

1950

c 126 Factory, Shop and Office Building Act

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CHAPTER 126

The Factory, Shop and Office Building Act

PART I

1. In this Act,Interpreta-
tion.

- (a) "bakeshop" means any building, premises, workshop, structure, room or place wherein is carried on the manufacture of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and includes any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials; R.S.O. 1937, c. 194, s. 1, cl. (a); 1944, c. 19, s. 1 (1).
- (b) "bodily injury" includes injury to health; 1944, c. 19, s. 1 (2).
- (c) "child" means a person under the age of fourteen years;
- (d) "court" means the justices of the peace or magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Part;
- (e) "employer" as applied to a factory, shop, bakeshop or restaurant means any person who in his own behalf, or as the manager, superintendent, overseer or agent has charge of any factory, shop, bakeshop, or restaurant, and employs persons therein, and in the case of an office building includes the superintendent, manager or caretaker thereof; R.S.O. 1937, c. 194, s. 1, cls. (b-d).
- (f) "factory" means,
 - (i) any building, premises, workshop, structure, room or place in which any manufacturing process or assembling in connection with the manufacturing of any goods or products, is carried on,

- (ii) any building, workshop, structure, premises, room or place wherein or within the precincts of which steam, water, electrical power or energy or other power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there,
- (iii) any building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing and includes a plant used for the maintenance of aircraft, locomotives and vehicles used for transport purposes; R.S.O. 1937, c. 194, s. 1, cl. (e); 1944, c. 19, s. 1 (3).
- (g) "inspector" means an inspector appointed by the Lieutenant-Governor in Council for enforcing the provisions of this Part and includes the Chief Inspector;
- (h) "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley or other appliance by which the motion of the first motive power is communicated to any machine appertaining to a manufacturing process; R.S.O. 1937, c. 194, s. 1, cls. (f, g).
- (i) "Minister" means Minister of Labour; 1949, c. 95, s. 6 (1), *part*.
- (j) "office" includes a building or that part of a building occupied and under the control of a separate employer and used for office purposes;
- (k) "office building" means a building used or occupied for office purposes and not as a shop or factory, and includes a part of a building when so used or occupied;
- (l) "owner" means the person for the time being entitled in his own right or as a trustee, mortgagee in posses-

sion, guardian, committee, agent or otherwise to receive the rents, issues and profits of any premises used as a factory, shop, bakeshop, restaurant or office building so far as such rents, issues and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon;

(m) "parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a youth or young girl; R.S.O. 1937, c. 194, s. 1, cls. (i-l).

(n) "regulations" means regulations made under this Act; 1949, c. 95, s. 6 (1), *part*.

(o) "restaurant" means a dining room, cafeteria, cafe, buffet or any place where meals or refreshments are served to order, but does not include restaurants or dining rooms in connection with licensed or standard hotels, unless operated under separate management; R.S.O. 1937, c. 194, s. 1, cl. (n).

(p) "shop" means any building or a portion of a building, booth, stall or place where goods are handled or exposed or offered for sale, and any such building or portion of a building, booth, stall or place where services are offered for sale or where goods are manufactured and which is not a factory to which this Act applies, and includes a bowling alley, pool room and billiard parlour; R.S.O. 1937, c. 194, s. 1, cl. (o); 1944, c. 19, s. 1 (4).

(q) "woman" means a woman of eighteen years of age and upwards;

(r) "young girl" means a girl of the age of fourteen and under the age of eighteen years;

(s) "youth" means a male of the age of fourteen and under the age of sixteen years. R.S.O. 1937, c. 194, s. 1, cls. (p-r).

2.—(1) Nothing in this Part shall in any way conflict or interfere with the powers and duties of local boards of health or the officers appointed under *The Public Health Act*. R.S.O. 1937, c. 194, s. 2 (1). Act not to affect Rev. Stat., c. 306

(2) For the purposes of this Part in respect to sanitary measures the Deputy Minister of Health or any officer of the Administration.

Department of Health designated by the Minister of that Department or any medical officer of health may act jointly with or independently of the inspector under this Part. R.S.O. 1937, c. 194, s. 2 (2) *amended*.

"Office building", definition enlarged.

3. A building, or a part of a building, used and occupied by a municipal or school corporation or by any municipal commission for office purposes shall be deemed an office building within the meaning of this Act, and the municipal or school corporation or commission owning or occupying any such building or part of a building shall be deemed the owner thereof within the meaning of this Act notwithstanding that no rents, issues or profits are derived therefrom. R.S.O. 1937, c. 194, s. 3.

Act not to apply to persons working only at repairs.

4. Nothing in this Part shall extend to a mechanic, artisan or labourer working only in repairing either the machinery in or any part of a factory, shop, bakeshop, restaurant or office building. R.S.O. 1937, c. 194, s. 4.

When separate factory.

5.—(1) A part of a building used as a factory, shop, bakeshop, restaurant or office building may, with the written approval of an inspector for the purposes of this Part be taken to be a separate factory, shop, bakeshop, restaurant or office building.

Dwelling or sleeping room not part of factory.

(2) A place used as a dwelling or sleeping room only shall not be deemed to form part of a factory, shop, bakeshop, restaurant or office building for the purposes of this Part.

When separate and when part.

(3) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory such place shall not be deemed to form part of that factory for the purposes of this Part, but shall, if otherwise it would be a factory, be deemed to be a separate factory and be regulated accordingly.

When premises in open air not excluded.

(4) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises are or place is in the open air. R.S.O. 1937, c. 194, s. 5.

Certain laundries to be deemed factories.

6.—(1) Every shop, building or room in which one or more persons are employed in doing public laundry work by way of trade or for the purpose of gain shall be deemed a factory to which this Part applies.

(2) This section shall not apply to a dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade. R.S.O. 1937, c. 194, s. 6. Home laundry work excepted.

7.—(1) Except where machinery operated or driven by steam, electric or other motive power is used, this Part shall not apply to any factory where not more than five persons are employed and no power other than manual labour is used for any manufacturing process carried on there. Where not more than five employed and no power.

(2) A factory in which in any calendar year more than five persons are employed at any one time shall during that year be deemed a factory unless the inspector is satisfied that less than six persons are usually employed therein. Where more than five sometimes employed.

(3) This Part shall not apply to any shop where only members of the employer's own family dwelling in a house to which the shop is attached are employed at home unless machinery is used which is operated by steam, electrical or other power, except hand power. R.S.O. 1937, c. 194, s. 7. Members of family at home in shop.

8.—(1) Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto and control thereof contracts for work or labour to be done therein by any other person, or lets or hires out any part thereof for that purpose, and such other person engages or employs therein any workman, youth, young girl or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, youth, young girl or woman shall, for all the purposes of this Part, be deemed to be in the service and employment of such owner, occupier or tenant. Who to be deemed employed.

(2) In computing the number of persons employed in any place in order to ascertain if such place is a factory to which this Part applies every such workman, youth, young girl or woman shall be counted. R.S.O. 1937, c. 194, s. 8. Mode of computing numbers employed.

9.—(1) Every person found in a factory, except at meal times or except while all the machinery of the factory is stopped, or for any other purpose than that of bringing food to the persons employed in the factory, shall, until the contrary is proved, be deemed for the purposes of this Part to have been then employed in the factory. Evidence as to employment.

(2) Playgrounds, waiting rooms and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on shall not be taken to be part of the factory for the purposes of this section. R.S.O. 1937, c. 194, s. 9. Places not part of factory

When a youth, young girl or woman to be deemed employed.

10.—(1) A youth, young girl or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is herein otherwise provided, be deemed to be employed in such factory.

Apprentices.

(2) For the purpose of this section an apprentice shall be deemed to work for hire. R.S.O. 1937, c. 194, s. 10.

Register.

11.—(1) In every factory, shop and restaurant the employer shall keep a register of the youths, young girls and women employed in the factory, shop and restaurant and of their employment, in the prescribed form, and shall send to the inspector such extracts from any register kept in pursuance of this Part as the inspector from time to time requires for the execution of his duties, and shall permit the inspector at all times to inspect such register.

Penalty.

(2) For every contravention of this section the employer shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$30. R.S.O. 1937, c. 194, s. 11.

Who to be deemed employer in certain cases.

12. Where, in a factory or shop, the owner or hirer of a machine or implement moved by steam, water, electrical power or energy or other power in or about or in connection with which machine or implement any youth, young girl or woman is employed, is some person other than the employer, and such youth, young girl or woman is in the employment and pay of the owner or hirer of such machine or implement he shall, so far as respects any offence against this Part which may be committed in relation to such youth, young girl or woman, be deemed to be the employer. R.S.O. 1937, c. 194, s. 12.

Plans to be submitted.

