



CHAPTER 53

An Act to amend the Fair Wage Act

[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. Section 11 of the Fair Wage Act (1 George VI, chapter 50) is amended:

1 Geo. VI,
c. 50, s. 11,
am.

a. By adding thereto, after the word: "must", in the second line thereof the words: " , in order to come into force,";

b. By adding thereto the following paragraphs:

"The Lieutenant-Governor in Council in approving an ordinance may give it a retroactive effect not exceeding four months from the date of such ordinance.

Retroacti-
vity of ordi-
nance.

He may also at any time after the approval of an ordinance amend or revoke it.

Amending,
etc., of same.

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

Notice there-
of.

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.

When amend-
ment, etc., to
take effect.

The ordinances of the Board issued since the first of December, 1937, shall be subject to the application of the provisions of the second, third, fourth and fifth paragraphs of this section."

Provisions
applicable.

2. The said act is amended by adding thereto, after section 15 thereof, the following section:

1 Geo. VI,
c. 50, s. 15a,
added.

"**15a.** No ordinance shall apply, nor has any ordinance applied previously:

Restriction.

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

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

1 Geo. VI,
c. 50, s. 23,
replaced.

Offence and
penalty.

3. Section 23 of the said act is replaced by the following:

"**23.** 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.

Bringing
of suits.

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

Pending
cases.

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

Coming into
force.

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