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c 179 Industrial Standards Act

Ontario

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CHAPTER 179

The Industrial Standards Act**1. In this Act,**Interpre-
tation.

- (a) "association of employees" means a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers;
- (b) "Board" means the Industry and Labour Board appointed under *The Department of Labour Act*;
- (c) "employer" includes every person who by himself or his agent or representative is directly or indirectly responsible for the payment of wages to any person who comes within the provisions of any schedule promulgated by Order in Council as hereinafter provided;
- (d) "industry" includes any business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof and any combination of the same which the Minister may designate;
- (e) "Minister" means the Minister of Labour or such member of the Executive Council as is for the time being charged with the administration of this Act;
- (f) "officer" means Industrial Standards Officer appointed under this Act; R.S.O. 1937, c. 191, s. 1, cls. (a-f).
- (g) "wages" includes any form of remuneration for labour performed and without restricting the generality of the foregoing includes payment at an hourly, daily, weekly or monthly rate or on a production basis at a piece work or unit price rate. R.S.O. 1937, c. 191, s. 1, cl. (h).

Rev. Stat.,
c. 95.

2. The Lieutenant-Governor in Council may appoint one or more persons as Industrial Standards Officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules. R.S.O. 1937, c. 191, s. 2.

Appoint-
ment of
Industrial
Standards
Officers.

3. Every officer shall have such powers and duties as may be prescribed by this Act and regulations and shall have

Powers and
duties of
officer.

authority to conduct inquiries and investigations respecting all matters coming within the scope of this Act and of the regulations and shall, for such purposes, have all the powers, rights and privileges as a commissioner appointed under *The Public Inquiries Act*. R.S.O. 1937, c. 191, s. 3.

Rev. Stat.,
c. 308.

Minister
may define
zones.

4.—(1) The Minister may from time to time designate the whole of Ontario, or any part or parts thereof, as a zone or zones for any business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof and any combination of the same which he may designate or define as an industry for the purposes of this Act.

Reduction
of zone area.

(2) Any area so designated as a zone may be enlarged or reduced or divided into separate zones by the representatives of employers and employees in any conferences to be held as hereinafter provided and upon the approval of the Minister, the area as enlarged, reduced or divided, shall be deemed to be the designated zone or zones for the industry affected. R.S.O. 1937, c. 191, s. 4.

Interpro-
vincially
competitive
industries.

(3) Where the Minister designates a zone for an interprovincially competitive industry the zone shall, notwithstanding subsections 1 and 2, be the whole of Ontario and any schedule for the industry may provide for different wages and hours and days of labour for different areas within the zone. 1949, c. 44, s. 2.

Powers of
Board.

5. The Board shall have jurisdiction and authority,

- (a) to administer and enforce this Act, the schedules hereto and the regulations;
- (b) to hear appeals from the decisions of any advisory committee; R.S.O. 1937, c. 191, s. 5, cls. (a-b).
- (c) with the concurrence of the proper advisory committee and subject to approval of the Lieutenant-Governor in Council, to make an order amending any schedule; 1947, c. 49, s. 1.
- (d) to receive and collect wages due to any employee according to any schedule and disburse the same in accordance with the regulations of the Board;
- (e) to determine and designate which industries are interprovincially competitive and with respect to any such industry,
 - (i) may approve or withhold approval of a schedule with respect to the collection of revenue from

employers and employees in the industry and with respect to the exercise by the advisory committee of any powers in connection with the collection of such assessments and the disbursement of moneys collected, provided that the assessments which may be approved shall not exceed one-half of one per cent of an employee's wages and one-half of one per cent of an employer's pay-roll,

- (ii) may require the advisory committee to furnish estimates of receipts and expenses annually, and to furnish quarterly reports, certified by an auditor approved by the Board accounting for all money collected and disbursed. R.S.O. 1937, c. 191, s. 5, cls. (d), (e).

6. The Minister may, upon the petition of representatives of employers or employees in any industry within a designated zone or zones, authorize an officer to convene a conference of the employers and employees in such industry for the purpose of investigating and considering the conditions of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in subsection 1 of section 7. R.S.O. 1937, c. 191, s. 6. Officer may convene conference.