13.—(1) Before commencing the erection of any building or the alteration of any existing building which it is intended to use as a factory, or where the building or proposed building is over two storeys in height and is intended to be used as a shop, bakeshop, restaurant or office building, the owner shall submit to the Chief Inspector drawings and specifications, in duplicate, of such building or of the proposed alterations thereto and the Chief Inspector shall examine them and if they comply with the requirements of this Act and the regulations he shall certify his approval thereon and the owner shall

proceed with the erection or alterations only in accordance with the drawings and specifications as so certified.

(2) The drawings and specifications shall be sufficient to ^{Sufficiency of plans.} enable the Chief Inspector to obtain full and complete information as to the extent and character of the proposed work and one copy shall be returned to the owner and the other shall be retained in the Department of Labour.

(3) Any person who contravenes any of the provisions of ^{Penalty.} this section shall be guilty of an offence and liable to a penalty of not less than \$20 and not more than \$200 and in default of payment thereof shall be liable to imprisonment for a term of not more than twelve months. 1944, c. 19, s. 2.

14.—(1) The owner, proprietor or manager of any factory ^{Certificate of inspection before operating a factory.} shall not begin operations until he has received from the inspector a certificate of inspection of the factory and a permit to operate the same.

(2) Every person who contravenes the provisions of this ^{Penalty.} section shall be liable to the penalties provided in section 71. R.S.O. 1937, c. 194, s. 14.

15. Every person shall, within one month after he begins ^{Notice to be sent to inspector by person occupying factory.} to occupy a factory, transmit to the inspector a notice, containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the motive power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$30. R.S.O. 1937, c. 194, s. 15.

ADMINISTRATION

16. The Lieutenant-Governor in Council may for the ^{Appointment of inspectors and Chief Inspector.} purpose of carrying out this Part appoint as many inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other inspectors and the carrying out of the provisions of this Part. 1944, c. 19, s. 3.

17. The Lieutenant-Governor in Council may make ^{Regulations.} regulations,

- (a) prescribing the nature of drawings and specifications to be submitted under this Act or the regulations and by whom such drawings and specifications shall be prepared or certified;

- (b) prescribing fees payable upon the approval of drawings and specifications by the Chief Inspector;
- (c) for the protection of the health, safety and welfare of persons employed in any factory, shop, bakeshop, restaurant or office building;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1944, c. 19, s. 4.

Powers of
inspector.

18.—(1) Every inspector may, in the execution of this Act and for enforcing the regulations,

Inspection at
reasonable
time.

- (a) enter, inspect and examine at all reasonable times by day or night any factory, shop, bakeshop, restaurant or office building when he has reasonable cause to believe that any person is employed therein, or any premises when he has reasonable cause to believe that such premises or any part thereof are being used as a factory, shop, bakeshop, restaurant or office building;

Require
production
of registers,
etc.

- (b) require the production of any register, certificate, notice or document required by this Part or the regulations to be kept, and inspect, examine and copy the same;

Take
constable
with him.

- (c) take with him a constable into a factory, shop, bakeshop, restaurant or office building in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, and whenever the inspector requires any constable authorized to act in the locality to accompany him it shall be the duty of the chief constable and every member of the police force in any locality to render the inspector such assistance in carrying out his duties under this Act as he may require, and to put down any resistance, obstruction or hindrance by force if necessary;

Make
examination
and inquiry.

- (d) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Part are complied with so far as respects the factory, shop, bakeshop, restaurant or office building and the persons employed therein;

Examine
persons.

- (e) examine either alone or in the presence of any other persons, as he thinks fit, with respect to matters under this Part, every person whom he finds in a factory, shop, bakeshop, restaurant or office building or whom he has reasonable cause to believe to be, or to

have been within the two preceding months, employed in a factory, shop, bakeshop, restaurant, or office building, and require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;

(f) for the purpose of any investigation, inquiry or examination made by him under the authority of this Part, administer an oath to and summon any person to give evidence; Administer oaths.

(g) exercise such other powers as may be necessary for carrying out the provisions of this Part. Exercise other powers.

(2) The owner and employer and his or their agents and servants shall furnish all necessary means in his or their power required by the inspector for any entry, inspection, examination, inquiry or the exercise of his powers in relation to such factory, shop, bakeshop, restaurant or office building. Duty of owner and employer.

(3) Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or attempts to conceal, or prevents or attempts to prevent a youth, young girl or woman from appearing before or being examined by the inspector shall be deemed to obstruct an inspector in the execution of his duties under this Part. Obstructing inspector.

(4) Where the inspector is obstructed in the execution of his duties the person obstructing him shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$30, and where he is so obstructed in a factory, shop, bakeshop, restaurant or office building the employer shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$30, or where the offence is committed at night, \$100. Penalty for obstructing.

(5) It shall be the duty of the inspectors appointed under this Act to assist with the enforcement of *The Operating Engineers Act* by reporting to the Board of Examiners any violation thereof, and to furnish to the Board such information as they may have as to the conduct and capability of any person holding or applying for a certificate. Inspector's duties in enforcing provisions as to steam plants and hoisting plants. Rev. Stat. c. 235.

(6) It shall be the duty of every inspector appointed under this Act to report any violation of section 9 of *The Minimum Wage Act* to The Industry and Labour Board. Inspector's duties as to enforcement of Rev. Stat. c. 235. R.S.O. 1937, c. 194, s. 17.

Certificate
of appoint-
ment.

19. Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister and on applying for admission to any premises shall, if required, produce such certificate. R.S.O. 1937, c. 194, s. 18.

Inspector
may take
medical
practitioner,
etc., into
factory.

20. The inspector, whenever he deems it necessary, may take with him into any premises a legally qualified medical practitioner, medical officer of health or sanitary inspector. R.S.O. 1937, c. 194, s. 19.

Warrant
for entering
dwelling
without
consent of
occupier.

21.—(1) The inspector, before entering, in pursuance of the powers conferred by this Part without the consent of the occupier, any room or place actually used as a dwelling, shall obtain such warrant as is hereinafter mentioned from a justice of the peace.

Issue of
warrant.

(2) The justice, if satisfied by information on oath that there is reasonable cause to suppose that any provision of this Part is contravened in any such room or place, shall grant a warrant under his hand authorizing the inspector named therein, at any time not exceeding one month from the date thereof, to enter the room or place named in the warrant and exercise therein the powers of inspection and examination conferred by this Act, and the provisions of this Part with respect to obstruction of the inspector shall apply. R.S.O. 1937, c. 194, s. 20.

When
inspector
may object
to give
evidence.

22. Where an inspector is called as a witness he may, by the direction and on behalf of the Attorney-General or of a member of the Executive Council, object to giving evidence as to any premises inspected by him in the course of his duty. R.S.O. 1937, c. 194, s. 21.

Notice to
be affixed in
factory

23.—(1) There shall be affixed by the inspector at the entrance of a factory and in such other convenient parts of every factory, shop, bakeshop, restaurant and office building as the inspector directs, and it shall be the duty of the employer to see that all such notices are constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons employed,

of provisions
of Part and
regulations

(a) such notices of the provisions of this Part and of any regulations made thereunder as the inspector deems necessary to enable the persons employed to become acquainted with their rights, liabilities and duties under this Part;

name and
address of
inspector

(b) a notice of the name and address of the inspector;

(c) in the case of a factory a notice of the clock, if any, clock by which period of employment is regulated
by which the period of employment and times for meals in the factory are regulated;

(d) every other notice and document required by this other notices.
Part to be so affixed.

(2) In the event of a contravention of any provision or Penalty.
requirement of this section the employer shall be guilty of an offence and liable to a penalty of not more than \$20, and every person who pulls down, alters or defaces any such notice shall be guilty of an offence and liable to a like penalty. R.S.O. 1937, c. 194, s. 22.

24.—(1) Any notice, order, requisition, summons or Notices, etc., and mode of service.
document required or authorized to be served or sent for the purposes of this Part may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, by delivering the same, or a true copy thereof, to his agent or to some person in the factory, shop, bakeshop, restaurant or office building of which he is employer.

(2) Such notice, order, requisition, summons or document By mailing.
may also be served or sent by post, and if so served or sent shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and mailed, and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed if addressed to the factory, shop, bakeshop, restaurant or office building in respect of which he is employer, with the addition of the proper postal address, but without naming the employer. R.S.O. 1937, c. 194, s. 23.

EMPLOYMENT

25. No child shall be employed in a factory, shop, bake- Employment of children.
shop, restaurant or office building. R.S.O. 1937, c. 194, s. 24.

26. The Lieutenant-Governor in Council may prohibit the Prohibiting employment of young girls and youths.
employment of young girls and youths in factories the work in which he deems dangerous or unwholesome. R.S.O. 1937, c. 194, s. 25; 1946, c. 27, s. 1.

