

1937

c 198 Public and Other Works Wages Act

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CHAPTER 198.

The Public and Other Works Wages Act.

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

1. If any contractor with His Majesty, or any subcontractor in the construction of any public work let under contract by His Majesty, 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 His Majesty, not later than two months after the same becomes due, and satisfactory proof thereof is furnished, His Majesty may pay such claim to the extent of the amount of all moneys or securities in the hands of His Majesty for securing the performance of the contract at the time of the filing of the claim. R.S.O. 1927, c. 175, s. 1.

Out of what payable.

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

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. 1927, c. 175, s. 2.

Penalty for failure to furnish list.

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.

How penalty enforceable.

(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 His Majesty. R.S.O. 1927, c. 175, s. 3.

Case of default by sub-contractor.

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. 1927, c. 175, s. 4.

SUBSIDIZED WORKS.

5.—(1) Where any subsidy, advance, loan or bonus of money is authorized by this 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 this 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 may think 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.

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

(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. 1927, c. 175, s. 5.

When to be paid

WORKS BY CHARTERED COMPANIES.

6.—(1) Every company incorporated under any Act of this Legislature shall be 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.

Liability of companies for wages due by contractors, etc.

(2) Nothing herein shall prejudice or affect 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. 1927, c. 175, s. 6.

Saving of other rights

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.

Notice of unpaid wages.

Limitation
of time for
action.

(2) The notice shall be followed up 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 such notice, otherwise the liability mentioned in section 6 shall cease.

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. 1927, c. 175, s. 7.