7.—(1) The conference may submit to the Minister in writing a schedule of wages and hours and days of labour for the industry affected and the schedule may, Conference to report to Minister.

- (a) establish the maximum number of hours comprising the regular working day and prescribe the hours of the day during which such hours of work may be performed;
- (b) establish the maximum number of hours comprising the regular working week;
- (c) establish the minimum rates of wages for the regular working periods;
- (d) establish the particular days in the week for the performance of labour in the industry;
- (e) establish the rates of wages and the periods for, and the conditions governing, overtime work;
- (f) classify the employees and employers and separately provide for each classification with respect to any of the matters which may be dealt with in the schedule;

- (g) define any term used in the schedule;
- (h) specify the particular operations which are included in the industry;
- (i) prohibit overtime work without a permit and authorize the advisory committee to issue the permits subject to the terms and conditions of the schedule;
- (j) fix minimum charge which may be paid, accepted or contracted for with respect to the labour content of any service, work, operation or art and with the approval of the Board fix the minimum charge which an employer or employee may contract for or accept for any service, work, operation or art;
- (k) authorize the advisory committee to fix a minimum rate of wages lower than the rate fixed by the schedule for any classification of employees or for any individual who performs work included in more than one classification of employees, or whose work is only partly subject to the schedule, or who is handicapped;
- (l) subject to the approval of the Board and with respect only to an interprovincially competitive industry, assess employers only or employers and employees in any such industry to provide revenue for the enforcement of the schedule, and authorize the advisory committee generally to administer and enforce the schedule, and to collect the assessments, and out of the revenue collected to engage inspectors and other personnel and to make such expenditures as are necessary for such administration and enforcement. R.S.O. 1937, c. 191, s. 7.

Minister
may revise
schedule of
wages, etc.
Rev. Stat.,
c. 337.

(2) The Minister may revise any schedule of wages and hours and days of labour submitted to him by a conference so that it may meet the requirements of *The Regulations Act* and the regulations made thereunder. 1947, c. 49, s. 2.

Formulation
of schedule
of wages,
hours, days
of labour.

8. If, in the opinion of the Minister, the schedule of wages and hours and days of labour submitted by the conference is agreed to by a proper and sufficient representation of employers and employees, he may approve thereof and upon his recommendation the Lieutenant-Governor in Council may declare the schedule to be in force during pleasure, or for the period not exceeding twelve months stipulated in the schedule, within such designated zone or zones as may be prescribed and to be binding upon the employers and employees in

the industry referred to in the schedule. R.S.O. 1937, c. 191, s. 8.

9. Every employer affected by any schedule shall cause a copy of the schedule to be posted in a conspicuous place where his employees are engaged in their duties so that the same may be readily seen and read by all employees and further shall cause the schedule to be there maintained so long as it remains in force. R.S.O. 1937, c. 191, s. 10.

Posting of schedule.

10. For the purposes of this Act every person who is in any way engaged in any industry shall, in so far as he personally performs work in such industry, be deemed an employee, and in so far as he employs another person or is the proprietor of a shop or business either alone or in partnership with another person be deemed an employer, and this Act and the regulations and schedules hereto shall, *mutatis mutandis*, be read and construed accordingly, notwithstanding that such person may thereby become both an employer and an employee, or may become an employer for one purpose and an employee for another purpose, or that the status of such person may be changed from time to time. R.S.O. 1937, c. 191, s. 11.

One man operators and partners within the scope of the Act.

11. Whenever a schedule is in force, the Board may require any employer affected thereby to,

(a) furnish the name, address and age of all employees and such further information respecting wages, hours and days and conditions of labour as may be required by the regulations;

Furnishing of information by employers.

(b) produce for inspection by any person acting under the authority of this Act or any schedule hereto any books, registers, pay-rolls, financial statements, attendance records, time records, contracts of employment and such other information as may be deemed necessary and to give access to the employer's premises at all reasonable times to such person for the purpose of obtaining such information. R.S.O. 1937, c. 191, s. 12.

Production of records by employers.

12. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof. 1946, c. 89, s. 23 (3).

Regulations.

