1960

c 130 Factory, Shop and Office Building Act

Ontario

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Bibliographic Citation
Factory, Shop and Office Building Act, SO 1966, c 130

Repository Citation
Available at: http://digitalcommons.osgoode.yorku.ca/rso/vol1960/iss2/5

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CHAPTER 130

The Factory, Shop and Office Building Act

PART I

1. In this Part,

(a) "bakeshop" means a building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale 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;

(b) "bodily injury" includes injury to health;

(c) "child" means a person under the age of fourteen years;

(d) "employer", as applied to a factory, shop, bakeshop or restaurant, means a person who in his own behalf, or as the manager, superintendent, overseer or agent has charge of a factory, shop, bakeshop or restaurant, and employs persons therein, and in the case of an office building includes the superintendent, manager or caretaker thereof;

(e) "engineer of the Department" means a professional engineer as defined in The Professional Engineers Act, R.S.O. 1960, c. 306 appointed to enforce this Part;

(f) "factory" means,

(i) a 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) a premises or any part of a premises where any form of thermal, hydraulic, electrical, aerodynamic, kinetic, chemical, nuclear, solar or other form of energy is used to work any machinery or device, or where any form of such energy is modified in any manner in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing,
(iii) a 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 or vehicles used for transport purposes;

(g) "inspector" means an inspector appointed by the Lieutenant Governor in Council to enforce 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;

(i) "Minister" means the Minister of Labour;

(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 possession, 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;

(n) "regulations" means the regulations made under this 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 a restaurant or a dining room in connection with an hotel, unless operated under separate management;

(p) "shop" means a building or a part of a building, booth, stall or place where goods are handled or exposed or offered for sale, or any building or part of a building, booth, stall or place where services are offered for sale or where goods are manufactured and that is not a factory to which this Act applies, and includes a bowling alley, pool room and billiard parlour;

(q) "woman" means a woman of eighteen or more years of age;

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

(s) "youth" means a male of the age of fourteen years and under the age of sixteen years. R.S.O. 1950, c. 126, s. 1; 1957, c. 32, s. 1; 1960, c. 34, s. 1, amended.

2.-(1) Nothing in this Part shall be deemed to interfere in any way with the powers and duties of local boards of health or the officers appointed under The Public Health Act.

(2) For the purposes of this Part in respect to sanitary measures, the Deputy Minister of Health or any officer of the Department of Health designated by the Minister of that Department or any medical officer of health may act jointly with or independently of an inspector under this Part. R.S.O. 1950, c. 126, s. 2.

3. A building, or a part of a building, used and occupied by a municipal or school corporation or by a municipal commission for office purposes shall be deemed an office building within the meaning of this Part, 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 Part notwithstanding that no rents, issues or profits are derived therefrom. R.S.O. 1950, c. 126, s. 3.

4. Nothing in this Part extends 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. 1950, c. 126, s. 4.

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.

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

(3) Where a place situate in 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 be deemed not 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.

(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. 1950, c. 126, 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 does not apply to a dwelling in which a female is engaged in doing custom laundry work at home for a regular family trade. R.S.O. 1950, c. 126, s. 6.

7.—(1) Except where machinery operated or driven by steam, electric or other motive power is used, this Part does not apply to a 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.

(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 an inspector is satisfied that less than six persons are usually employed therein.

(3) This Part does not apply to a 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 that is operated by steam, electric or other power, except hand power. R.S.O. 1950, c. 126, s. 7.

8.—(1) Where the owner, occupier or tenant of a 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,
Where, in a factory or shop, the owner or hirer of a machine or implement moved by steam, water, electricity or other power in or about or in connection with which machine
or implement a youth, young girl or woman is employed, is a 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 that may be committed in relation to such youth, young girl or woman, be deemed to be the employer. R.S.O. 1950, c. 126, s. 12.

### 13. (1) No person shall construct or reconstruct a building or alter an existing building,

- (a) that is to be or is used as a factory;
- (b) that is to be or is used as a shop, bakeshop, restaurant or office building and is to be or is more than two storeys in height; or
- (c) that is to be or is used as a shop, bakeshop, restaurant or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,
  - (i) exterior walls, or
  - (ii) any combination of exterior walls and interior walls without any opening to another building, unless the drawings and specifications of the building to be constructed, reconstructed or altered have been approved by an engineer of the Department.

