

UNEDITED

The Industrial Standards Act

being

Chapter 258 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

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 258

An Act respecting Industrial Standards

Short title

1 This Act may be cited as *The Industrial Standards Act*.

R.S.S. 1953, c.258, s.1.

Interpretation

2 In this Act:

“employee”

1 “**employee**” means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer and includes a person who is an employee pursuant to section 13;

“employer”

2 “**employer**” means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who either:

(a) has control or direction of one or more employees; or

(b) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

and also includes a person who is an employer pursuant to section 13;

“industry”

3 “**industry**” includes any business, calling, trade, under- taking and work of any nature whatever and any branch and any combination thereof, except the mining and agricultural industries;

“minister”

4 “**minister**” means the Minister of Labour;

“officer”

5 “**officer**” means an industrial standards officer appointed under the authority of this Act;

“wages”

6 “**wages**” includes any form of remuneration for labour performed and, without restricting the generality of the foregoing, includes payment at an hourly, daily, weekly or monthly rate or on a production basis at a piece work or unit price rate.

R.S.S. 1940, c.305, s.2; 1944, c.89, s.2; 1944
(2nd. Sess.) c.62, s.2; 1948, c.108, s.2; R.S.S.
1953, c.258, s.2.

PART I

ADMINISTRATION OF ACT

Appointment of officers

3 The Lieutenant Governor in Council may appoint one or more persons as industrial standards officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules.

R.S.S. 1940, c.305, s.3; R.S.S. 1953, c.258, s.3.

Powers and duties of officers

4 Every officer shall have such powers and perform of officers such duties as may be prescribed by this Act and the regulations and shall have authority to conduct inquiries and investigations respecting all matters within the scope of this Act and the regulations and shall, for such purposes, have all the powers of a commissioner appointed under *The Public Inquiries Act*.

R.S.S. 1940, c.305, s.4; R.S.S. 1953, c.258, s.4.

Power of minister to define zones

5(1) The minister may designate the whole of Saskatchewan, or any part or parts thereof, as a zone or zones for any industry for the purpose of carrying out the provisions of this Act and the regulations.

(2) Any area so designated as a zone may be enlarged or reduced or divided into separate zones by the representatives of employers and employees in any conference held as hereinafter provided and, upon the approval of the minister, the area as enlarged, reduced or divided, shall be deemed to be the designated zone or zones for the industry affected.

R.S.S. 1940, c.305, s.5; R.S.S. 1953, c.258, s.5.

Powers of commissioner

6(1) The minister shall have jurisdiction and authority:

- (a) to administer and enforce this Act and the regulations and schedules from time to time in force under this Act;
- (b) with the concurrence of the proper advisory board and the approval of the Lieutenant Governor in Council, to make an order amending the provisions of any schedule.

(2) Every order made pursuant to clause (b) of subsection (1) shall be published in *The Saskatchewan Gazette* and shall be effective on the tenth day after the date of such publication unless the order otherwise provides.

R.S.S. 1940, c.305, s.6; 1944, c.89, s.3; R.S.S. 1953, c.258, s.6.

PART II

SCHEDULES

Power of officer to convene conferences

7(1) The minister may, upon the petition of representatives of employers or employees in any industry within a designated zone or zones, authorize an officer to convene a conference of the employers and employees in such industry for the purpose of investigating and considering the conditions of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in section 8.

(2) An officer who is authorized under subsection (1) to convene a conference shall cause a notice of the conference to be inserted in at least two issues of a newspaper published or circulating in such zone or zones.

- (3) The notice shall be published at least two weeks before the date fixed for the conference.

R.S.S. 1940, c.305, s.7; R.S.S. 1953, c.258, s.7.