13.—(1) For every zone or group of zones to which any schedule applies the Minister may establish an advisory

Advisory Committee.

committee of not more than five members, one of whom shall be designated as chairman, and the committee may hear complaints of employers and employees to whom such schedule applies and may generally assist in carrying out the provisions of this Act and the regulations and shall have jurisdiction and authority to do anything which it is authorized to do by such schedule and for the purpose of collecting any money which it is authorized to collect or paying any money which it is authorized to pay shall be deemed a corporation.

Right of
Appeal.

(2) Any employer or employee aggrieved by the decision of an advisory committee shall have the right to appeal from the decision to the Board which shall have jurisdiction to hear and determine the appeal and whose decision shall be final. R.S.O. 1937, c. 191, s. 14.

Violation of
schedule by
employer.

14.—(1) Every employer who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and on summary conviction for a first offence shall be liable to a fine of not less than \$25 and not more than \$100, and in default of payment to imprisonment for a term of not more than two months, and for a second and any subsequent offence shall be liable to a fine of not less than \$50 and not more than \$500, and in default of payment to imprisonment for a term of not more than six months, and if convicted for failing to pay the minimum rate of wages prescribed by any schedule applicable to him shall be ordered to pay to the Board as an additional penalty the full amount of the wages then found to be unpaid to any employee under the schedule. R.S.O. 1937, c. 191, s. 15 (1); 1939, c. 21, s. 1.

Violation of
schedule by
employee.

(2) Every employee who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and on summary conviction shall be liable to a fine of not less than \$5 and not more than \$25 and in default of payment to imprisonment for a term of not more than ten days.

Prosecutions
instituted.

(3) No prosecution shall be instituted under this Act except with the consent of the Board and the production of any writing signed by a member of the Board shall be sufficient evidence of the consent of the Board. R.S.O. 1937, c. 191, s. 15 (2, 3).

Violation of
Act to be
offence.

15. Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction, where no penalty has been specifically provided, shall be liable to a fine of not less than \$1 and not more than \$100 and in default of payment to imprisonment for a term of not more than thirty days. R.S.O. 1937, c. 191, s. 16,

16.—(1) The provisions of *The Factory, Shop and Office Building Act, The Master and Servant Act, The Minimum Wage Act, The Public and other Works Wages Act, The Wages Act* and *The Woodmen's Employment Act*, shall be read and construed subject to this Act, but in no case shall the wages prescribed by any schedule to this Act be for a less amount nor shall the hours of labour prescribed by any schedule to this Act be for a greater number of hours in each day or days in each week than is prescribed by any of such Acts. R.S.O. 1937, c. 191, s. 17 (1); 1949, c. 44, s. 3.

Application
of other
Acts.
Rev. Stat.,
cc. 126, 224,
235, 313,
415, 428.

(2) The wage rates prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour in each week be greater than is provided in *The Hours of Work and Vacations with Pay Act, The Minimum Wage Act* or *The Factory, Shop and Office Building Act* and the regulations thereunder. 1947, c. 49, s. 3.

Rates of
wages.
Rev. Stat.,
cc. 173, 235,
126.

(3) The wage rates for apprentices to whom *The Apprenticeship Act* applies shall be the rates provided under that Act and the regulations thereunder. R.S.O. 1937, c. 191, s. 17 (3).

Wages of
apprentices.
Rev. Stat.,
c. 19.

17. Any schedule made pursuant to this Act shall not be applicable to the mining industry nor to the agricultural industry nor to any other business, calling, trade, undertaking or work exempted by the regulations. 1939, c. 21, s. 2.

Where Act
not to apply.

18.—(1) In this section, "retail gasoline service industry" means the business of operating retail gasoline service stations, gasoline pumps or outlets where gasoline is offered for sale at retail, including washing, waxing, oiling or lubricating automotive vehicles, repairing or changing tires and other services and undertakings incidental thereto, but does not include a gasoline outlet on the premises of an employer and used in the fueling of automotive vehicles owned or operated by the employer.

Interpre-
tation.

(2) Notwithstanding anything in this Act, no schedule applicable to the retail gasoline service industry shall prescribe the hours of the day during which the hours of work may be performed or shall establish the particular days of the week for the performance of labour in the industry. 1948, c.47, s. 1.

Exception
as to retail
gasoline
service
industry.