### Application

(2) Before constructing, reconstructing or altering any such building, an application in the prescribed form together with drawings and specifications, in duplicate, of the proposed construction, reconstruction or alterations and the estimated cost thereof shall be submitted to an engineer of the Department for approval.

### Estimated cost and fees

(3) Upon receipt of the application, an engineer of the Department shall estimate the cost of the proposed construction, reconstruction or alterations and shall inform the applicant of the estimated cost approved by him and the fees required to be paid for the approval of the drawings and specifications.

### Approval

(4) When the fees for the approval of the drawings and specifications have been paid, an engineer of the Department shall examine them and, if they comply with this Act and the regulations, he shall certify his approval thereon and return one copy to the applicant, and the construction, reconstruction or alterations may be proceeded with only in accordance with the drawings and specifications as approved.

### Offence

(5) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $500. 1957, c. 32, s. 2.
14.—(1) The owner, proprietor or manager of 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 subsection 1 is guilty of an offence and on summary conviction is liable to the penalties set out in section 69. R.S.O. 1950, c. 126, s. 14, amended.

15. Every person shall, within one month after he begins to occupy a factory, transmit to the chief inspector a notice containing the name of the factory, the place where it is situate, 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 he is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $30. R.S.O. 1950, c. 126, s. 15, amended.

16. Notwithstanding any other provision of this Part, the Minister may suspend or revoke any permit issued or granted under this Part. 1953, c. 35, s. 2.

ADMINISTRATION

17. The Lieutenant Governor in Council may for the purpose of carrying out this Part appoint as many inspectors, male or female, as is 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 this Part. R.S.O. 1950, c. 126, s. 16.

18. The Lieutenant Governor in Council may make regulations,

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

(b) providing for the payment of fees for the approval by an engineer of the Department of drawings and specifications submitted to him and prescribing the fees therefor;

(c) for the protection of the health, safety and welfare of persons employed in a factory, shop, bakeshop, restaurant or office building;

(d) prescribing forms and providing for their use;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. R.S.O. 1950, c. 126, s. 17; 1953, c. 35, s. 3, amended.
19.—(1) An inspector may, in the enforcement of this Part and the regulations,

(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;

(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;

(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 a constable authorized to act in the locality to accompany him, it is the duty of the chief constable and every member of the police force in the locality to render him such assistance in carrying out his duties under this Part as he may require, and to put down any resistance, obstruction or hindrance by force if necessary;

(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;

(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 an investigation, inquiry or examination made by him under this Part, administer an oath to and summon any person to give evidence;

(g) exercise such other powers as may be necessary for carrying out this Part.
(2) The owner and employer and his or their agents and servants shall furnish all necessary means in his or their power required by an inspector for any entry, inspection, examination, inquiry or the exercise of his powers in relation to such factory, shop, bakeshop, restaurant or office building.

(3) Every person who wilfully delays an inspector in the exercise of a power under this section, or who fails to comply with a requisition or summons of an inspector in pursuance of this section, or to produce any certificate or document that he is required by or under this Part 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 an inspector shall be deemed to obstruct an inspector in the execution of his duties under this Part.

(4) Where an inspector is obstructed in the execution of his duties, the person obstructing him is guilty of an offence and on summary conviction is liable to a fine 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 is guilty of an offence and on summary conviction is liable to a like fine or, where the offence is committed at night, $100.

(5) It is the duty of every inspector to assist with the enforcement of The Operating Engineers Act by reporting to the Board of Examiners any contravention thereof, and to furnish to the Board such information as he has as to the conduct and capability of any person holding or applying for a certificate.

(6) It is the duty of every inspector to report any contravention of section 9 of The Minimum Wage Act to The Industry and Labour Board. R.S.O. 1950, c. 126, s. 18.

(7) An inspector may enforce the regulations made under The Department of Labour Act.

(8) Where a regulation made under The Department of Labour Act is contravened in a factory, shop, bakeshop, restaurant, office or office building, such premises shall be deemed to be kept so as to endanger the safety and health of persons employed therein. 1957, c. 32, s. 3.

20. 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 his certificate. R.S.O. 1950, c. 126, s. 19.
21. An 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. 1950, c. 126, s. 20.

22.—(1) An inspector, before entering, under the powers conferred by this Part without the consent of the occupier, any room or place actually used as a dwelling, shall obtain a warrant mentioned in subsection 2 from a justice of the peace.

(2) The justice, if satisfied by information on oath that there is reasonable cause to suppose that a 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 Part, and the provisions of this Part with respect to obstruction of the inspector apply. R.S.O. 1950, c. 126, s. 21.

