

1927

c 277 Minimum Wage Act

Ontario

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CHAPTER 277.

The Minimum Wage Act.

Interpreta-
tion.**1.** In this Act,"Appren-
tice."

(a) "Apprentice" shall mean person who whether under articles of apprenticeship or not is receiving instruction in any trade, occupation or calling, while employed therein;

"Board."

(b) "Board" shall mean the Minimum Wage Board hereby created;

"Confer-
ence."

(c) "Conference" shall mean wage conference appointed by the Board and composed of an equal number of employers and employees and an impartial chairman;

"Employee."

(d) "Employee" shall mean and include every female person in any trade or occupation in Ontario who works for wages;

"Employer."

(e) "Employer" shall mean and include every person, firm, or corporation, agent, manager, representative, contractor, sub-contractor or person responsible directly or indirectly for the payment of wages to an employee;

"Minister."

(f) "Minister" shall mean the member of the Executive Council to whom the administration of this Act for the time being is assigned;

"Wages."

(g) "Wages" shall mean and include wages and salary whether the employment in respect to which the same is payable is by time or by the job, or by the piece or otherwise. 1920, c. 87, s. 2.

Board
established.

2. For the purposes of this Act there shall be established a board composed of five persons, two of whom shall be women, appointed by the Lieutenant-Governor in Council, and the board shall be a body corporate under the name of "The Minimum Wage Board." 1920, c. 87, s. 3.

Chairman.

3. The Lieutenant-Governor in Council shall name one member of the Board as chairman and the chairman of the Board shall hold office during pleasure. 1920, c. 87, s. 4.

4. Of the remaining members of the Board, two shall be appointed in the first instance for one year, and two for two years, and every member subsequently appointed shall be appointed for a term of five years. 1920, c. 87, s. 5.

Term of office of other members.

5. In case of the absence of the chairman of the Board or in case of his inability to act or if there is a vacancy in the office the Minister may appoint some person of like qualifications to act as chairman *pro tempore*. 1920, c. 87, s. 6.

Chairman pro tem.

6.—(1) In case of a vacancy on the Board caused by the death, resignation or incapacity of a member of the Board a successor to such member shall be appointed to hold office for the remainder of the unexpired term.

Vacancies.

(2) If a member of the Board fails to attend two successive meetings of the Board without due cause he shall be notified of such absence and if he fails to attend the third meeting his position on the Board may be declared vacant and his successor duly appointed. 1920, c. 87, s. 7.

Vacating ipso facto.

7. The members of the Board shall serve without remuneration but the Lieutenant-Governor in Council may fix a per diem allowance to be payable to the members on their attendance at the meetings of the Board and in transacting the business of the Board, and every member of the Board shall be entitled to his reasonable and necessary travelling and living expenses as certified by the chairman of the Board. 1920, c. 87, s. 8.

Allowances and expenses.

8. The presence of three members of the Board shall constitute a quorum. 1920, c. 87, s. 9.

Quorum.

9. The expenses of the Board in carrying out the provisions of this Act, including witness fees, travelling expenses and other charges incurred in any proceedings of the Board or of wage conferences shall be payable out of such moneys as may be appropriated by the Legislature from time to time for that purpose. 1920, c. 87, s. 10.

Payment of expenses.

10. The Board shall have authority to conduct such investigations as it may deem necessary for the purpose of ascertaining the wages, hours and conditions prevailing in any class of employment, and for this purpose shall possess all powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1922, c. 91, s. 2.

Investigations by Board.

Rev. Stat. c. 20.

11.—(1) After due inquiry the Board may establish a minimum wage and the maximum number of hours per week for which such minimum wage shall be paid. The Board may also establish a rate of wage for all time worked in excess of the established maximum number of hours per week.

Establishment of minimum wage and maximum hours of labour.

Handicapped employees and apprentices.

(2) A wage lower than the minimum wage may also be established by the Board for employees classified as handicapped or part time employees or as apprentices. 1922, c. 91, s. 3.

Board may suspend or vary orders.

(3) The Board shall have power upon petition of employers or employees, or upon its own motion, to temporarily suspend or vary any of its orders, or to revise them in accordance with special or changed conditions in any industry or establishment.

Orders may vary with localities.

(4) The Board shall have the power to make different orders for the same industry or industries in different localities of the Province, when in the judgment of the Board different conditions in different localities justify such action. 1921, c. 78, s. 2.

