



CHAPTER 62

An Act to amend the Fair Wage Act

[Assented to, the 28th of April, 1939]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Fair Wage Act (1 George VI, chapter 50) is replaced by the following: 1 Geo. VI, c. 50, s. 2, replaced.

"2. This act shall apply to every employee whether Application. working at his employer's place, at home, or elsewhere in the Province, except:

a. employees who are or will be governed by decree or collective labour agreement, in accordance with section 35 hereinafter;

b. agriculturists, settlers, farmhands and any employee working in the cultivation of the soil;

c. domestic servants in private houses;

d. employees contemplated under the Act to assure reasonable wages for workmen engaged in forest operations (1 George VI, chapter 30)."

2. Section 6 of the said act is amended by adding thereto 1 Geo. VI, c. 50, s. 6, am. the following paragraphs:

"A written decision, signed by all the functioning Value of certain written decision. members of the Board, shall have the same value as a resolution adopted at a regular sitting.

The Board shall cause to be drawn up, after each meeting, Drawing up of minutes. minutes containing the decisions taken at such meeting

as well as the decisions adopted in conformity with the preceding paragraph; such minutes, approved by the president, shall be authentic; copies or extracts certified by a member, by the secretary, by the assistant-secretary, or by any other person specially authorized by the Board, shall likewise be authentic."

1 Geo. VI,
c. 50, s. 9,
replaced.
Powers of
Board.

3. Section 9 of the said act is replaced by the following:

"**9.** The Board may, upon such conditions as it may determine,—

a. upon application, either of the employees or of the employers, or, in the cases wherein it is shown to the Board's satisfaction that an association of employees cannot agree, by conferences or otherwise, with an association of employers or with one or more individually contracting employers for the adoption of a collective labour agreement under the Collective Labour Agreements' Act—, act as conciliatory agent, organize conciliation committees, and appoint clerks thereof;

b. in addition, by ordinance, following upon a report of a conciliation committee, or of its own initiative, or when a conciliation committee has not made a report within a delay deemed reasonable by the Board, and even in the cases where a conciliation committee has not been appointed—, determine, for the periods of time fixed by it, for the territories it may designate and for any category of employees it may indicate, fair wages and working hours and other fair working conditions;

c. make all investigations authorized by the Lieutenant-Governor in Council and submit to him its conclusions and suggestions respecting the work of minors under eighteen years of age."

1 Geo. VI,
c. 50, s. 12,
replaced.
Altering, etc.,
of ordinance.

4. Section 12 of the said act is replaced by the following:

"**12.** The Board may cancel or alter its ordinances when it deems it to be in the interest of the trade, industry, commerce, profession or occupation concerned.

When altera-
tion, etc., to
take effect.

Such cancellation or alteration, if approved by the Lieutenant-Governor in Council, shall take effect counting from the twenty-first day after its publication in the *Quebec Official Gazette* or upon any other date fixed by the Lieutenant-Governor in Council.

The Board may also, by resolution,

Suspending of
ordinance.

a. suspend, for periods not exceeding three months at a time, the total or partial application of its ordinances, as

regards certain groups or classes of employers and employees, upon such conditions as it may deem expedient to determine;

b. issue rules of interpretation of the various provisions of its ordinances and decisions; such rules, issued or to be issued, shall have the same effect as a clause of the said ordinances and, saving provisions to the contrary, shall have retroactive effect to the date of the coming into force of the ordinance they interpret, without prejudice to pending suits as to costs.

All rules of interpretation, resolutions or decisions, issued by the Board, shall remain in force, saving provisions to the contrary, until they shall have been suspended, changed or revoked by the Board or by the Lieutenant-Governor in Council. Those adopted in virtue of this section shall be published in the *Quebec Official Gazette*."

5. Section 13 of the said act is amended by adding thereto, after the word: "Board", in the fifth line thereof, the words: "who may admit any other persons to the deliberations of the committee".