27. No person under sixteen years of age shall be employed Employment of adolescents.
in any factory, shop, bakeshop, restaurant or office building during school hours unless such person shall have furnished to the employer a certificate issued in accordance with *The*

Rev. Stat.
c. 6.

Adolescent School Attendance Act permitting the absence of such person from school, and such certificate shall be kept on file by the employer and produced whenever called for by the inspector. R.S.O. 1937, c. 194, s. 26.

Seats to be
provided
for female
employees
in shops.

28.—(1) In all rooms of any shop in which young girls or women are employed the employer shall at all times provide and keep therein a sufficient number of chairs or seats suitably placed for the use of every such young girl or woman, and shall permit her to use such chairs or seats when not necessarily engaged in the work or duty for which she is employed, and the employer shall not by any open or covert threat, rule or other intimation, expressed or implied, or by any contrivance, prevent any female employee from using such chairs or seats.

Supplying
seats for
female
employees
in factories
and offices.

(2) Where in the opinion of the inspector the whole or a substantial portion of the work upon which female employees are engaged in any department of a factory or office in which women or young girls are employed can be efficiently performed while such female employees are seated, the employer shall provide such chairs or seats as may be directed in writing by the Chief Inspector.

Penalty.

(3) Every person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$25. R.S.O. 1937, c. 194, s. 27.

Hours of
employment.

29. Except as provided in sections 30 and 31, in a factory, shop, bakeshop, or restaurant,

Total hours
daily and
weekly;

(a) no youth, young girl or woman shall be employed for more than ten hours in one day, nor shall any such person be so employed for more than sixty hours in any one week;

hours of
labour;

(b) the hours of labour for any such person in any one day shall not be earlier than seven o'clock in the forenoon or later than half-past six o'clock in the afternoon in a factory or eleven o'clock in the afternoon in a shop or restaurant unless a special permit in writing is obtained from the inspector;

employment
in two
different
places;

(c) no youth, young girl or woman who has been previously on any day employed in any factory, shop or restaurant for the number of hours permitted by this Part shall, to the knowledge of the employer, be employed on the same day in any other factory, shop or restaurant, and no such person who has been so employed in a factory, shop or restaurant for less than

such number of hours shall be employed in any other factory, shop or restaurant on the same day for a longer period than will complete such number of hours;

- (d) the employer shall allow every youth, young girl or woman not less than one hour at noon of each day for meals, and such hour shall not be counted as part of the time herein limited for the employment of any such person. R.S.O. 1937, c. 194, s. 29. (time for meals.)

30.—(1) Subject to the regulations, where,

Exemption by inspector.

- (a) any accident which prevents the working of a factory happens to the motive power; or Accidents to motive power.
- (b) from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or Machinery unworkable.
- (c) the customs or exigencies of trade require that the youths, young girls or women working in a factory, or in certain processes in a factory, shall be employed for longer than the prescribed period, Customs or exigencies of trade.

the inspector may, on proof to his satisfaction of such accident, occurrence, custom, or exigency of trade, give permission in writing for such exemption from the observance of the foregoing provisions as will, in his judgment, fairly and equitably to the employers of, and to the youths, young girls and women in such factory, make up for any loss of labour from such accident or occurrence or meet the requirements of such custom or exigency of trade.

(2) If the inspector permits such exemption,

Hours of employment during period of exemption.

- (a) no youth, young girl or woman shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the afternoon; Not before 6 a.m. and after 9 p.m.
- (b) the hours of labour for youths, young girls and women shall not be more than twelve and one-half in any one day nor more than seventy-two and one-half in any one week; Not more than 12 ½ hours a day or 72 ½ a week.
- (c) such exemption shall not comprise more than thirty-six days in the whole in any twelve months, and in reckoning such period of thirty-six days every day on which the youth, young girl or woman has been employed overtime shall be taken into account; Period of exemption.

Time for additional meal during period of exemption.

- (d) during the continuance of such exemption, in addition to the hour for the noonday meal, there shall be allowed to every youth, young girl or woman so employed in the factory on any day to an hour later than seven of the clock in the afternoon not less than forty-five minutes for another meal between five and eight of the clock in the afternoon; and

Notice of particulars of exemption.

- (e) in every factory with respect to which any such permission for exemption is given there shall, in compliance with section 23, be affixed a notice specifying the extent and particulars of such exemption. R.S.O. 1937, c. 194, s. 30.

Double shift.

31.—(1) Notwithstanding anything herein contained, the Chief Inspector may grant a permit authorizing the operation of a factory by a double shift but the hours of labour shall not exceed eight hours for each shift nor be more than sixteen hours for both shifts and such double shift shall be between the hours of six o'clock in the forenoon and eleven o'clock in the afternoon.

Time for meal.

(2) Where an employer operates a double shift, every youth, young girl and woman shall be allowed not less than one hour for a noon-day meal or evening meal as the case may be, and the time for the noon-day meal shall be between ten o'clock in the forenoon and twelve o'clock noon and for the evening meal between six o'clock and eight o'clock in the afternoon. R.S.O. 1937, c. 194, s. 31.

Payment for overtime.

32. In all cases where any youth, young girl or woman works beyond the number of hours in any one day or in any one week as provided in this Act, and whether the inspector under this Act has permitted exemption or not, such youth, young girl or woman shall be entitled to be paid wages for such overtime, and The Industry and Labour Board shall have the right to establish a rate of wage for all such overtime worked in any one day or in any one week. R.S.O. 1937, c. 194, s. 32.

Notice of hours of employment to be affixed in factory.

33. Notice of the hours between which youths, young girls or women may be employed in a factory shall be in such form as may be prescribed by the regulations, and shall be signed by the inspector and by the employer, and shall be posted up during the period covered by such notice in such conspicuous place or places in the factory as the inspector requires. R.S.O. 1937, c. 194, s. 33.

34.—(1) In every factory or shop the employer shall,

(a) if the inspector so directs in writing, prohibit any person from taking meals in any room in which any manufacturing process is being carried on; Meals where manufacturing going on.

(b) if thirty-five or more females are employed, or if the inspector so directs in writing, provide a room, together with the necessary equipment in the factory or shop or the precincts thereof, satisfactory to the inspector for the purposes of an eating room for persons employed in the factory or shop, and no part of the expense of providing such room and equipment shall be payable by or chargeable to the wages of the employees. Eating rooms.

(2) In a factory or shop no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic or any other poisonous substance is exposed, or where deleterious fumes, dust or gases are known to be present, and drinking water in any such room shall be taken directly from a tap or suitably closed receptacle. 1944, c. 19, s. 5. Food and drinking water.

35. Where a youth, young girl or woman is employed in a factory, shop or restaurant in which there is a contravention of any of the provisions of sections 29 and 30, such youth, young girl or woman shall be deemed to be unlawfully employed and so that his or her health is likely to be injured. R.S.O. 1937, c. 194, s. 35. Unlawful employment in contravention of ss. 29, 30.

36.—(1) In this section, "camp" means shelter provided for the lodging of six or more persons employed in gainful occupation for a temporary purpose and for a period not exceeding six months. "Camp" defined.

(2) No person shall contract for the employment of, or employ women or girls in any occupation who during their employment lodge in a camp, unless and until a permit has been obtained from the Chief Inspector authorizing such employment. Permit to employ women.

(3) Every such permit shall be conditional upon compliance with the regulations made under this section, and the Chief Inspector may cancel or suspend any permit issued by him under subsection 2 for non-compliance with any such regulation. Condition of permit.

(4) The Lieutenant-Governor in Council may make regulations respecting, Regulations.

- (a) the sanitary and other conditions to be observed in a camp;
- (b) the season during which employment in a camp may be permitted and the hours of labour of women and girls;
- (c) the proper supervision of a camp, including physical and moral protection for women and girls employed therein and the appointment and duties of a suitable matron and female superintendent in a camp;
- (d) the location, drainage and arrangement of a camp, the materials to be used and the class of buildings or other shelter to be provided;
- (e) the provision of a healthful and suitable supply of food and pure water and the conditions under which the same shall be prepared and served;
- (f) washing facilities and bedding and flooring to be provided in such camps.

Penalty.

(5) Every person who employs women or girls in a camp without the permit required by subsection 2 or who refuses or neglects to comply with any regulation made under this section, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100, and in default of payment of the same shall be liable to imprisonment for a term of not more than twelve months. R.S.O. 1937, c. 194, s. 36.

HEALTH AND SAFETY**Lighting
buildings.**

37.—(1) The employer in every factory, shop, bakeshop, restaurant or office building shall, during working hours, keep the factory, shop, bakeshop, restaurant or office building, including all passages and sanitary conveniences used in connection therewith and under his control, properly lighted and heated so as not to be injurious to the health, safety and comfort of the employees, and the owner of every building used as a factory, shop, bakeshop, restaurant, or office building, shall at all times keep the same or such parts thereof as are under his control or are used in common by the tenants or occupants of the building, properly lighted and heated so as not to be injurious to the health, safety or comfort of persons employed in the building or using or having access to the same.