Report by conference to minister

8 The conference may submit to the minister in writing to minister a schedule of wages and hours and days of labour for the industry affected and such schedule may:

- (a) establish the maximum number of hours comprising the regular working day and prescribe the hours of the day during which work may be performed;
- (b) establish the maximum number of hours comprising the regular working week;
- (c) establish the minimum rates of wages;
- (d) establish the particular days in the week for the performance of labour in the industry;
- (e) establish the rates of wages and the periods for, and the conditions governing, overtime work;
- (f) classify the employees and separately provide for each classification with respect to any of the matters which may be dealt with in such schedule;
- (g) define any term used in the schedule;
- (h) fix the minimum charge which may be paid, accepted or contracted for with respect to the labour content of any service, work, operation or art and, with the approval of the minister fix the minimum charge which an employer or employee may contract for or accept for any service, work, operation or art;
- (i) prohibit overtime work without a permit and authorize the advisory board to issue overtime permits subject to the terms and conditions of the schedule;
- (j) establish what number or proportion of the employees of an employer affected by the schedule may be apprentices, learners or inexperienced employees or part time employees.

R.S.S. 1940, c.305, s.8; 1944, c.89, s.4; R.S.S. 1953, c.258, s.9.

Approval of schedule of wages, hours and days of labour

9(1) If the minister is satisfied that the schedule of wages and hours and days of labour submitted by the conference is agreed to by a majority of the employees affected and by one or more employers representing a major part of the volume of business in the industry affected, he may approve the schedule and upon his recommendation the Lieutenant Governor in Council may declare the schedule to be in force during pleasure, or for the period stipulated in the schedule, within such designated zone or zones as may be prescribed, and to be binding upon the employers and employees in the industry referred to in the schedule.

- (2) The schedule shall also apply to and be binding upon:

- (a) a person who, though not engaged in the industry referred to in the schedule, is directly or indirectly responsible for payment of wages:

(i) to an employee to whom the schedule applies for work performed or to be performed by such employee which is ordinarily done by employees in the industry referred to in the schedule; or

(ii) to any other person for work performed or to be performed by such person which is ordinarily done by employees in the industry referred to in the schedule;

(b) a person who performs, for wages, work ordinarily done by employees in the industry referred to in the schedule, whether or not such person is an employee in that industry and whether or not such work is performed for an employer to whom the schedule applies;

except where the work is performed or to be performed in or on premises occupied as a private dwelling by the person responsible for payment of the wages, or in or on any premises owned or occupied by the person for whom the work is performed or to be performed if the person by whom the work is performed or to be performed is otherwise in the regular employ of such owner or occupant and if the work consists of such minor repairs as are specified for the purpose of this provision by regulation made under section 15.

R.S.S. 1940, c.305, s.9; 1947, c.101, s.2; R.S.S. 1953, c.258, s.9.

Publication of schedules

10 The order in council and schedule shall be published in the *Gazette* and the schedule shall become effective on the tenth day after the date of such publication unless the order in council otherwise provides.

R.S.S. 1940, c.305, s.10; R.S.S. 1953, c.258, s.10.

Formulation of subsequent schedules

11 An officer may, with the approval of the minister, convene a new conference of employers and employees in any industry affected by a schedule, for the purpose of investigating or considering the conditions of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in section 8 and the provisions of sections 8, 9 and 10 shall apply *mutatis mutandis* to such negotiations and to any schedule which may be approved by the minister as a result of the conference.

R.S.S. 1940, c.305, s.11; R.S.S. 1953, c.258, s.11.

Posting of schedules

12 Every employer affected by a schedule shall cause a copy thereof to be posted in a conspicuous place where his employees are engaged in their duties so that the same may be readily seen and read by all employees, and shall cause the schedule to be kept so posted so long as it remains in force.

R.S.S. 1940, c.305, s.12; R.S.S. 1953, c.258, s.12.

PART III

MISCELLANEOUS

One man operators and partners

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

R.S.S. 1940, c.305, s.13; R.S.S. 1953, c.258, s.13.

Records of employer and inspection thereof

14 Every employer affected by a schedule shall:

- (a) keep in his principal place of business in the province a true and correct record of the wages paid to and the hours worked each day by each of his employees;
- (b) on demand of the minister, or any officer authorized in writing by him, produce for inspection such registers, payrolls, financial statements, attendance records, time records, contracts of employment and other records as are designated by the minister.

