

The Minimum Wage Act

Chapter 186 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 186

An Act for fixing Standard Minimum Wages, Hours of Employment and Conditions of Labour for Females

Short title

1 This Act may be cited as *The Minimum Wage Act*.

1918-19, c.84, s.1; R.S.S. 1920, c.186, s.1.

Interpretation

2 In this Act, unless the context otherwise requires, the expression:

“Board”

1 “**Board**” means the Minimum Wage Board hereby created;

“Employee”

2 “**Employee**” includes every female worker, employed in a shop, or factory in any city in Saskatchewan who works for hire;

“Employer”

3 “**Employer**” includes every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or the person responsible directly or indirectly for the payment of the wages of one or more female workers in a shop or factory in any city in Saskatchewan;

“Factory”

4 “**Factory**” has the same meaning as in *The Factories Act*.

“Minister”

5 “**Minister**” means the member of the Executive Council to whom for the time being is assigned the administration of this Act;

“Shop”

6 “**Shop**” means a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and includes a mail order house, an hotel, a restaurant, a refreshment room and a place where the trade or business carried on is that of a tobacconist or newsagent and sale by retail includes sale by auction;

“Wage” or “wages”

7 “**Wage**” or “**wages**” means any compensation for the labour of an employee.

1918-19, c.84, s.2; 1919-20, c.78, s.2; R.S.S.
1920, c.186, s.2.

Board created

3(1) There shall continue to be a board, called the “Minimum Wage Board,” to be appointed by the Lieutenant Governor in Council and consisting of five persons, two of whom shall be females.

(2) The members of the board shall hold office during pleasure and shall be paid such compensation for their services and expenses as may be determined by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may appoint such clerical and other assistants as may be necessary to carry out the provisions of this Act.

1918-19, c.84, s.3; R.S.S. 1920, c.186, s.3.

Powers

4(1) The board shall have authority:

(a) to ascertain and declare what wages are adequate to furnish the necessary cost of living to employees; and, subject to the provisions of *The Factories Act*, what are reasonable hours and proper sanitary conditions and requirements for those employed in any occupation to which this Act applies.

(b) to establish standards of minimum wages, of hours of employment and, subject to the provisions of *The Factories Act*, of sanitary conditions and requirements for such employees, to determine what number or proportion of the employees in a shop or factory may be apprentices, and for the purposes of this section to make all necessary orders.

(2) Orders made under this section shall be published in two successive issues of *The Saskatchewan Gazette* and shall become effective on the expiration of thirty days from the date of the first publication.

1918-19, c.84, s.4; 1919-20, c.78, s.3; R.S.S.
1920, c.186, s.4.

Investigations

5(1) The board may make all necessary inquiries and investigations respecting matters and things appertaining to or in any way connected with the subject matter of this Act and shall for this purpose have all such powers, rights and privileges as are vested in the Court of King’s Bench in civil cases, in respect of the following matters:

(a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;

(b) compelling the production of such documents and things as are necessary to effectually prosecute an inquiry or investigation;

(c) punishing persons guilty of contempt.

(2) A summons signed by one or more of the members of the board shall be of the same force and effect as a subpoena in a civil action for compelling the attendance of witnesses and the production of documents.

1918-19, c.84, s.5; R.S.S. 1920, c.186, s.5.

Warrant to compel appearance

6 If any reasonable person served with a summons fails without reasonable excuse to appear according to the tenor thereof, the board or a majority of the members may issue a warrant to bring such person at a time and place to be therein mentioned before the board to give evidence or produce documents, and such warrant shall be obeyed by all constables and peace officers into whose hands it may come.

1918-19, c.84, s.6; R.S.S. 1920, c.186, s.6.

Bureau of Labour

7 The Bureau of Labour and Industries shall, from time to time, when requested so to do, obtain and transmit to the board such data and statistics with regard to the matters with respect to which the board is empowered to deal, as the bureau is able to procure. The board may also obtain from any source such further or other information as it deems necessary.

1918-19, c.84, s.7; R.S.S. 1920, c.186, s.7.

Register of employees

8 Every employer shall keep a register of the names and addresses, the working hours and the actual earnings of all his employees, and shall on request permit any member or representative of the board to inspect and examine the same.

1918-19 c.84, s.8; 1919-20, c.78, s.4; R.S.S. 1920, c.186, s.8.

Special licenses

9 The Bureau of Labour and Industries may, under the direction of the board, issue to a physically defective employee or to a female learner or apprentice a special license authorising the employment of the licensee under such regulations as may be made under this Act.

1918-19, c.84, s.9; R.S.S. 1920, c.186, s.9.

Suit for minimum wage

10 If an employee is paid by her employer less than the minimum wage to which she is entitled, she may recover in a civil action the full amount of such wage less any amount actually paid to her by the employer, with such costs as may be allowed by the court, and no agreement made by an employee to work for less than the fixed minimum wage shall avail as a defence to such action.

1918-19, c.84, s.10; R.S.S. 1920, c.186, s.10.

Discrimination

11 No employer shall discharge or threaten to discharge or in any other manner discriminate against an employee because such employee has testified or is about to testify in an investigation or proceedings relative to the enforcement of this Act.

1918-19, c.84, s.11; R.S.S. 1920, c.186, s.11.

Penalties

12 An employer who violates the provisions of this Act or of any order or regulation of the board, shall be guilty of an offence and liable upon summary conviction before a police magistrate to a fine of not less than \$10 nor more than \$100, and in default of payment to imprisonment for not less than ten days nor more than three months.

1918-19, c.84, s.12; R.S.S. 1920, c.186, s.12.

Observance of Act

13 The Bureau of Labour and Industries shall from time to time ascertain and determine whether employers are obeying the provisions of this Act and of any order made by the board.

1918-19, c.84, s.13; R.S.S. 1920, c.186, s.13.

Extension of Act

14 This Act shall apply to the cities of Saskatchewan, but the board may at its discretion make an order extending its provisions to any portion of the province not contained within a city, and thereupon the Act shall apply to the prescribed area in all respects as if it were part of a city.

1918-19, c.84, s.14; R.S.S. 1920, c.186, s.14.

Rules and regulations

15(1) The board may make regulations for carrying into effect the provisions of this Act, and such regulations when published as hereinafter mentioned, shall have the same force and effect as if incorporated herein.

(2) Regulations shall be published in two successive issues of *The Saskatchewan Gazette* and shall name a date subsequent to the second publication upon which they shall come into force.

1918-19, c.84, s.15; R.S.S. 1920, c.186, s.15.

Lieutenant Governor authorises expenditure

16 The Lieutenant Governor in Council may from time to time authorise the expenditure of such of the moneys appropriated by the Legislature for the purposes of the Bureau of Labour and Industries as may be required for the administration of this Act.

1918-19, c.84, s.16; R.S.S. 1920, c.186, s.16.

Act to prevail

17 In case of conflict between this Act or any order made hereunder, and any other Act or any order or regulation made thereunder, the provisions of this Act and of the orders made hereunder, shall supersede and repeal the conflicting provisions.

1918-19, c.84, s.17; R.S.S. 1920, c.186, s.17.