(2) Every owner or employer who for thirty days or for Penalty. such extended period as the inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing with regard to the same by the inspector, shall be guilty of an offence and liable to a penalty of not less than \$20 and not more than \$200, and in default of payment shall be liable to imprisonment for a term of not more than twelve months. R.S.O. 1937, c. 194, s. 37.

38.—(1) In a factory, shop, bakeshop, restaurant or office, the employer shall provide,

- (a) where ten or more females are employed, a rest room Rest rooms. or other space affording reasonable privacy, together with one or more couches or cots, and chairs, satisfactory to the inspector; and
- (b) where thirty-five or more females are employed, or Matron. when deemed necessary by the inspector, a matron or female supervisor to have charge of the welfare of the female employees. 1944, c. 19, s. 6 (1).

(2) Subsection 1 or any part thereof shall not apply to any Exemptions. case where, owing to the nature of the occupation or for other reasons, the Chief Inspector dispenses with compliance therewith in writing signed by him. R.S.O. 1937, c. 194, s. 38 (2); 1944, c. 19, s. 6 (2).

(3) Every factory or shop in which the employer neglects Effect of non-compliance. to comply with this section after notice in writing from the inspector shall be deemed to be kept so that the health of the employees is endangered. R.S.O. 1937, c. 194, s. 38 (3).

39.—(1) The owner of every building used as a factory, Conveniences for employees. shop, bakeshop, restaurant, or office building shall,

- (a) provide toilet rooms for male and female employees Toilet rooms. with separate approaches thereto and clearly painted signs indicating for which sex the toilet rooms are provided, and such toilet rooms shall be equipped with one water-closet and one urinal for every twenty-five male employees and one water-closet for every fifteen female employees and every water-closet shall be separated from the others by partitions, but where a municipal water supply is not available sanitary privies, chemical or other type of closets suitable to the inspector, may be substituted for water-closets;
- (b) provide separate wash rooms for male and female Wash rooms. employees with separate approaches thereto and

clearly painted signs indicating for which sex the rooms are provided and they shall be equipped with wash basins or equivalent washing facilities satisfactory to the inspector, connected to a source of hot and cold water with one wash basin or the equivalent for every fifteen employees;

Remedying
cause of
effluvia.

- (c) be responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition;

Supplying
drinking
water.

- (d) arrange for a supply of pure drinking water available for each occupier. R.S.O. 1937, c. 194, s. 39 (1); 1944, c. 19, s. 7.

Regulations.

- (2) The Lieutenant-Governor in Council may prescribe such additional regulations with respect to such conveniences as may be deemed proper.

Contra-
vention.

- (3) The owner of every factory, shop, bakeshop, restaurant or office building who for thirty days, or such extended period as the inspector in writing allows, refuses or neglects to comply with the requirements of subsection 1 or of the regulations after being notified in writing in regard to the same by the inspector, shall be guilty of an offence and liable to a penalty of not less than \$20 and not more than \$200 and in default of payment shall be liable to imprisonment for a term of not more than twelve months. R.S.O. 1937, c. 194, s. 39 (2, 3).

Penalty.

Contra-
vention of
regulations
of Hydro-
Electric
Power Com-
mission.

- 40.** A factory, shop, bakeshop, restaurant or office building in which a contravention of the regulations made by The Hydro-Electric Power Commission of Ontario under *The Power Commission Act* occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1937, c. 194, s. 40.

Rev. Stat.,
c. 281.

Sanitary
require-
ments.

- 41.—(1)** The employer of every factory, shop, bakeshop or restaurant shall,

Removal
of refuse.

- (a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind, and remove, at least daily, by a suitable method, all accumulations of dirt and refuse from the floors, work tables, passages and stairways, and keep all windows and skylights, as far as practicable, clean on both the inner and outer surfaces and free from obstructions;

- (b) keep toilet rooms and washrooms, water-closets, ^{Cleanliness of wash-rooms.} urinals or other sanitary conveniences in good repair and in a sanitary condition, and keep closets separated for male and female employees and provide conveniences to the satisfaction of the inspector for the employees using them;
- (c) heat the premises throughout and regulate the ^{Temperature.} temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees, but in no case shall the temperature be less than sixty-eight degrees Fahrenheit unless authorized by the inspector in writing;
- (d) ventilate the factory, shop, bakeshop or restaurant ^{Ventilation.} in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health;
- (e) not allow overcrowding while work is carried on ^{Over-crowding.} therein so as to be injurious to the health of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;
- (f) provide and maintain for the use of the employees ^{Towels, soap and conveniences.} a convenient and sufficient supply of individual clean towels, soap, toilet paper and in each toilet room used by females a suitable covered receptacle;
- (g) if the manufacturing process carried on in any part ^{Damp floors.} of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors;
- (h) provide a satisfactory supply of safe drinking water ^{Drinking water.} and such supply of drinking water shall be, when not taken directly from a water-pipe, contained in a suitable covered vessel having a drain faucet, and shall be renewed at least daily, and the employer shall provide, except when the water is delivered in an upward jet from which the employees can con-

veniently drink, a sufficient supply of individual drinking cups, and the faucet or jet for such drinking water shall be at least eight feet distant from any closet or urinal; and

Accommoda-
tion for
clothing.

- (i) provide suitable accommodation for clothing not worn by employees during working hours and for work clothes which must be dried or be cleaned or be kept separate from street clothes due to the presence of poisonous, infectious or irritating materials. 1944, c. 19, s. 8 (1).

Showers
and wash-
basins.

- (2) The employer of every foundry and other factory wherein the health of the employees, in the opinion of the inspector, is likely to be endangered by the presence of poisonous, irritating or infectious materials or gases or by extremes of temperature or humidity shall provide such shower baths and wash basins, in addition to those required under section 39, supplied with sufficient hot and cold water as the inspector may deem necessary. 1944, c. 19, s. 8 (2).

Dust.

- (3) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then subject to the regulations, the inspector may, if such inhalation can by mechanical means be prevented or partially prevented, direct that such means shall be provided within a reasonable time by the employer who shall be bound so to provide them.

Grinding,
polishing
or buffing.

- (4) Where grinding, polishing or buffing is carried on in any factory or shop subsection 3 shall apply irrespective of the number of persons employed therein.

Employ-
ment of
persons
affected with
disease.

- (5) No employer shall knowingly permit or suffer any person to work in a factory or shop in which food or food products or materials are manufactured, stored or kept for sale or sold or in a restaurant, who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, and every employer shall keep himself and his employees in a reasonably healthy condition.

Contra-
vention.

- (6) The employer of a factory, shop or restaurant who for thirty days refuses or neglects to comply with the requirements of this section or with the regulations after being notified in writing in regard to the same by the inspector, shall be guilty of an offence and liable to a penalty of not less than \$20 and not more than \$200 and in default of payment shall be liable

to imprisonment for a term of not more than twelve months. R.S.O. 1937, c. 194, s. 41 (3-6).

(7) The Lieutenant-Governor in Council may make regulations requiring the employer of a factory, shop, bakeshop, restaurant or office to provide at his own expense a suitable room or rooms with adequate equipment and supplies for rendering first aid in accidents and sickness and for the supervision of the general health of the employees during working hours. 1944, c. 19, s. 8 (3). Regulations re first aid facilities.

42.—(1) Every employer of an office shall,

Sanitary requirements.

(a) see that the office is kept in a clean and sanitary condition and properly ventilated, heated and lighted so as not to be injurious to the health or comfort of the persons employed therein; Office to be kept clean and sanitary.

(b) not allow overcrowding so as to be injurious to the health of the persons employed therein; No overcrowding.

(c) provide and maintain for the use of persons employed therein the conveniences indicated in clauses *f* and *h* of subsection 1 of section 41. R.S.O. 1937, c. 194, s. 42 (1); 1944, c. 19, s. 9 (1).

(2) Where in an office building the water-closets, urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a separate employer, it shall be the duty of such employer to keep the same in good repair and in a sanitary condition. R.S.O. 1937, c. 194, s. 42 (2); 1944, c. 19, s. 9 (2). Office building.

(3) The owner of every office building shall at all times keep the same or such parts thereof as are used in common by the tenants or occupants thereof and are under his control, in a clean and sanitary condition and so as not to be injurious to the health of persons employed in the building or using or having access to the same. Clean and sanitary condition.