23. 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. 1950, c. 126, s. 22.

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

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

(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, by which the period of employment and times for meals in the factory are regulated;

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

(2) In the event of a contravention of any provision or requirement of this section, the employer is guilty of an offence and on summary conviction is liable to a fine of not more than $20, and every person who pulls down, alters or defaces any
such notice is guilty of an offence and on summary conviction is liable to a like fine. R.S.O. 1950, c. 126, s. 23.

25.—(1) Any notice, order, requisition, summons or document required or authorized to be served or sent for the purposes of this Part may be served or sent by delivering it 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 it, 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 may also be served or sent by mail and, if so served or sent, shall be deemed to have been served and received respectively at the time when the letter containing it would be delivered in the ordinary course of mail, and in proving such service or sending it is 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. 1950, c. 126, s. 24.

EMPLOYMENT

26. No child shall be employed in a factory, shop, bakeshop, restaurant or office building. R.S.O. 1950, c. 126, s. 25.

27. The Lieutenant Governor in Council may prohibit the employment of youths and young girls in factories in which he deems the work dangerous or unwholesome. R.S.O. 1950, c. 126, s. 26.

28. No person under sixteen years of age shall be employed in a factory, shop, bakeshop, restaurant or office building during school hours unless such person has furnished to the employer a certificate issued in accordance with The Schools Administration Act permitting the absence of such person from school, and the certificate shall be kept on file by the employer and produced whenever called for by an inspector. R.S.O. 1950, c. 126, s. 27.

29.—(1) In all rooms of a shop in which young girls or women are employed the employer shall at all times provide and keep 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.

(2) Where in the opinion of the inspector the whole or a substantial portion of the work upon which female employees are engaged in a 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 are directed in writing by the chief inspector.

(3) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $25. R.S.O. 1950, c. 126, s. 28.

30. Except as provided in sections 31, 32 and 33, in a factory, shop, bakeshop or restaurant,

(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;

(b) the hours of labour for any such person in any one day shall not be earlier than 7 o'clock in the forenoon or later than 6.30 o'clock in the afternoon in a factory or 11 o'clock in the afternoon in a shop or restaurant unless a special permit in writing is obtained from the inspector;

(c) no youth, young girl or woman who has been previously on any day employed in a 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. 1950, c. 126, s. 29; 1953, c. 35, s. 4.

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

(a) an accident that prevents the working of a factory happens to the motive power; or
(b) from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of a factory cannot be regularly worked; or

(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,

an 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 an inspector permits such exemption,

(a) no youth, young girl or woman shall be employed before the hour of 6 o'clock in the forenoon nor after the hour of 9 o'clock in the afternoon;
(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;
(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;
(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 7 o'clock in the afternoon not less than forty-five minutes for another meal between 5 o'clock and 8 o'clock in the afternoon; and
(e) in every factory with respect to which any such permission for exemption is given there shall, in compliance with section 24, be affixed a notice specifying the extent and particulars of the exemption.

R.S.O. 1950, c. 126, s. 30.

32.—(1) Notwithstanding anything in this Part, 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 6 o'clock in the forenoon and 11 o'clock in the afternoon.
(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 10 o'clock in the forenoon and 12 o'clock noon and for the evening meal between 6 o'clock and 8 o'clock in the afternoon. R.S.O. 1950, c. 126, s. 31.

33. Notwithstanding anything in this Part, the Minister may, where he is satisfied that the health, welfare and safety of youths, young girls or women will not be adversely affected or endangered, grant permission upon such conditions as he determines for their employment during hours other than those prescribed under this Act. 1953, c. 35, s. 5.

34. Where a youth, young girl or woman works beyond the maximum number of hours in any one day or in any one week provided in this Part, and whether an inspector has permitted exemption or not, the youth, young girl or woman is entitled to be paid wages for such overtime, and The Industry and Labour Board has 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. 1950, c. 126, s. 32.

35. Notice of the hours between which youths, young girls or women may be employed in a factory shall be in such form as is prescribed by the regulations, and shall be signed by an inspector and by the employer, and shall be posted up during the period covered by the notice in such conspicuous place or places in the factory as the inspector requires. R.S.O. 1950, c. 126, s. 33.

36.—(1) If an inspector so directs in writing, the employer in a factory or shop shall prohibit persons from taking meals in any room in which a manufacturing process is being carried on.

