



1950

## c 235 Minimum Wage Act

Ontario

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## CHAPTER 235

## The Minimum Wage Act

## 1. In this Act,

Interpre-  
tation.

- (a) "Board" means the Industry and Labour Board established under *The Department of Labour Act*; Rev. Stat., c. 95.
- (b) "employee" includes every person who performs any work in any business, trade, work, undertaking or occupation for wages or with the hope or expectation of receiving wages either directly from his employer or indirectly through another person;
- (c) "employer" includes every person who as the owner, proprietor, manager, superintendent or overseer of any business, trade, work or undertaking employs or permits any person to work in such business, trade, work or undertaking;
- (d) "wage" or "wages" includes every form of remuneration for labour performed. R.S.O. 1937, c. 190, s. 1.

2. The Board may arrange for a conference between employers and employees or their representatives in any business, trade, work, undertaking or occupation for the purpose of obtaining information as to the prevailing rates of wages and conditions of employment and may accept recommendations from the conference with respect to any matters which may be dealt with by an order of the Board. R.S.O. 1937, c. 190, s. 2. Conferences.

3. The Board may establish minimum rates of wages for all employees and generally enact such provisions with respect to conditions of employment as may be deemed necessary for the betterment of the physical, moral and intellectual well-being of employees, and without restricting the generality of the foregoing the Board may make orders and by means of such orders may, Minimum rates.

- (a) designate or define any business, trade, work or undertaking or the part or parts thereof to which the order is applicable; Designation of business.
- (b) designate or define the zone or zones within Ontario in which any order or part thereof is applicable; Zoning.

- Classification of employees. (c) classify employees and separately provide for any one or more classifications with respect to any matter over which the board has authority; R.S.O. 1937, c. 190, s. 3, cls. (a-c).
- Minimum weekly wage. (d) establish a minimum wage for the prevailing weekly work period in the business of any employer or for any other working period which the Board may establish; R.S.O. 1937, c. 190, s. 3, cl. (d); 1946, c. 54, s. 1. (1).
- Maximum hours of labour. (e) establish the maximum number of hours of labour which may regularly be worked in the business of any employer with respect to any minimum wage established; R.S.O. 1937, c. 190, s. 3, cl. (e).
- Overtime wages. (f) establish minimum hourly rates of wages for overtime work; R.S.O. 1937, c. 190, s. 3, cl. (f); 1946, c. 54, s. 1 (2).
- Short time wages. (g) establish minimum hourly rates of wages for employees who regularly work less than forty hours per week; R.S.O. 1937, c. 190, s. 3, cl. (g); 1946, c. 54, s. 1 (2).
- Trade terms. (h) define any term used in any order;
- Special payments. (i) establish a special method of payment for any classification of employees;
- Wage deductions. (j) specify when and under what conditions deductions may be made from the minimum wage established for time lost by employees through illness, holidays, absence from duty or for any other reason and also for special privileges or perquisites resulting from the nature of the work performed. R.S.O. 1937, c. 190, s. 3, cls. (h-j).
- Handicapped employee. **4.** The Board, without order, may grant written permission to an employer to pay to any employee who is handicapped a wage fixed by it lower than the minimum wage. 1947, c. 101, s. 14.
- Amendment of orders. **5.** The Board, without making a new order, may temporarily suspend or vary any of its orders so as to conform to special conditions in any business, and may also, by a new order, suspend, alter, revise or consolidate any of its orders or any order made by the Minimum Wage Board. R.S.O. 1937, c. 190, s. 5, *amended*.
- Statutory agreement for minimum wage. **6.** Every employer who permits any employee to perform any work with respect to which a minimum wage is established shall be deemed to have agreed to pay to the employee at least

the minimum wage established and the minimum wage shall be paid to the employee only by cash or by cheque payable at par at the place where the employee performed the work. R.S.O. 1937, c. 190, s. 7.

**7.** No employee shall be competent to agree to waive or to forego any provision of this Act or of any order made by the Board, and no employer shall be competent to enter into any agreement, arrangement or understanding with an employee or with any other person which results in the whole or any part of the wages paid to an employee or to the Board on behalf of an employee being returned to or accepted by the employer, either directly or indirectly, and every such agreement, arrangement and understanding shall be void. R.S.O. 1937, c. 190, s. 8.

Employees may not waive the statute.

**8.** Every employer who discharges or threatens to discharge or in any way discriminates against an employee who,

Intimidation of employees.

- (a) has testified or is about to testify in any proceeding or investigation had or taken under this Act; or
- (b) has given any information to the Board regarding the wages payable to such employee or his fellow-workers in any plant; or
- (c) has initiated or taken part in any proceeding had or taken for the purpose of assisting the Board to establish a minimum wage,

shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50. R.S.O. 1937, c. 190, s. 9.

**9.** Every employer affected by an order which establishes minimum wages or maximum hours of labour shall post and keep posted a copy thereof in a conspicuous place where his employees are engaged in their duties. R.S.O. 1937, c. 190, s. 10.

Orders to be posted.

**10.** Every employer shall keep complete, continuous and accurate records setting forth the names, addresses, rates of wages, hours worked, actual earnings of each employee and the age of each employee under eighteen years and such records shall be available at all reasonable times for inspection and examination by any member of the Board and by any inspector of the Department of Labour and every employer shall supply such information and make such returns from time to time as the Board may require, and every employer who fails to keep such records and supply such information and make such returns shall be guilty of an offence. R.S.O. 1937, c. 190, s. 11.

Employers' records.

False records.

**11.** Every employer who makes or causes to be made false or misleading entries in any of the records which he is required to keep by this Act or the regulations or of any order of the Board or who supplies or causes to be supplied false or misleading information to the Board shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and for a second and any subsequent offence may also be imprisoned for a term of not more than six months. R.S.O. 1937, c. 190, s. 12.

Offences and penalties.

**12.** Every employer who contravenes any order with respect to wages or hours of work shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 for each employee affected and in default of payment to imprisonment for a term of not more than six months and for a second and any subsequent offence shall be liable to a penalty of not less than \$50 for each employee affected and in default of payment to imprisonment for a term of not more than one year, and in every case upon conviction shall be ordered to pay to the Board on behalf of the employees affected the difference between the wages actually paid and those established by the Board, and in determining the amount of such arrears if the court finds that the employer has not kept accurate records as required by this Act the employees in question shall conclusively be presumed to have been employed for the maximum number of hours per week permitted and to be entitled to the full weekly wage for the total period of their employment. R.S.O. 1937, c. 190, s. 13.

Offences and penalties.

**13.** Every employer who contravenes any provision of this Act or of the regulations or of any order of the Board for which no other penalty is provided shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10. R.S.O. 1937, c. 190, s. 14.

Agreements as to arrears of wages.

**14.**—(1) The Board may approve an agreement in writing between an employer and an employee providing for the payment in instalments of any wages owing by the employer under any order.

What deemed to be violation of order.

(2) Where such agreement has been approved the failure by the employer to carry out the terms of the agreement shall be deemed to be a violation of the order affecting the employer and employee as of the date of the breach of the agreement. R.S.O. 1937, c. 190, s. 15.

Exception as to domestics and farm labourers.

**15.** This Act shall not apply to employees engaged as servants in private residences nor engaged in farming operations. R.S.O. 1937, c. 190, s. 16.