6. Section 14 of the said act is amended by replacing the word: "must", in the first line thereof, by the word: "may".

7. Section 16 of the said act is replaced by the following:

16. It shall be unlawful to stipulate, in any labour agreement, other than the collective labour agreements defined in section 35, a lower wage than that fixed by an ordinance or working conditions contrary to those enacted therein. The employee shall, notwithstanding any such agreement, and without it being necessary to apply for the nullification thereof, have a recourse for the full amount of his wages or salary as fixed by the ordinance which governs him."

8. Section 20 of the said act is amended:

a. By inserting therein, after the word: "employ", in the third line of sub-paragraph *c* thereof, the words: "whether or not governed by this act";

b. By inserting therein, after the word: "examined", in the second line of sub-paragraph *d* thereof, the words: "and to take extracts or copies therefrom";

c. By adding thereto the following paragraph:

Exercise of powers.

“The powers mentioned in sub-paragraphs *h*, *i* and *j* hereinabove may also be exercised by resolution.”

1 Geo. VI, c. 50, s. 21, am.

9. Section 21 of the said act is amended by adding thereto the following paragraph:

Period for making investigations.

“Such investigations may be made between six o’clock in the evening and eight o’clock in the forenoon in any establishment operating during such hours or part thereof; the same shall apply to the powers of inspectors and other persons contemplated in the preceding section.”

1 Geo. VI, c. 50, s. 22, am.

10. Section 22 of the said act is amended:

a. By inserting therein, after the word: “action”, in the last paragraph thereof, the words: “, individual or collective,”;

b. By adding thereto the following paragraph:

Extending of prescription delay.

“The Lieutenant-Governor in Council may extend up to one year, counting from the coming into force of the ordinance, the prescription delay contemplated by this section, for recourses arising from any ordinance issued prior to the 1st of March, 1939.”

1 Geo. VI, c. 50, s. 24, am.

11. Section 24 of the said act is amended by replacing the word: “; or”, in the fifth line of sub-paragraph *a* thereof, by the words: “, or due to his taking part in a conciliation committee; or”.

Id., s. 25, am.

12. Section 25 of the said act is amended by inserting therein, after the word: “pay-list”, in the fourth line thereof, the words: “or to allow the taking of copies or extracts therefrom”.

Id., s. 28, am.

13. Section 28 of the said act is amended by adding thereto the following paragraph:

Restriction.

“This section shall not, however, apply to a settlement of accounts between employer and employee which is approved by the Board.”

1 Geo. VI, c. 50, s. 29, am.

14. Section 29 of the said act is amended:

a. By replacing the words: “not exceeding ten dollars”, in the fourth and fifth lines thereof, by the words: “of not less than twenty-five dollars for a first offence and of one hundred dollars for any subsequent offence,”;

b. By inserting therein, after the word: “days”, in the seventh line thereof, the words: “and not less than one month nor more than six months in the case of a subsequent offence”.

15. The said act is amended by adding thereto, after section 29 thereof, the following: 1 Geo. VI. c. 50, s. 29a, added.

“**29a.** Whosoever makes a false declaration to an employee of the Board or makes a false representation commits an unlawful act and shall be liable to a fine not exceeding twenty-five dollars and costs, and, in default of payment of the fine and costs, to an imprisonment not exceeding fifteen days.” Offence and penalty.

16. Section 35 of the said act is replaced by the following: 1 Geo. VI, c. 50, s. 35, replaced

“**35.** This act shall not affect the collective labour agreements contemplated by the Collective Labour Agreements’ Act (1 George VI, chapter 49, as amended by the act 2 George VI, chapter 52); nor shall it affect the collective labour agreements contemplated by the Professional Syndicates’ Act (Revised Statutes, 1925, chapter 255), unless the Board, by resolution approved by the Minister, shall have declared the conditions thereof less favourable for the employees than those contemplated by the ordinances.” Provisions safeguarded.

17. This act shall come into force on the day of its sanction. Coming into force.