Conferences of employers and employees.

12.—(1) Where it is made to appear to the Board that the scale of wages or the method of determining the same, payable to any class of employees, is inadequate or unfair the Board may direct a conference between representatives of employers and employees in the class of employment in question for the purpose of reaching an agreement and recommending to the Board minimum wages to be payable in that class of employment.

Appointment of representatives.

(2) The Board may provide for the selection of such representatives by the employers and employees respectively, but every conference shall consist of an equal number of representatives of employers and employees respectively. 1920, c. 87, s. 13.

Chairman of conference.

13.—(1) The Board shall appoint a disinterested person to be chairman of the conference.

Functions of chairman.

(2) The chairman shall not vote in the conference but may advise and direct the representatives of the conference as to their procedure and shall to the best of his ability assist the conference in arriving at a just conclusion. 1920, c. 87, s. 14.

Procedure—quorum.

14. The conference shall, forthwith, proceed to the investigation and discussion of the matters at issue and for this purpose the majority of the members, exclusive of the chairman, shall constitute a quorum. 1920, c. 87, s. 15.

Report of conference.

15. The conference shall report its conclusions to the Board in writing, signed by the chairman, but a minority of the members of the conference may make a separate report to the Board. Failure of the conference to come to an agreement touching the matters in dispute shall be reported by the chairman of the conference to the Board. 1920, c. 87, s. 16.

16. Upon the receipt of the report of the chairman of the conference, the Board with or without further enquiry or investigation, may, by order in writing signed by the chairman of the Board,

Order of Board for report of conference.

- (a) remit the matter of difference to the same or a new conference for consideration;
- (b) forthwith establish a minimum wage in the class of employment in question. 1920, c. 87, s. 17.

17. The Lieutenant-Governor in Council may make regulations,

Regulations.

- (a) providing for the procedure of the Board and the forms of orders and other documents to be issued by it;
- (b) defining and directing the extent to which the Board shall be guided in its investigation by the information officially procured and available in the Department of Labour;
- (c) for the making of reports to the Assembly on any matters investigated or determined by the Board and the particulars to be included in such reports;
- (d) requiring employers or any class of employers to furnish information as to the names, ages and places of residence of all employees and such other information respecting the hours of labour and conditions of employment of such employees as may be deemed necessary for the proper carrying out of the objects of the Act;
- (e) defining and limiting the number of handicapped employees, part time employees and apprentices to whom a wage lower than the minimum wage fixed by the minimum wage Board may be payable by any employer;
- (f) fixing the amount to be allowed for witness fees and for other charges in connection with the proceedings of the Board or of wage conferences. 1920, c. 87, s. 18.

18. Every order of the Board shall be published in the *Ontario Gazette*, and following the conference notice thereof shall be given to the representatives of the employers and of the employees. 1920, c. 87, s. 19.

Promulgation of orders of Board.

19. Upon publication of the order as provided in section 18 the same shall be binding as to the minimum wages to be paid in the class of employment dealt with under the order. 1920, c. 87, s. 20; 1921, c. 78, s. 3.

Order binding on publication.

Notice of
order.

20. The Board may direct that notice of such order be posted in such positions as to be easily read by the employees in each factory, shop and office building or other establishment concerned. The notice shall be affixed and kept posted up and otherwise dealt with as provided by section 24 of *The Factory, Shop and Office Building Act*. 1920, c. 87, s. 21.

Rev. Stat.
c. 275.

Penalties.

21.—(1) Every employer who contravenes any order of the Board in regard to wages or hours shall be guilty of an offence and shall incur a penalty not exceeding \$500 and not less than \$50 for each employee affected, and in addition thereto shall upon conviction be ordered to pay to such employees the difference between the wages actually received and the wages established by the Board. 1922, c. 91, s. 4.

Imprison-
ment in
default of
payment.

(2) In default of immediate payment of such penalty and any such sum adjudged to be due to an employee such employer shall be imprisoned for a period not exceeding six months and not less than two months. 1920, c. 87, s. 22 (2).

Exceptions.

22. This Act shall not apply to farm labourers or domestic servants. 1920, c. 87, s. 24.

Applica-
tion of
Rev. Stat.
c. 121.

23. *The Summary Convictions Act* shall apply to prosecutions under this Act. 1920, c. 87, s. 23.
