

Majority
recommen-
dations to
prevail

(4) If the commission is composed of more than one person, the recommendations of the majority are the recommendations of the commission.

Clarification
of recom-
mendations

(5) After a commission has made its recommendations, the Director may direct it to clarify or amplify any of them and they shall be deemed not to have been received by the Director until they have been so clarified or amplified.

Minister's
order

(6) The Minister, on the recommendation of the Director, may issue whatever order he deems necessary to carry the recommendations of the commission into effect, and the order is final and shall be complied with in accordance with its terms.

Remunera-
tion

(7) Each member of a commission shall be remunerated for his services at the same rate as a commissioner under *The Labour Relations Act*. 1951, c. 26, s. 4.

Offence

5.—(1) Every person who contravenes any provision of this Act or any order made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Disposition
of fines

(2) The fines recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. 1951, c. 26, s. 5.

Consent to
prosecution

6. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister on the recommendation of the Director. 1951, c. 26, s. 6.