(4) Every owner or employer who, for thirty days or for such extended period as the inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by the inspector shall be guilty of an offence and liable to a penalty of not less than \$20 and not more than \$200 and in default of payment shall be liable to imprisonment for a term of not more than twelve months. R.S.O. 1937, c. 194, s. 42 (3, 4). Penalty

Recovery by owner from tenant of expenditures.

43. Where an owner is required under this Act to do anything which as between him and his tenant it is not his but the tenant's duty to do, he shall be entitled to recover from the tenant the amount of any expenditure incurred in doing it. R.S.O. 1937, c. 194, s. 43.

Restrictions as to sleeping place.

44. Without the written consent of the inspector no part of a factory shall be kept or used as a bedroom or sleeping place. R.S.O. 1937, c. 194, s. 44.

Exception as to laundries.

45. Section 44 shall not apply to a laundry in which not more than five persons are employed. R.S.O. 1937, c. 194, s. 45.

Laundry work not to be done in sleeping or living room.

46. No public laundry work shall be done in a room used for a sleeping or living room or in a room used for cooking or preparing meals. R.S.O. 1937, c. 194, s. 46.

Certain laundresses excepted.

47. Section 46 shall not apply to a female engaged in doing custom laundry work at her home for a regular family trade. R.S.O. 1937, c. 194, s. 47.

Restrictions as to stables.

48. A stable or garage shall not be kept or used under the same roof as a factory or bakeshop unless there is between the stable or garage and the factory or bakeshop a sufficient brick or other partition wall approved by the inspector separating the one from the other. R.S.O. 1937, c. 194, s. 48.

Interpretation.

49.—(1) In this section,

- (a) "employer" means any person who in his trade or business in personal or household articles gives employment to homeworkers;
- (b) "employment" means the performance by a homeworker for wages of any work or service in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any personal or household article or any part thereof;
- (c) "homeworker" means any person who for wages in his home or elsewhere in premises in his occupation and not occupied by the employer engages in employment in respect to personal or household articles;
- (d) "personal or household article" means any garment, suit, clothing, wearing apparel or other article of personal dress or attire, and any article of domestic household use, and includes any materials and substances therefor;

(e) "wages" means wages within the meaning of *The Minimum Wage Act*. Rev. Stat., c. 235.

(2) Every employer who gives employment to homeworkers and every homeworke^{Permits for employment of homeworkers.}r shall obtain a permit from the inspector, and no employer or homeworke^{Permits for employment of homeworkers.}r shall give or be engaged in employment in connection with personal or household articles without such a permit.

(3) Every employer and homeworke^{Applications for permits.}r who requires a permit shall apply therefor in writing to the inspector upon the form approved for the purpose by the Minister, and shall furnish such information and proofs as the form may prescribe.

(4) Every permit issued by the inspector shall specify the purposes and the scope of authority granted thereby, which may be enlarged at any time by endorsement thereon signed by the inspector. Scope of permit.

(5) The applications for permits and the permits to be issued thereunder shall be in two separate forms, the one for employers' permits and the other for homeworkers' permits. Forms.

(6) No employer's permit shall be issued to any person unless the inspector is satisfied that he is likely to comply with this Act and *The Minimum Wage Act*, and no homeworke^{Who may obtain permit.}r's permit shall be issued to any person unless the inspector is satisfied that he in respect to health, and his home or other premises in respect to sanitation, are fit for the purposes of employment in respect to personal or household articles. Rev. Stat., c. 235.

(7) No employer or homeworke^{Conditions of employment.}r shall in respect to personal or household articles,

(a) give or be engaged in employment unless the employer has an employer's permit and the homeworke^{Conditions of employment.}r has a homeworke^{Conditions of employment.}r's permit, and such permits are not cancelled;

(b) give or be engaged in employment beyond the purposes and scope of authority of the permit of the employer or homeworke^{Conditions of employment.}r;

(c) give or be engaged in employment at wages less than those established by The Industry and Labour Board established under *The Department of Labour Act* for the employment. Rev. Stat., c. 95.

Employer's
register.

(8) Every employer shall keep a written register open to the inspector and in a form satisfactory to him in which the employer shall record the name, address and permit number of every homeworker to whom he gives employment, particulars of the personal or household articles given to his employment, and the dates and times of such employment and the wages paid therefor.

Inspection
of register
and
premises of
employer.

(9) The inspector may at any time enter the premises of an employer to inspect the register of homeworkers' employment, and any personal or household article to be given to or which has been returned by a homeworker.

Inspection
of premises
of home-
worker.

(10) The inspector may at any reasonable hour enter the home or other premises of a homeworker to inspect the same and the sanitation thereof, and any personal or household article therein given to him for employment. R.S.O. 1937, c. 194, s. 49 (1-10).

Impounding
articles for
protection
of public
health.

(11) The inspector may at any time seize and impound any personal or household article in the possession of any employer or homeworker, or in the possession of any other person in his trade or business if such article in the opinion of the inspector may affect or be injurious to the public health by reason of some unsanitary condition or communicable disease having existed in the home or other premises of a homeworker while the article was in his possession, and every article so impounded shall forthwith be delivered by the inspector to the local medical officer of health or sanitary inspector for disinfection or destruction. R.S.O. 1937, c. 194, s. 49 (11); 1942, c. 17, s. 1.

Disinfection
or destruc-
tion of
impounded
articles.

(12) The medical officer of health or sanitary inspector to whom any impounded personal or household article is delivered by the inspector shall cause the same to be disinfected and if, in the opinion of the medical officer of health, disinfection may not be sufficient to protect the public health, he may direct that the article be destroyed.

Return of
articles.

(13) Any personal or household article which has been impounded and disinfected shall be returned to the person from whose possession it was taken upon payment of the expense of impounding and disinfection, and if any personal or household article is directed by the medical officer of health to be destroyed, no claim for compensation for the destruction or loss of such article shall be made or arise.

Prohibition
as to sale of
articles.

(14) No person shall knowingly sell, expose for sale, or otherwise deal in any personal or household article in respect

to which there has been a contravention of this Act or the regulations.

(15) The inspector may at any time cancel any employer's ^{Cancellation of permits.} or homeworker's permit issued hereunder for any contravention of this Act or the regulations, or of *The Minimum Wage Act* or regulations, or order made thereunder, and may cancel a homeworker's permit if, in his opinion, the health of the homeworker or the state of sanitation of his home or other premises used by him are likely to be injurious to the public health, or if any communicable disease exists in such home or other premises. R.S.O. 1937, c. 194, s. 49 (12-15). ^{Rev. Stat., c. 235.}

50.—(1) Young girls and women in a factory shall during working hours wear a close-fitting cap or other suitable headgear which shall entirely confine their hair so as to avoid contact with machinery, shafting, belting or any material being handled. 1944, c. 19, s. 10. ^{Female employees to wear caps.}

(2) The manager, superintendent, foreman or other person in charge shall see that employees are fully notified of the provisions of this section. R.S.O. 1937, c. 194, s. 50 (2). ^{Notification.}

51.—(1) No youth, young girl or woman shall be allowed by the employer of a factory, shop or bakeshop, ^{Youths, young girls and women around dangerous machinery.}

- (a) to clean any part of the machinery in a factory which is mill-gearing while the machinery is in motion;
- (b) to work between the fixed and traversing part of any self-acting machine while the machine is in motion;
- (c) to work at any machine without first having received adequate instruction upon its operation and any dangers connected therewith; or
- (d) to work at any machine without adequate supervision by a person having thorough knowledge of and experience with the machine.

(2) Any factory, shop or bakeshop in which a youth, young girl or woman is allowed to clean or work in contravention of this section shall be deemed to be kept so that the safety of persons employed therein is endangered. 1944, c. 19, s. 11. ^{Contravention.}

52. No person under the influence of or having in his possession any intoxicating liquor shall enter or be in any factory. 1944, c. 19, s. 12. ^{Intoxicated persons.}

Protection
from
machinery.

53.—(1) Where the inspector deems that any machinery, appliance, matter or thing in a factory is a source of danger to the health or safety of the employees or of persons having access to the factory, he shall give notice in writing to the employer or owner directing him within a period of thirty days or such period as the inspector may deem necessary, to take such measures for guarding such machinery, appliance, matter or thing, or protecting the safety or health of employees and other persons against danger therefrom, as the inspector may deem requisite and upon the failure to comply with the inspector's direction within such period, the use of the machinery, appliance, matter or thing shall be discontinued until the inspector's direction has been complied with.

Failure to
comply with
inspector's
direction.

(2) Any factory in which the employer or owner fails to comply with the inspector's direction within the period specified and in which the employer or owner permits any machinery, appliance, matter or thing to be used in contravention of subsection 1, shall be deemed to be kept so that the safety of the persons employed therein is endangered. 1942, c. 17, s. 2.

Dangerous
places to be
fenced or
guarded.