(2) If thirty-five or more females are employed, or if an inspector so directs in writing, the employer in a factory or shop shall 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.

(3) No person shall take or be allowed to take food into a room in a factory or shop 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
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directly from a tap or suitably closed receptacle. R.S.O. 1950, c. 126, s. 34.

37. 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 section 30 or 31, 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. 1950, c. 126, s. 35.

38.—(1) In this section, “camp” means a 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.

(2) No person shall contract for the employment of, or employ, young girls or women in any occupation if during their employment they would lodge in a camp, unless and until a permit has been obtained from the chief inspector authorizing such employment.

(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 such permit for non-compliance with any such regulation.

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

(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 young girls and women;

(c) the proper supervision of a camp, including physical and moral protection for young girls and women 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 food shall be prepared and served in a camp;

(f) the washing facilities, bedding and flooring to be provided in a camp.

(5) Every person who employs young girls or women in a camp without the permit required by subsection 2 or who re-
fuses or neglects to comply with any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $100. R.S.O. 1950, c. 126, s. 36, amended.

**HEALTH AND SAFETY**

39.—(1) The employer in a 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 a building used as a factory, shop, bakeshop, restaurant, or office building shall at all times keep it 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 and 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 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 an inspector, is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $200. R.S.O. 1950, c. 126, s. 37, amended.

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

(a) where ten or more females are employed, a rest room or other space affording reasonable privacy, together with one or more couches or cots, and chairs, satisfactory to an inspector; and

(b) where thirty-five or more females are employed, or where deemed necessary by an inspector, a matron or female supervisor to have charge of the welfare of the female employees.

(2) Subsection 1 or any part thereof does not apply to a 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.

(3) Every factory or shop in which the employer neglects to comply with this section after notice in writing from an inspector shall be deemed to be kept so that the health of the employees is endangered. R.S.O. 1950, c. 126, s. 38.

41.—(1) The owner of a building used as a factory, shop, bakeshop, restaurant or office building shall,
(a) provide toilet rooms for male and female employees 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 satisfactory to the inspector may be substituted for water-closets;

(b) provide separate wash rooms for male and female 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 an inspector, connected to a source of hot and cold water with one wash basin or the equivalent for every fifteen employees;

(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;

(d) arrange for a supply of pure drinking water available for each occupier.

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

(3) The owner of a factory, shop, bakeshop, restaurant or office building who for thirty days, or such extended period as an inspector in writing allows, refuses or neglects to comply with subsection 1 or the regulations made under this section after being notified in writing in regard to the same by an inspector, is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $200. R.S.O. 1950, c. 126, s. 39, amended.

42. 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 Hydro-Electric Power Commission Act occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1950, c. 126, s. 40.

43.—(1) The employer of a factory, shop, bakeshop or restaurant shall,

(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, 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 an inspector for the employees using them;

(c) heat the premises throughout and regulate the 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 68°F. unless authorized by an inspector in writing;

(d) ventilate the premises 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 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 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 of the premises renders the floor liable to be wet to such an extent that the health of a 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 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 conveniently 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

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

(2) The employer in a foundry or other factory wherein the health of the employees, in the opinion of an 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 41, supplied with sufficient hot and cold water as the inspector deems necessary.

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

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

(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, scrofula, any venereal disease or any communicable skin disease, and every employer shall keep himself and his employees in a reasonably healthy condition. R.S.O. 1950, c. 126, s. 41 (1-5).

(6) Every employer in a factory, shop or restaurant who for thirty days refuses or neglects to comply with the requirements of this section or with the regulations made under this section after being notified in writing in regard to the same by an inspector is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $200. R.S.O. 1950, c. 126, s. 41 (6), amended.

(7) The Lieutenant Governor in Council may make regulations requiring the employer in 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. R.S.O. 1950, c. 126, s. 41 (7).

44.—(1) The employer in an office shall,

(a) ensure 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;

(b) not allow overcrowding so as to be injurious to the health of the persons employed therein;

(c) provide and maintain for the use of persons employed therein the conveniences indicated in clauses f and h of subsection 1 of section 43.

(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 is 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 is the duty of such employer to keep the same in good repair and in a sanitary condition.

(3) The owner of an office building shall at all times keep it 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. R.S.O. 1950, c. 126, s. 42 (1-3).

(4) Every owner or employer who, for thirty days or for such extended period as an inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by an inspector is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $200. R.S.O. 1950, c. 126, s. 42 (4), amended.

