

1960

c 435 Woodmen's Employment Act

Ontario

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CHAPTER 435

The Woodmen's Employment Act

1. In this Act,

Interpre-
tation

- (a) "Crown timber" means trees standing, growing or being on ungranted public lands or on other lands where the timber thereon or any portion thereof is the property of the Crown;
- (b) "Department" means the Department of Lands and Forests;
- (c) "employees" means persons in the employ of an operator or in the employ of any person carrying on work under a contract, subcontract or other arrangement or agreement authorized by or relating back to the licence, permit, contract, agreement or other instrument granted or made by the Crown under which the operator enjoys the right to cut and remove Crown timber;
- (d) "Minister" means the Minister of Lands and Forests;
- (e) "operator" means any person holding a licence, permit, contract, agreement or other instrument granted or made by the Crown under which exists the right to cut and remove Crown timber. R.S.O. 1950, c. 428, s. 1.

2.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may appoint an inspector under this Act.

Appoint-
ment of
inspector

(2) Such office may be assigned to some person performing other duties in the Department unless the duties are so onerous as to require a separate appointment.

Who may be
appointed

(3) The Minister or the Deputy Minister of Lands and Forests may appoint any Crown timber agent or other officer of the public service of Ontario to be an assistant inspector, and such assistant inspector has the same duties and powers as the inspector and shall act for such period of time as may be authorized by the Minister or Deputy Minister. R.S.O. 1950, c. 428, s. 2.

Assistant
inspectors

Duties of
inspector,
investiga-
tions

3. It is the duty of the inspector to investigate from time to time as may be directed by the Minister or the Deputy Minister of Lands and Forests the undertaking or operations of any operator or of any person carrying on work under a contract or subcontract or other arrangement or agreement authorized by or relating back to the licence, permit, contract, agreement or other instrument granted or made by the Crown under which the operator enjoys the right to cut and remove Crown timber, and such investigation shall be made with reference to,

wages and
hours of
labour

(a) the computation of the wages or earnings of employees, the hours and times of working, and the method of paying such wages or earnings;

food
supplies

(b) the sufficiency and wholesomeness of food supplied to employees whether such food is supplied as part of the wages or earnings of such employees or is paid for in cash by such employees, or is deducted from the wages or earnings of such employees;

charges for
supplies

(c) the prices charged for meals, living accommodation, clothing, boots, supplies, tools, tobacco and any other article sold to, provided for or offered for sale to employees;

deductions
for services

(d) the amount charged against or deducted from the wages or earnings of employees for medical, dental, transportation or other services or facilities of any nature whatsoever;

assessments

(e) the assessments, levies, fines, penalties or other deductions charged against the wages or earnings of any employee;

camp
quarters

(f) the rooms, tents, cabins, houses, camps or other places of accommodation provided for the living or working places of employees and the sanitary conditions thereof, or of any storehouse, kitchen, dining-room or other places used for the preparation, storing and serving of food;

contracts

(g) the details of any contract, subcontract, arrangement whether written or otherwise, the carrying out of which involves in any manner the employment of any person;

labour
conditions

(h) the conditions under which employees labour, the hazards to which employees are subjected in the course of work, and the methods employed in carrying out timbering and lumbering operations;

- (i) such other matters respecting woodmen's employ-^{other}ment as may be directed by the Minister or the ^{matters} Deputy Minister of Lands and Forests. R.S.O. 1950, c. 428, s. 3.

4. Every operator is responsible to the Crown for all ^{Responsi-}things done or required to be done in the course of carrying ^{bility of}out the timbering or other operations authorized under the licence, permit, contract, agreement or other instrument held by such operator, notwithstanding that such operator by contract, agreement, permit or other instrument, or in any other manner, has authorized or permitted work to be undertaken or performed, or services to be supplied by contractors, subcontractors, permittees, jobbers or by any other person whatsoever. R.S.O. 1950, c. 428, s. 4.

5. The inspector shall transmit to the Minister a report as ^{Report of}soon as practicable after each investigation made by him, and ^{inspector}the Minister, upon receipt of the report, may make such recommendations to the operator or operators referred to therein or to the Lieutenant Governor in Council as the Minister may deem advisable. R.S.O. 1950, c. 428, s. 5.

6. The Lieutenant Governor in Council may make regu-^{Regulations}lations respecting any of the several matters made the subject of investigation under this Act, or respecting the procedure to be followed in carrying out the provisions of this Act. R.S.O. 1950, c. 428, s. 6.

7. The inspector for the purpose of making an investiga-^{Powers of}tion under this Act has power, ^{inspector re:}

- (a) to enter upon any land and premises of any operator ^{entry upon}and to examine the interior of any room, tent, cabin, ^{lands, etc.}house or other place of accommodation provided for the living or working places of employees, and of any kitchen, dining-room, storeroom or other place used for the preparation, serving and storing of food;
- (b) to summon any person to attend as a witness before ^{summoning}him with or without the production of documents, ^{of witnesses}payrolls, price lists, diet sheets, shanty books or other books or documents relevant to the investigation, and in the case of any person so summoned refusing to attend after payment or tender of his proper fees, application may be made in a summary way to a justice of the peace having jurisdiction in the city, town or district wherein the investigator may be sitting, for an order compelling such attendance, and such justice of the peace may make such

R.S.O. 1960,
c. 387

administra-
tion of oaths

Power of
keeping
order during
hearing

Witness
fees

Irregularity
in form
not to
invalidate

order as might be made in any case wherein such justice has power to compel appearance before him in pursuance of *The Summary Convictions Act*; and

- (c) to administer an oath to any person attending as a witness before him and to examine such person on oath or affirmation. R.S.O. 1950, c. 428, s. 7.

8. The inspector during the taking of *viva voce* evidence shall sit and conduct himself as in open court and for the purpose of preserving order during the taking of such evidence has all the powers of a judge of a county or district court, except the power of committing for contempt. R.S.O. 1950, c. 428, s. 8.

9. Witnesses are entitled to the same fees as in a division court. R.S.O. 1950, c. 428, s. 9.

10. No proceeding under this Act is invalid by reason of any defect of form or technical irregularity. R.S.O. 1950, c. 428, s. 10.