54.—(1) Where any mill-gearing, machinery, appliance, place, matter or thing, or part or parts thereof, in a factory is dangerous to any person, it shall be safely fenced or guarded unless its position, construction or attachment assures protection.

Safety
devices.

(2) Where any dangerous machinery, or part or parts thereof, cannot be safely fenced or guarded, the requirements of subsection 1 shall be deemed to have been complied with if the machinery is provided with a safety device which automatically prevents any person operating it from coming into contact with any dangerous part.

Shears, etc.

(3) Not more than one person shall work within reach of any guillotine-knife, shears, press dies, in-running rolls or any similar device.

Cleaning
machinery.

(4) Where an inspector has given notice in writing to an employer, no machinery other than steam engines shall be cleaned while in motion. 1948, c. 27, s. 1.

Dangerous
fumes;
extreme
tempera-
tures.

(5) No person shall be allowed to enter a tank, chamber, pit, pipe, flue or other confined space in which dangerous fumes, dusts or extreme temperatures are liable to be present in a factory unless,

(a) such confined space has a manhole or other means to easy egress and has been thoroughly ventilated and tested to be safe for entry;

- (b) such person is wearing suitable breathing apparatus and a belt to which there is securely attached a rope the free end of which is held by a person outside the confined space;
- (c) when deemed necessary by the inspector, there is conveniently available suitable reviving apparatus and a person trained in the operation thereof,

and the belt, rope and other apparatus which is used for such purpose shall be periodically inspected by the employer and maintained in good working order. 1944, c. 19, s. 13.

(6) A factory in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1937, c. 194, s. 53 (3). Contra-
vention.

55.—(1) Where coal oil, petroleum, benzine, naphtha, gasoline or explosives of any kind or any combustible or flammable material are kept or stored in a factory or shop they shall be kept stored when not in actual use in a building separate from the other parts of the factory or shop or in a fireproof compartment of the factory or shop which shall be approved of by the inspector. Storage of
coal oil, etc.

(2) The Lieutenant-Governor in Council may add to the articles mentioned in subsection 1 any flammable or combustible material to which he deems it expedient that the provisions of subsection 1 should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in subsection 1 or in the regulations which may at any time be in actual use in the factory or shop. Other in-
flammable
material and
maximum
dealt with by
regulations.

(3) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1937, c. 194, s. 54. Contra-
vention.

56.—(1) Regulations may be made by the Lieutenant-Governor in Council for the protection of persons engaged in any industrial process involving the use or manufacture of benzol, or of any other poisons, or of any dangerous or harmful substances, or of their preparations or compounds, Regulations
re benzol,
etc.

- (a) prescribing the conditions under which such poisons or substances may be used or manufactured and the labelling of the containers;

- (b) respecting the posting of printed forms setting forth the dangers and safety precautions;
- (c) requiring manufacturers, distributors and others to provide accurate information regarding the percentage of poisonous, dangerous or harmful constituents;
- (d) providing for the periodic medical examination by qualified physicians of employees engaged in such industrial processes and the reports to be made of such examinations;
- (e) respecting the payment of fees for medical examinations;
- (f) respecting the reporting of cases of affection from dangerous or harmful substances or industrial poisoning by employers, doctors and others;
- (g) generally, governing such other matters as may be deemed advisable for the protection of such persons.

Contraven-
tion.

(2) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1937, c. 194, s. 55.

Boiler
insurance
and
inspection.

57.—(1) The owner or user of a boiler or other pressure vessel in a factory, shop, bakeshop, restaurant or office building or in any other building on any other premises or in any other place or in a highway or in any other public place shall not operate or use the same unless it is insured in some boiler insurance company registered in the Department of Insurance or has been inspected and reported safe to operate within the calendar year by some person authorized by the regulations under subsection 5.

Returns
of boiler
insurance
companies.

(2) Every such boiler insurance company shall annually on the 30th day of November, transmit to the Chief Inspector, a report of the boilers and other pressure vessels in Ontario insured by it, and when the insurance is cancelled the company shall forthwith give notice thereof to the Chief Inspector.

Discon-
tinuing
use when
dangerous.

(3) Whenever the inspector is of opinion that a boiler or other pressure vessel is in such position, or is so located or operated as to be dangerous to life or property he may, by written notice to the owner and employer, and to the person operating or using such boiler or other pressure vessel, direct

that the use of the boiler or other pressure vessel shall be discontinued until it has been inspected as provided in subsection 1 and a certificate has been given by the inspector that the boiler or other pressure vessel may be safely operated.

(4) A factory, shop, bakeshop, restaurant or office building in which a boiler or other pressure vessel is used in contravention of this section, after such notice from the inspector and before a certificate has been given as provided in subsection 3 shall be deemed to be kept so that the safety of the persons employed in the factory, shop, bakeshop, restaurant or office building is in danger. R.S.O. 1937, c. 194, s. 56 (1-4). Effect of non-compliance.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations, Regulations as to inspectors.

- (a) prescribing the qualifications of persons to act as inspectors under subsection 1;
- (b) respecting the examination of candidates and the granting of certificates and the evidence to be furnished by the candidates as to previous training and experience and as to sobriety and good character;
- (c) determining the periods for which the certificates shall be granted and the terms upon which they may be renewed;
- (d) fixing the fees to be paid by candidates upon examination and for certificates and renewals;
- (e) prescribing the causes for which a certificate may be revoked, cancelled or suspended;
- (f) fixing the fees or other remuneration to be paid by the owner of a boiler or pressure vessel to an inspector upon inspection;
- (g) assigning the district or locality in which any inspector is to act;
- (h) prescribing the nature of reports of inspection of uninsured boilers and other pressure vessels and the conditions under which such are to be made. R.S.O. 1937, c. 194, s. 56 (5); 1944, c. 19, s. 14; 1949, c. 95, s. 6 (2).

(6) Nothing in subsection 5 shall apply to the inspection of any boiler or other pressure vessel which is insured as provided in subsection 1. Exception as to insured boilers.

Certain
boilers
excepted.

(7) Nothing in this section shall apply to a boiler or other pressure vessel,

- (a) used for heating purposes in a dwelling house, not being part of an apartment house; or
- (b) used on a farm for agricultural purposes only; or
- (c) used in connection with any hot water heating system of the open type. R.S.O. 1937, c. 194, s. 56 (6, 7).

Elevators
and hoists;
safety
requirements.

58.—(1) In every factory, shop, bakeshop, restaurant and office building,

- (a) every elevator shall be equipped with devices approved by the inspector,
 - (i) which will stop and hold the elevator car in case the elevator or any machinery or appliance connected therewith fails to function,
 - (ii) which will prevent the elevator car from over-running its safe limits of travel, and
 - (iii) for signalling the elevator operator from each floor or landing;
- (b) the openings of the hoistway, hatchway and wellhole used for every elevator shall, at each floor or landing, including the basement, be protected by doors or gates approved by the inspector, which shall extend to the floor or landing, and which in the case of hand power elevators shall be not less than three feet in height, and in the case of all other elevators shall be not less than five feet, six inches in height, or by self-closing hatches or trap-doors approved by the inspector.
- (c) every gate or door opening on to an elevator hoistway shall be connected to the machinery operating the elevator by an interlocking device which shall prevent the elevator car from moving until such gate or door is closed, and which shall prevent such gate or door from being opened unless the elevator car is in the proper position in relation to such gate or door to permit the safe movement of passengers or freight from the landing or floor to the platform of the elevator car;

(d) a sign bearing the word "Danger" in letters not less than four inches in height shall be affixed to or stencilled on,

(i) the bottom rail of every gate opening into an elevator shaft, which is opened by being raised, and

(ii) in a conspicuous position on every other door or gate opening into an elevator shaft where the inspector so requires;

(e) the sides of elevator hoistways on all floors or landings, including the basement, not guarded by doors or gates, shall be fully enclosed in a manner approved by the inspector;

(f) where an elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;

(g) every operating rope shall be provided with a lock approved by the inspector to secure it;

(h) projections which extend inwards from the hoistway, and which are opposite the entrance to the elevator car, shall be bevelled on the underside, or shall be guarded by smooth metal or wooden plates and the angle of the bevels or plates shall not be less than sixty, nor more than seventy-five degrees from the horizontal, and shall be finished in a manner approved by the inspector; and

(i) the top of every elevator car shall be provided with a guard approved by the inspector.

(2) Unless equipped with a brake or other device for stopping the belt and with an automatic device for stopping it at the top of its safe limit of travel, an elevator or hoist constructed upon the principle of an endless belt or any similar contrivance shall not be used for carrying passengers, goods or freight, but this shall not apply to an escalator or other like contrivance which is not perpendicular, when such contrivance is supplied with handrails at the sides and is not otherwise enclosed and the inspector has certified that it is so constructed that it may be operated without danger to persons using it. Certain kinds of hoists not to be used.