45. Where an owner is required under this Part to do anything that as between him and his tenant it is not his but the tenant's duty to do, he is entitled to recover from the tenant the amount of any expenditure incurred in doing it. R.S.O. 1950, c. 126, s. 43.

46.—(1) No part of a factory shall be kept or used as a bedroom or sleeping place without the written consent of an inspector. R.S.O. 1950, c. 126, s. 44.
(2) Subsection 1 does not apply to a laundry in which not more than five persons are employed. R.S.O. 1950, c. 126, s. 45.

47.—(1) No public laundry work shall be done in a room used as a sleeping or living room or in a room used for cooking or preparing meals. R.S.O. 1950, c. 126, s. 46.

(2) Subsection 1 does not apply to a female engaged in doing custom laundry work in her home for a regular family trade. R.S.O. 1950, c. 126, s. 47.

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 separating the one from the other approved by an inspector. R.S.O. 1950, c. 126, s. 48.

49.—(1) In this section, Interpreta-

(a) “employer” means a 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 a 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 a 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.

(2) An employer who gives employment to a homeworker and the homeworker shall obtain a permit from an inspector, and no employer or homeworker shall give or be engaged in employment in connection with personal or household articles without such a permit.

(3) An employer and a homeworker who require a permit shall apply therefor in writing to an inspector upon the form approved for the purpose by the Minister, and shall furnish such information and proofs as the form prescribes.
(4) Every such permit shall specify the purposes and the scope of authority granted thereby, which may be enlarged at any time by endorsement thereon signed by an inspector.

(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.

(6) No employer’s permit shall be issued to a person unless an inspector is satisfied that he is likely to comply with this Act and The Minimum Wage Act, and no homeworker’s permit shall be issued to a person unless an 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.

(7) No employer or homeworker 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 homeworker has a homeworker’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 homeworker;

(c) give or be engaged in employment at wages less than those established by The Industry and Labour Board for the employment.

(8) An employer shall keep a written register open to an 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.

(9) An 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.

(10) An 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.

(11) An 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.

(12) The medical officer of health or sanitary inspector to whom an impounded personal or household article is delivered by an inspector shall cause it 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.

(13) Any personal or household article that 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.

(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 Part or the regulations.

(15) An inspector may at any time cancel an employer's or homeworker's permit for any contravention of this Part or the regulations, or of The Minimum Wage Act or regulations or order 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. 1950, c. 126, s. 49.

50.—(1) Young girls and women in a factory shall during working hours wear a close-fitting cap or other suitable headgear that entirely confines their hair so as to avoid contact with machinery, shafting, belting or any material being handled.

(2) The manager, superintendent, foreman or other person in charge shall ensure that employees are fully notified of the provisions of subsection 1. R.S.O. 1950, c. 126, s. 50.

51.—(1) No youth, young girl or woman shall be allowed by the employer of a factory, shop or bakeshop,

(a) to clean any part of the machinery in a factory that 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 subsection 1 shall be deemed to be kept so that the safety of persons employed therein is endangered. R.S.O. 1950, c. 126, s. 51.

52. No person under the influence of or having in his possession any intoxicating liquor shall enter or be in any factory. R.S.O. 1950, c. 126, s. 52.

53.—(1) Where an inspector considers that any place, matter or thing, or any part or parts thereof, in a factory, shop, bakeshop, restaurant, office or office building is a source of danger to the health or safety,

(a) of persons employed therein; or

(b) of persons having access thereto,

he shall give notice in writing to the employer or owner directing him immediately, or within such period as the inspector specifies,

(c) to take measures for guarding the place, matter or thing; or

(d) to protect the safety or health of any person against danger therefrom,

as the inspector considers necessary and, upon failure to comply with the inspector's direction as specified, the use of the place, matter or thing, or any part or parts thereof, shall be discontinued immediately until the direction has been complied with.

(2) Where an inspector gives a direction under subsection 1, he may affix to the place, matter or thing, or any part or parts thereof, a notice in the prescribed form and no person, except an inspector, shall remove such notice unless authorized by an inspector.

(3) Any factory, shop, bakeshop, restaurant, office or office building in which the employer or owner fails to comply with an inspector's direction or in which the employer or owner permits, or fails to prevent, any place, matter or thing, or any part or parts thereof, to be used in contravention of this sec-
tion shall be deemed to be kept so that the safety of the persons employed therein is endangered. 1957, c. 32, s. 4.