R.S.S. 1940, c.305, s.14; 1944, c.89, s.5; R.S.S. 1953, c.258, s.14.

Regulations

15(1) The Lieutenant Governor in Council may make such regulations not inconsistent with this Act as he may deem necessary for carrying out its provisions and for the efficient administration thereof.

(2) The regulations shall be published in the *Gazette*, and upon being so published shall have the same force and effect as if enacted by this Act.

R.S.S. 1940, c.305, s.15; R.S.S. 1953, c.258, s.15.

Advisory Board

16(1) For every zone or group of zones to which any schedule applies the minister may establish an advisory board of five members, two of whom shall be nominated by the employers and two by the employees and the other member, who shall be chairman, shall be appointed by the minister.

(2) The board may hear complaints of employers and employees to whom the schedule applies and may generally assist in carrying out the provisions of this Act and the regulations and the schedules which apply to such zone or zones, and shall have jurisdiction and authority to do anything which it is authorized to do by the provisions of any such schedule.

(3) An employer or employee aggrieved by a decision of an advisory board may appeal therefrom to the Deputy Minister of Labour, who shall have jurisdiction to hear and determine the appeal, and his decision shall be final.

R.S.S. 1940, c.305, s.16; 1944 (2nd. Sess.) c.62, s.3; R.S.S. 1953, c.258, s.16.

Violation of schedule

17(1) An employer who contravenes any of the provisions of a schedule applicable to him is guilty of an offence and liable on summary conviction, in case of a first offence, to a fine of not less than \$25 nor more than \$100, and in default of payment to imprisonment for a term not exceeding two months, and, in case of a subsequent offence, to a fine of not less than \$50 nor more than \$500, and in default of payment to imprisonment for a term not exceeding six months.

(2) If on a prosecution under this section the magistrate finds any amount of wages unpaid, he shall order the employer to pay, as an additional penalty, to the employees the full amount of the wages found to be unpaid, or if the magistrate finds that an employee has, by his conduct, induced or in any way participated in the offence, he may order that such unpaid wages be paid to the minister for the use of the province. For the purpose of subsection (1) and this subsection "employer" includes a person upon whom a schedule is binding under clause (a) of subsection (2) of section 9.

(3) An employee who contravenes the provisions of any schedule applicable to him is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$25 and in default of payment to imprisonment for a term not exceeding ten days, and for the purpose of this subsection "employee" includes a person upon whom a schedule is binding under clause (b) of subsection (2) of section 9.

R.S.S. 1940, c.305, s.17; R.S.S. 1953, c.258, s.17.

General penalty

18 Every person who violates any of the provisions of this Act or the regulations for which violation no penalty is herein specifically provided, is guilty of an offence and liable on summary conviction to a fine of not less than \$1 nor more than \$100 and in default of payment to imprisonment for a term not exceeding thirty days.

R.S.S. 1940, c.305, s.18; R.S.S. 1953, c.258, s.18.

Schedule superseded by more favourable provisions in other Acts, orders or regulations

19 Any provision regarding wage rates, hours of labour or other working conditions contained in a schedule which is less favourable to any employee or employees than a provision applicable to such employee or employees contained in *The Minimum Wage Act* or any order or regulation made thereunder or in any other Act, order or regulation shall be superseded by such Act, order or regulation in so far as such employee or employees are concerned.

1947, c.101, s.3; R.S.S. 1953, c.258, s.19.

Non-application of Act

20 This Act does not extend to persons employed by the Government of Saskatchewan or by a department thereof or by a board or commission created by any Act of the Legislature, or by a municipal corporation.

R.S.S. 1940, c.305, s.20; R.S.S. 1953, c.258, s.20.

Returns to Legislature

21 A copy of all schedules approved and regulations made under the authority of this Act shall be laid before the Legislative Assembly within the first fifteen days of the then next ensuing session thereof.

R.S.S. 1940, c.305, s.21; R.S.S. 1953, c.258, s.21.