(3) The rate of speed of an endless belt or any similar contrivance shall not exceed the rate of seventy-five feet per minute. Speed.

Rights of
municipal
councils
preserved.
Rev. Stat.,
c. 243.

(4) Nothing in this section shall take away or interfere with the powers possessed by municipal councils under *The Municipal Act* in respect of hoists or elevators.

Where
inspector
deems
elevator
dangerous.

(5) Where the inspector deems that any elevator or hoist or any part thereof is a source of danger to the safety of persons using it, he shall give notice thereof in writing to the owner or employer, directing that the elevator or hoist or any part thereof be rendered in a safe working condition within a period of thirty days, or such period as the inspector deems necessary, and upon failure to comply with the inspector's orders within the specified time, the use of the elevator or hoist shall be discontinued forthwith until the inspector's orders have been complied with.

Penalty.

(6) Every owner or employer who fails to comply with any of the provisions of this section or the regulations shall be guilty of an offence and liable to a penalty of not less than \$50 and not more than \$500, and in default of payment shall be liable to imprisonment for a term of not more than twelve months.

Regulations
re elevators.

(7) The Lieutenant-Governor in Council may make regulations with respect to the use, construction, maintenance, operation and inspection, including the collection of fees for inspection, of elevators or hoists.

Age of
operator.

(8) Every elevator shall be operated by and under the control of a competent elevator operator, who shall not be under the age of eighteen years.

Application
of section.

(9) This section shall apply to every factory, shop, bakeshop, restaurant and office building. 1942, c. 17, s. 3.

Fire
prevention
and
protection.

59.—(1) In every factory, shop, bakeshop, restaurant and office building,

- (a) the owner or employer shall provide such equipment, facilities and other means for the prevention and extinguishment of and protection from fire as the Chief Inspector may deem necessary in the circumstances and direct such owner or employer in writing to provide; and
- (b) the owner shall provide such means of egress convenient to and having easy communication with all working rooms as the Chief Inspector may deem necessary including,
 - (i) such tower stairways of fire resistive construction equipped with fire doors approved by the Chief

Inspector at each storey including the basement, as the Chief Inspector may direct,

- (ii) such metal or other non-flammable fire escapes consisting of stairways, with railings, attached to the outside of the building and with landings at each storey connecting directly with the interior of the building through metal or other fire resistive doors or casement windows, as the Chief Inspector may direct, and
- (iii) such lighting facilities and legible signs to facilitate egress as the Chief Inspector may direct.

(2) In every factory, shop, bakeshop, restaurant or office building in which more than fifteen persons are employed at any time during the year or in which, in the opinion of the inspector the nature of the business carried on may endanger the safety of the employees, every door for the use of the employees shall open outwardly and no door leading to the outside or to any passageway, tower stairway or fire escape shall be obstructed, bolted, barred or locked during any time that employees are in the building. 1944, c. 19, s. 15. Doors to open outwardly.

(3) No outside fire escape shall extend above the fifth floor of any factory, shop, restaurant or office building, and the ground floor shall be considered the first floor. Extent of outside fire escapes.

(4) The Lieutenant-Governor in Council may make regulations for the more effectual carrying out of the provisions of this section and for the adoption of any system of fire escape in substitution for those above mentioned. Regulations.

(5) The owner or proprietor of any factory, shop, restaurant or office building refusing or neglecting to provide the means of safe exit in case of fire prescribed in this section, or by the regulations made thereunder, shall be guilty of an offence and liable to a penalty of not less than \$20 and not more than \$200 and in default of immediate payment of the same shall be liable to imprisonment for a term of not more than twelve months. Penalty for contravention.

(6) A factory, shop, restaurant or office building in which a contravention of this section, or of any regulation made thereunder occurs, shall be deemed to be kept so that the safety of persons employed therein is endangered. R.S.O. 1937, c. 194, s. 58 (4-7). Contravention.

Notice of
accident to
be given to
inspector.

60. Where a fire, accident or industrial disease in any factory, shop, bakeshop, restaurant or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days, a notice in the prescribed form shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$30. R.S.O. 1937, c. 194, s. 59; 1944, c. 19, s. 16.

Notice of
explosion.

61. Where an explosion occurs in a factory, shop, bakeshop, restaurant or office building, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Chief Inspector in writing by the employer in the prescribed form within twenty-four hours next after the explosion takes place, and if such notice is not so sent the employer shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$30. R.S.O. 1937, c. 194, s. 60.

Notification
of death or
fatal injury.

62. Where in a factory, shop, bakeshop, restaurant or office building any person is killed from any cause, or is injured from any cause in a manner likely to prove fatal, written notice of the accident in the prescribed form shall be sent to the Chief Inspector within twenty-four hours after the occurrence thereof and if such notice is not so sent the employer shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$30. R.S.O. 1937, c. 194, s. 61.

Bakeshops;
Construction,
lighting,
heating,
ventilation
and
drainage.

63. Every bakeshop shall be constructed and maintained as to lighting, heating, ventilation and drainage in such a manner as not to be dangerous or injurious to the health of any person working therein, and shall be kept at all times in a clean and sanitary condition, and so as to secure the manufacture and preservation of all food products and materials therein in a good and wholesome condition. R.S.O. 1937, c. 194, s. 62.

Washroom,
towels, soap
and closet.

64.—(1) Every bakeshop which is not within the provisions of this Part relating to factories or shops shall be provided with a proper washroom and a sufficient supply of clean towels and soap, and a closet and other conveniences for the health and comfort of the persons employed therein.

Situation of
washroom
and closet.

(2) The washroom, closet and other conveniences shall be separate from the bakeshop and shall be kept clean and in a sanitary condition. R.S.O. 1937, c. 194, s. 63.

65.—(1) No bakeshop shall be kept in any basement or in any part of a building which is below the level of the street or road upon which the bakeshop is situate. No bakeshop to be in basement.

(2) This section shall not apply to any bakeshop established before the 6th day of May, 1913. Application. R.S.O. 1937, c. 194, s. 64.

66. The sleeping places of the employees of every bakeshop shall be separate from the bakeshop, and no person shall sleep in a bakeshop. Sleeping places to be separate. R.S.O. 1937, c. 194, s. 65.

67. Subsection 5 of section 41 and section 70 shall apply to every bakeshop whether the same is or is not a factory or shop within the provisions of this Part relating to factories and shops. Health and hours of labour. R.S.O. 1937, c. 194, s. 66.

68. Every bakeshop, not being a factory or shop to which section 59 applies, shall be provided with proper means and facilities of escape in case of fire to the satisfaction of the inspector. Fire escapes. R.S.O. 1937, c. 194, s. 67.

69. No person shall sell, expose or offer for sale bread or buns manufactured out of Ontario without the written permission of an inspector. Sale of bread, etc., manufactured out of Ontario. R.S.O. 1937, c. 194, s. 68.

70.—(1) Except with the written permission of the inspector, no person shall require, permit or suffer adult male employees to work in any bakeshop for more than fifty-six hours in any calendar week and a copy of such permission shall be posted up in a conspicuous place in the bakeshop, provided, however, that permission shall not be required for overtime work on the Friday of any week where a statutory or civic holiday occurs on the following Monday. Hours of labour in bakeshops.

(2) No person shall require, permit or suffer any adult male employee to work in any bakeshop on Sunday between the hours of seven o'clock in the forenoon and one o'clock in the afternoon except for the purpose of performing preliminary work, including kindling of fires, fermentation process, preparation of doughs and sponges necessary for the scaling and baking of bread. Hours of work on Sunday.

(3) Subsection 2 shall not apply to employees whose daily period of employment does not exceed eight hours between seven o'clock in the forenoon and six o'clock in the afternoon and who regularly receive at least twenty-four consecutive hours rest period during each calendar week. Exceptions as to Sunday work.

Hours of rest. (4) Every employee who works for more than nine hours during any one work period or during any twenty-four consecutive hours, except in any case covered by a special permit, shall be given at least twenty-four consecutive hours rest period before commencing the next daily work period. R.S.O. 1937, c. 194, s. 69.

OFFENCES AND PENALTIES

Premises dangerous to health or safety.

71.—(1) No person shall keep a factory, shop, bakeshop, restaurant or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop, bakeshop, restaurant or office building shall be guilty of an offence and liable to a penalty of not less than \$50 and not more than \$500 or may be imprisoned in the common jail of the county within which the offence was committed for a term of not more than twelve months. R.S.O. 1937, c. 194, s. 70 (1); 1942, c. 17, s. 4.

Penalty.

Enumeration not to affect generality.

(2) The enumeration in this Part of cases in which it is declared that where an act or omission occurs a factory, shop, bakeshop, restaurant or office building shall be deemed to be kept so that the safety of the persons employed therein is endangered shall not restrict or limit the generality of the provisions of subsection 1. R.S.O. 1937, c. 194, s. 70 (2).