54.—(1) Where any mill-gearing, machinery, appliance, place, matter or thing, or part or parts thereof, in a factory, shop, bakeshop, restaurant, office or office building is dangerous to any person, it shall be safely fenced or guarded unless its position, construction or attachment assures protection. R.S.O. 1950, c. 126, s. 54 (1); 1957, c. 32, s. 5 (1).

(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 a person operating it from coming into contact with any dangerous part.

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

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

(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 that is used for such purpose shall be periodically inspected by the employer and maintained in good working order. R.S.O. 1950, c. 126, s. 54 (2-5).

(6) A factory, shop, bakeshop, restaurant, office or office building in which a contravention of this section occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1950, c. 126, s. 54 (6); 1957, c. 32, s. 5 (2), revised.
Storage of coal oil, etc.

55.—(1) Where coal oil, petroleum, benzine, naphtha, gasoline or any explosive or any combustible or flammable material is kept or stored in a factory or shop, it 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 that has been approved by an inspector.

(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 that may at any time be in actual use in the factory or shop.

(3) A factory or shop in which a contravention of this section or any regulation made under this section occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1950, c. 126, s. 55.

Other flammable material and maximum dealt with by regulations

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,

(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 by employers, doctors and others of cases of affection from dangerous or harmful substances or industrial poisoning;

(g) generally, governing such matters as may be deemed advisable for the protection of such persons.

Contra-vention

(2) A factory or shop in which a contravention of any regulation made under this section occurs shall be deemed to be
kept so that the safety of the persons employed therein is endangered. R.S.O. 1950, c. 126, s. 56, revised.

57. Where a boiler of pressure vessel in a factory, shop, bakeshop, restaurant or office building is constructed, installed, maintained or operated in a manner contrary to The Boilers and Pressure Vessels Act, such construction, installation, maintenance or operation shall for the purposes of this Part be deemed to endanger the safety of the persons employed therein. 1960, c. 34, s. 2.

58. Where an elevator, dumb-waiter, escalator, manlift or incline lift in a factory, shop, bakeshop, restaurant or office building is installed, maintained or operated in a manner contrary to The Elevators and Lifts Act such installation, maintenance or operation shall for the purposes of this Part be deemed to endanger the safety of the persons employed therein. 1953, c. 35, s. 6.

59.—(1) In a 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 deems 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 deems 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 directs,

(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 directs, and

(iii) such lighting facilities and legible signs to facilitate egress as the chief inspector directs; and

(c) the chief inspector may authorize any person to exercise his powers and duties under this section and any approval or direction given by such person shall be deemed to have been approved or given by the
chief inspector. R.S.O. 1950, c. 126, s. 59 (1); 1957, c. 32, s. 6.

(2) In a factory, shop, bakeshop, restaurant and office building,

(a) where more than fifteen persons are employed at any time; or

(b) where in the opinion of the inspector the nature of the business carried on or the number of persons present at any time, other than employees, may endanger the safety of the employees,

every door for the use of the employees or other persons shall open in the direction of exit travel.

(3) 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 or other persons are in the building. 1960, c. 34, s. 3.

(4) No outside fire escape shall extend above the third floor of a factory, shop, restaurant or office building erected after the 1st day of July 1952, and the ground floor shall be considered the first floor. 1952, c. 30, s. 1.

(5) 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. R.S.O. 1950, c. 126, s. 59 (4).

(6) The owner or proprietor of a 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 under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $200. R.S.O. 1950, c. 126, s. 59 (5), amended.

(7) A factory, shop, restaurant or office building in which a contravention of this section or of a regulation made under this section occurs shall be deemed to be kept so that the safety of persons employed therein is endangered. R.S.O. 1950, c. 126, s. 59 (6).

60. Where a fire, accident or industrial disease in a factory, shop, bakeshop, restaurant or office building occasions any bodily injury to a 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 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $30. R.S.O. 1950, c. 126, s. 60.
61. Where an explosion occurs in a factory, shop, bakeshop, restaurant or office building, whether a 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 after the explosion took place, and, if such notice is not so sent, the employer is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $30. R.S.O. 1950, c. 126, s. 61.

62. Where in a factory, shop, bakeshop, restaurant or office building a 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 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $30. R.S.O. 1950, c. 126, s. 62.

63.—(1) A 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. 1950, c. 126, s. 63.

(2) A bakeshop that 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 and 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. 1950, c. 126, s. 64.

