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c 328 Public and Other Works Wages Act

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CHAPTER 328

The Public and Other Works Wages Act

1. If any contractor with the Crown, or any subcontractor, in the construction of any public work let under contract by the Crown, makes default in the payment of the wages of any foreman, workman or labourer employed on such work, or in the payment of any sum due by him for the labour of any such foreman, workman or labourer, or of any team employed on such work, and if a claim therefor is filed in the office of the Minister entering into such contract on behalf of the Crown, not later than two months after the same becomes due, and satisfactory proof thereof is furnished, the Crown may pay the claim to the extent of the amount of all moneys or securities in the hands of the Crown for securing the performance of the contract at the time of the filing of the claim. R.S.O. 1950, c. 313, s. 1.

Payment of wages of employees of contractors with the Crown or their sub-contractors

2. The Minister may, in writing, require any such contractor or subcontractor to file in the office of the Minister, not later than the fifteenth day of each month, a list showing the names, rates of wages, amounts paid and amounts due and unpaid for wages or labour done by any foreman, workman, labourer or team employed by the contractor or subcontractor during the previous month, and such list shall be attested upon the oath of the contractor or subcontractor or his authorized agent. R.S.O. 1950, c. 313, s. 2.

List of employees, etc., to be furnished when required

3.—(1) Every contractor or subcontractor who makes default in forwarding such list shall incur a penalty of not less than \$10 or more than \$100 for every day during which default continues.

Penalty for failure to furnish list

(2) The amount of such penalty, within the above limits, shall be determined by the Minister under whom the work is being executed, and may be deducted out of the money in the hands of the Crown deposited by or owing to such contractor and shall be vested in the Crown. R.S.O. 1950, c. 313, s. 3.

How penalty enforceable

4. Where default is made by a subcontractor in furnishing such list, the penalty for such default, hereinbefore provided, may also be recovered, with costs, at the suit of the Crown in any court of competent jurisdiction. R.S.O. 1950, c. 313, s. 4.

Case of default by sub-contractor

Retaining portion of legislative grant and paying wages, etc., thereout

5.—(1) Where any subsidy, advance, loan or bonus of money is authorized by the Legislature to be granted to any company or person towards the construction of any railway or other work it shall, in the absence of special provision by the Legislature to the contrary, be a condition of the grant that so much of the money may be retained as the Lieutenant Governor in Council thinks proper to secure the payment of claims for wages of persons employed on such railway or work whether by such company or by any contractor or subcontractor, or for sums due or to become due for labour of persons or teams so employed.

When to be paid

(2) If any such claim remains unpaid for thirty days after notice thereof has been served upon the Minister charged with the duty of seeing that the conditions upon which such aid is granted are duly carried out, the Lieutenant Governor in Council may, on being satisfied that such claim is due and unpaid, direct that it be paid together with all proper costs and charges in connection therewith out of any moneys so retained. R.S.O. 1950, c. 313, s. 5.

Liability of companies for wages due by contractors, etc.

6.—(1) Every company incorporated under any Act of the Legislature is liable for the payment of the wages of the foremen, workmen, labourers or teams employed in the construction of any work in Ontario done by or for the company, whether directly under the company or through the intervention of any contractor or subcontractor.

Saving of other rights

(2) Nothing herein prejudices or affects the right of any person against any contractor or subcontractor with whom he has contracted under any other Act or law in force in Ontario. R.S.O. 1950, c. 313, s. 6.

Notice of unpaid wages

7.—(1) Where any such foreman, workman or labourer is not paid his wages for himself or his team by any contractor or subcontractor by whom he has been employed, a notice stating the name of the claimant and the amount of wages claimed, the rate of such wages, the nature and amount of work done, the time when, the place where, and the name of the contractor or subcontractor, superintendent or foreman under whom such work was done, may be served upon the company not later than two months after such wages are earned.

Limitation of time for action

(2) The notice shall be followed by the commencement of a suit in a court of competent jurisdiction for the collection of such wages within thirty days after the service of the notice, otherwise the liability mentioned in section 6 ceases.

Service of notice or process

(3) The notice mentioned in subsection 1, and any summons, notice, order or other process required to be served

upon the company for the prosecution of such claim, may be served upon the president, vice-president, secretary, managing director, superintendent, or engineer, or any recognized officer representing the company, or by leaving it with any adult person at the office or residence of any of them. R.S.O. 1950, c. 313, s. 7.