False entries, etc.

72. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Part or the regulations made under this Part, to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be guilty of an offence and liable to a penalty of not less than \$50 and not more than \$300 and in default of immediate payment of such penalty shall be liable to imprisonment for a term of not more than six months. R.S.O. 1937, c. 194, s. 71.

Parents liable to penalty.

73. The parent of any youth or young girl employed in contravention of this Part, unless such employment is without the consent, connivance or wilful default of such parent shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$50 for each offence. R.S.O. 1937, c. 194, s. 72.

Penalty for contravention where no express penalty provided.

74. If any of the provisions of this Part, or of the regulations, or any directions of the inspector are contravened and no other penalty is herein provided for such contravention the offender shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$50. R.S.O. 1937, c. 194, s. 73.

75. Where a youth or young girl is, in the opinion of the magistrate or justice, apparently of the age alleged by the informant it shall lie on the person charged to prove that the youth or young girl is not of that age. R.S.O. 1937, c. 194, s. 74.

76. Where an offence for which an employer is liable under this Part has in fact been committed by some agent, servant, workman or other person such agent, servant, workman or other person shall also be liable to the same penalty or punishment for such offence as if he were the employer. R.S.O. 1937, c. 194, s. 75.

77. Where the employer is charged with an offence against this Part he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the magistrate or justice at the time appointed for hearing the charge, and if after the commission of the offence has been proved, the employer proves to the satisfaction of the magistrate or justice that he had used due diligence to enforce the execution of this Part, and that such other person had committed the offence without the knowledge, consent or connivance of the employer such other person may be summarily convicted of such offence and the employer shall be exempt from any penalty or punishment. R.S.O. 1937, c. 194, s. 76.

78. Where it appears to the satisfaction of the inspector that an employer used all due diligence to enforce the execution of this Part, and also by what person an offence against this Part was committed, and that it was committed without the knowledge, consent or connivance of the employer and in contravention of his orders the inspector shall proceed against the person whom he believes to be the actual offender in the first instance and not against the employer, and in case of his conviction the employer shall be exempt from any penalty or punishment. R.S.O. 1937, c. 194, s. 77.

79. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger penalty or punishment than the highest penalty or punishment fixed by this Part for the offence except where,

- (a) the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b) the offence is one of employing two or more youths, young girls or women contrary to this Part. R.S.O. 1937, c. 194, s. 78.

Recovery of penalties.

Rev. Stat., c. 379.

80.—(1) Save where otherwise provided, the penalties imposed by or under this Act shall be recoverable under *The Summary Convictions Act*.

Limitation of prosecutions.

(2) The information shall be laid within two months, or where the offence is punishable at discretion, by imprisonment within three months, after the offence has come to the knowledge of the inspector, or where the inspector has given notice to the offender to remedy the matter which is alleged to be an offence against this Part, within three months after the expiry of the time given by the notice to remedy the same.

Sufficiency of allegation.

(3) It shall be sufficient to allege that a factory, shop, bake-shop, restaurant or office building is a factory, shop, bakeshop, restaurant or office building within the meaning of this Part.

Statement as to name of employer.

(4) It shall be sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1937, c. 194, s. 79.

Minimum penalty.

81. Whenever in this Act it is provided that a penalty may be imposed for an offence against this Act and no minimum penalty is prescribed, no less penalty shall be imposed upon conviction of the offence than an amount equivalent to one-tenth of the maximum penalty, and in no case less than \$10. R.S.O. 1937, c. 194, s. 80.

Limitation of liability in certain cases.

Rev. Stat., c. 430.

82. In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of this Part the liability shall be subject to the limitations contained in *The Workmen's Compensation Act*. R.S.O. 1937, c. 194, s. 81.

PART II

MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS

Interpretation.

83.—(1) In this section and in any by-law passed thereunder,

(a) "closed" means not open for the serving of any customer;

(b) "shop" means a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses but does not include a place where the only trade or business carried on is

that of a licensed hotel or tavern, victualling house or refreshment house. R.S.O. 1937, c. 194, s. 82 (1); 1944, c. 19, s. 17.

(2) Nothing in this section or in any by-law passed under the authority thereof shall render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein. R.S.O. 1937, c. 194, s. 82 (2). Exception as to customers entering before closing hour.

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between six of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day. R.S.O. 1937, c. 194, s. 82 (3); 1939, c. 47, s. 10 (2); 1942, c. 17, s. 5. By law determining hours of closing.

(4) If an application is presented to such council praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed during the period of the year and at the times and hours mentioned in subsection 3 as are named in the application. Council to pass by-law on application of occupiers of shops.

(5) If an application is presented to the council of a city, town or village praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality and the council is satisfied that such application is signed by not less than three-quarters in number of the occupiers of shops within the municipality belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed and remain closed on one particular day of the week during such time or hours between twelve-thirty o'clock noon and five of the clock of the forenoon of the next following day and during such periods of the year as are named in the application. Compulsory closing of shops for weekly half-holiday.

Presentation
of applica-
tion.

(6) If the application is delivered to the clerk of the council it shall be deemed to have been presented to and received by the council.

Powers o
township
councils.

(7) The council of every township shall, with respect to any portion of such township designated in the by-law, have all the rights and powers conferred by this section on the council of a city, town or village, and may pass by-laws which shall apply only to that portion of the township so designated.

Regulations
as to form
and proof of
applications.

(8) The council may by by-law make regulations as to the form of the application and as to the evidence to be produced respecting the proportion of persons signing the same and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon the council to pass such by-law unless and until all such regulations have been duly observed.

Commence-
ment and
publication
of by-laws.

(9) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing the by-law may appear best fitted to insure the publicity thereof.

Conditions
of repeal.

(10) A council shall not repeal a by-law passed pursuant to subsection 4 except as provided in subsection 11.

Idem.

(11) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of subsection 4 relates, or of any class of such shops, are opposed to the continuance of such by-law the council may repeal the by-law, or may repeal the same in so far as it affects such class, but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Closing of
shops in
which several
trades are
carried on.

(12) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in such shop.

Exception
as to sales by
druggists.

(13) A pharmaceutical chemist or druggist shall not, nor shall any occupier of, or person employed in or about a shop in any village or township be liable to any penalty or punishment under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops, but nothing in this subsection shall authorize any person to keep open shop after that hour.

(14) Nothing in any such by-law shall render the occupier of any premises liable to any penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason of any emergency arising from sickness, ailment or death, or for supplying or selling any article to any person for use on or in or about or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to any person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel, but nothing in this subsection shall authorize any person to keep open shop after the hour appointed by such by-law for the closing of shops.

Supplying articles to lodgers, etc.

(15) A by-law passed by the council of a township for the closing of all or any class or classes of shops may as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

By-laws containing different provisions for different localities.

(16) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed under subsection 4 may not have presented an application for the passing of such by-law, every such by-law shall, nevertheless, be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the prescribed number of occupiers of such last mentioned class.

By-laws invalid as to one class may be good as to others.

(17) The onus of proving that an application in compliance with subsection 4 was not presented by the prescribed number of the occupiers of any class of shops shall be upon the person asserting that such application was not so presented.

Burden of proof.

(18) Where an offence for which the occupier of a shop is liable under any such by-law to any penalty or punishment has in fact been committed by some agent or servant of the occupier, such agent or servant shall be liable to the same penalty or punishment as if he were the occupier.

Agent or servant to be liable to penalty.

(19) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the

Exemption of occupier on conviction of actual offender.

occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and shall be liable to the same penalty or punishment as if he were the occupier, and the occupier shall be exempt from any penalty or punishment.

Rev. Stat.,
c. 243 to
apply.

(20) The provisions of *The Municipal Act* as to the penalties which may be imposed for contravention of by-laws and the recovery thereof shall apply to by-laws passed under this section. R.S.O. 1937, c. 194, s. 82 (4-20).

Retail
gasoline
outlets.

Rev. Stat.,
c. 179.

84. In addition to any matter authorized by section 83, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,

- (a) provide that the by-law shall apply only in the portion or portions of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between six of the clock in the afternoon of any day and seven of the clock in the forenoon of the next following day and between six of the clock in the afternoon of Saturday and seven of the clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit. 1948, c. 27, s. 2.

"hotel",
meaning of.

85.—(1) In this section, "hotel" means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of

furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels."

(2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conduct of any ice-cream parlour, restaurant or cafe, the keeper of an hotel shall not be required, Sale of non-intoxicating drinks, etc.

(a) to obtain any licence issued by a municipal authority;
or

(b) to comply with any by-law relating to early closing.
1946, c. 27, s. 2.