(3) No person shall keep a bakeshop in any part of a building where the floor of the bakeshop is below the level of the street or road upon which the building is situate or is below the level of any ground abutting the building unless,

(a) the drawings and specifications of the construction or reconstruction of or alterations to the building to be used as the bakeshop, notwithstanding its height in storeys or gross horizontal area, have been submitted to, and approved by, an engineer of the Department under section 13; and

(b) such construction, reconstruction or alterations have been proceeded with only in accordance with the
FACTORY, SHOP & OFFICE BUILDING

Chap. 130

FACTORY, SHOP & OFFICE BUILDING

Sec. 63(3)(b)

Section 63(3)(b) of the Factory, Shop and Office Building Act applies to the sale of bread and buns manufactured out of Ontario, with drawings and specifications as so approved. 1960, c. 34, s. 4.

Application

(4) Subsection 3 does not apply to any bakeshop established before the 6th day of May, 1913. R.S.O. 1950, c. 126, s. 65 (2).

Sleeping places to be separate

(5) The sleeping places of the employees of a bakeshop shall be separate from the bakeshop, and no person shall sleep in a bakeshop. R.S.O. 1950, c. 126, s. 66.

Health and hours of labour

(6) Subsection 5 of section 43 and section 65 apply to every bakeshop whether it is or is not a factory or shop within the provisions of this Part relating to factories and shops. R.S.O. 1950, c. 126, s. 67.

Fire escapes

(7) 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 an inspector. R.S.O. 1950, c. 126, s. 68.

Sale of bread, etc., manufactured out of Ontario

64. No person shall sell, expose or offer for sale bread or buns manufactured out of Ontario without the written permission of an inspector. R.S.O. 1950, c. 126, s. 69.

Hours of labour in bakeshops

65.—(1) Except with the written permission of an inspector, no person shall require, permit or suffer adult male employees to work in a bakeshop for more than fifty-six hours in a calendar week and a copy of such permission shall be posted up in a conspicuous place in the bakeshop, but 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.

(2) No person shall require, permit or suffer any adult male employee to work in a bakeshop on Sunday between the hours of 7 o'clock in the forenoon and 1 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.

(3) Subsection 2 does not apply to employees whose daily period of employment does not exceed eight hours between 7 o'clock in the forenoon and 6 o'clock in the afternoon and who regularly receive at least twenty-four consecutive hours rest period during each calendar week.

(4) An employee who works for more than nine hours during any one work period or during any twenty-four consecutive hours, except in a 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. 1950, c. 126, s. 70.
66.—(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 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500 or to imprisonment for a term of not more than twelve months. R.S.O. 1950, c. 126, s. 71 (1) amended.

(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 does not restrict or limit the generality of the provisions of subsection 1. R.S.O. 1950, c. 126, s. 71 (2).

67. Every person who wilfully makes a false entry in a register, notice, certificate or document required by this Part or the regulations to be kept or served or sent, or who wilfully makes or signs a false declaration under this Part, or who knowingly makes use of any such false entry or declaration, is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $300. R.S.O. 1950, c. 126, s. 72, amended.

68. The parent of any child, youth, or young girl employed in contravention of this Part, unless such employment is without the consent, connivance or wilful default of such parent, is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50. R.S.O. 1950, c. 126, s. 73; 1957, c. 32, s. 7.

69. If any of the provisions of this Part, or of the regulations, or any directions of an inspector are contravened and no other penalty is provided for such contravention, the offender is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50. R.S.O. 1950, c. 126, s. 74.

70. Where a child, youth or young girl is, in the opinion of the magistrate, apparently of the age alleged by the informant, it lies on the person charged to prove that the child, youth or young girl is not of that age. R.S.O. 1950, c. 126, s. 75; 1957, c. 32, s. 8.

71. Where an offence for which an employer is liable under this Part or the regulations has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person is also liable to the same
penalty or punishment for such offence as if he were the employer. R.S.O. 1950, c. 126, s. 76, amended.

62. Where the employer is charged with an offence against this Part or the regulations, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the magistrate 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 that he used due diligence to enforce the execution of this Part and the regulations, 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 is exempt from any penalty or punishment. R.S.O. 1950, c. 126, s. 77, amended.

63. Where it appears to the satisfaction of an inspector that an employer used all due diligence to enforce the execution of this Part and the regulations, and also by what person an offence against this Part or the regulations 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 is exempt from any penalty or punishment. R.S.O. 1950, c. 126, s. 78.

