



CHAPTER 52

An Act to amend the Act respecting workmen's wages

[Assented to, the 18th of March, 1938]

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

1. The title of the act 1 George VI, chapter 49, is re-^{1 Geo. VI,} placed by the following: "Collective Labour Agreements"^{49, title re-} placed.
Act".

2. Section 5 of the said act is amended by replacing the ^{Id., s. 5, am.} words: "The Minister shall give notice of the receipt of the petition", in the first and second lines of the first paragraph thereof, by the words: "Upon the receipt of the petition, the Minister shall give notice thereof".

3. Section 7 of the said act is amended by adding the-^{Id., s. 7, am.} reto the following paragraphs:

"The Lieutenant-Governor in Council may, however, ^{Giving of} give the collective agreement and the decree contemplated ^{retroactive} by section 2 ^{effect.} retroactive effect not exceeding four months from the date of the agreement.

Every collective agreement entered into and every de-^{Application.} cree made since the 1st of December, 1937, shall be subject to the application of the provisions of the preceding paragraph."

4. Section 8 of the said act is replaced by the follow-^{1 Geo. VI, c.} ing: ^{49, s. 8, re-} placed.

"**8.** The Lieutenant-Governor in Council may, at any ^{Revoking,} time, amend or revoke the decree. ^{etc., of decree.}

Notice there-
of.

Notice of such amendment or of such revocation shall be published in the *Quebec Official Gazette*.

Coming into
force thereof.

The amendment or revocation shall take effect on the date of the publication of such notice or on any other date fixed by the Lieutenant-Governor in Council."

1 Geo. VI,
c. 49, s. 11a,
added.

5. The said act is amended by adding thereto, after section 11 thereof, the following section:

Application
restricted.

"**11a.** No decree shall apply nor has any decree hitherto applied:

a. to the Government of this Province or to its departments or services, unless such decree contain an express stipulation to the contrary;

b. to the case of work done by a third party for the Government of the Province or one of its departments or services, under a contract providing for a scale of minimum wages."

1 Geo. VI, c.
49, s. 39,
replaced.

6. Section 39 of the said act is replaced by the following:

Offence and
penalty.

"**39.** Whosoever,—

1. prevents or attempts to prevent, directly or indirectly, by threats or otherwise, an employee from becoming a member of an association; or

2. makes an attempt upon the freedom of labour of an employee, by dismissing him, causing him to be dismissed, trying to have him dismissed, or preventing or trying to prevent him from obtaining work,—

a. because he is a member of an association, or

b. because he is not a member of any association, or

c. because he is not a member of a particular association—

commits an unlawful act and shall be liable to a fine not exceeding twenty-five dollars and costs for the first offence, and, upon failure to pay the fine, to an imprisonment of fifteen days and, upon failure to pay the costs, to an additional imprisonment of eight days; for the second offence, to a fine of not less than twenty-five dollars nor more than seventy-five dollars and costs and, upon failure to pay the fine, to an imprisonment of not less than one month and, upon failure to pay the costs, to an additional imprisonment of fifteen days; and, for any subsequent offence, to a fine of one hundred dollars and costs and, upon failure to pay the fine, to an imprisonment of two months and, upon failure to pay the costs, to an additional imprisonment of one month.

The suit shall be brought by the Minister, by the committee, or by any person having a written authorization from the Attorney-General.”

Bringing of suits.

7. Section 53 of the said act is amended by replacing the second paragraph thereof by the following:

1 Geo. VI, c. 49, s. 53, am.

“This repeal shall not affect and has never affected the decrees, regulations and proceedings adopted by virtue of the acts repealed by this section and such decrees, regulations and proceedings have always had and shall, until the expiration of the term for which they were adopted, have the effect of decrees, regulations and proceedings adopted under this act; nor does this repeal affect nor has it ever affected the existence of the joint-committees constituted under the said acts; such committees have always had and shall have the rights, powers and privileges of joint-committees constituted under this act.”

Effect of repeal.

The decrees, regulations and proceedings contemplated by this section shall, however, be subject to the provisions of sections 8 and 11a.”

Provisions applicable.

8. This act shall not affect pending cases as to costs.

Pending cases.

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

Coming into force.