64. A person is not 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. 1950, c. 126, s. 79.

65.—(1) It is sufficient to allege that a factory, shop, bakeshop, restaurant or office building is a factory, shop, bakeshop, restaurant or office building within the meaning of this Part.

(2) It is sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1950, c. 126, s. 80 (3, 4).

66. 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. 1950, c. 126, s. 81.

**77.** In all cases between employer and employed or their representatives where liability for damages arises by reason of a contravention of this Part or the regulations, the liability is subject to the limitations contained in *The Workmen’s Compensation Act*. R.S.O. 1950, c. 126, s. 82, amended.

**PART II**

**MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS**

**78.**—(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 part 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.

(2) Nothing in this section or in a by-law passed under it renders 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.

(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 in the municipality shall be closed and remain closed on each or any day of the week at and during any time or hours between 6 o’clock in the afternoon of any day and 5 o’clock in the forenoon of the next following day.

(4) 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 a class of shops situate in the municipality and the council is satisfied that the application is signed by not less than three-quarters in number of the occupiers of shops in the municipality belonging to the class to which the application relates, the council shall, within one month after the presentation of the application, pass a by-law giving effect thereto and requiring all shops in the munici-
Compulsory closing of shops for weekly half-holiday

(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 a class of shops situate in the municipality and the council is satisfied that the application is signed by not less than three-quarters in number of the occupiers of shops in the municipality belonging to the class to which the application relates, the council shall, within one month after the presentation of the application, pass a by-law giving effect thereto and requiring all shops in the municipality belonging to the class to which the application relates to be closed and remain closed on one particular day of the week during such time or hours between 12.30 o'clock in the afternoon and 5 o'clock in the forenoon of the next following day and during such periods of the year as are named in the application. R.S.O. 1950, c. 126, s. 83 (1-5).

Closing of shops for weekly holiday

(6) 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 a class of shops situate in the municipality and the council is satisfied that the application is signed by not less than three-quarters in number of the occupiers of shops in the municipality belonging to the class to which the application relates, the council may, within one month after the presentation of the application, pass a by-law giving effect thereto and requiring all shops in the municipality belonging to the class to which the application relates to be closed and remain closed during such periods of the year as are named in the application on one particular day of the week during the whole of such day and until such time not later than 5 o'clock in the forenoon of the next following day as the application requests. 1951, c. 23, s. 1.

Presentation of application

(7) If an application under this section is delivered to the clerk of the council, it shall be deemed to have been presented to and received by the council.

Powers of township councils

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

Regulations as to form and proof of applications

(9) 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 it and as to the classification of shops for the purposes of this section, and it is not compulsory upon the council to pass such
a by-law unless all such regulations have been duly observed.

(10) A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing, and shall before that date be published in such manner as to the council passing the a by-law unless all such regulations have been duly observed.

(11) A council shall not repeal a by-law passed under subsection 4 except as provided in subsection 12.

(12) 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 a by-law passed under subsection 4 relates, or of any class of such shops, are opposed to the continuance of the by-law, the council may repeal it, or may repeal it in so far as it affects such class, but any such repeal does not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

(13) 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.

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

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

(16) 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.

(17) Notwithstanding that the occupiers of a 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 is, nevertheless, valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with an application in that behalf made or presented to the council by the prescribed number of occupiers of such last mentioned class

(18) The onus of proving that an application in compliance with subsection 4 was not presented by the prescribed number of the occupiers of a class of shops is upon the person asserting that the application was not so presented.

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

(20) Where the occupier of a shop is charged with an offence against any such by-law, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before a magistrate at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the magistrate that he 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 is liable to the same penalty or punishment as if he were the occupier, and the occupier is exempt from any penalty or punishment.

(21) The provisions of The Municipal Act as to the penalties that may be imposed for contravention of by-laws and the recovery thereof apply to by-laws passed under this section. R.S.O. 1950, c. 126, s. 83 (6-20).

79. In addition to any matter authorized by section 78, 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 part or parts 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
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pumps and outlets be closed and remain closed at and during any time or hours between 6 o’clock in the afternoon of any day and 7 o’clock in the forenoon of the next following day and between 6 o’clock in the afternoon of Saturday and 7 o’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. R.S.O. 1950, c. 126, s. 84.

80.—(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 an ice-cream parlour, restaurant or cafe, the keeper of an hotel shall not be required,

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

(b) to comply with any by-law relating to early closing. R.S.O. 1950, c. 126, s. 85.