

CAP. XXX.

An Act respecting Industrial Establishments.

[Assented to 8th January, 1894.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Section re-
placed.

1. Section fourth of chapter second of title seventh of the Revised Statutes, as amended by the acts 52 Victoria, chapter 32, 53 Victoria, chapter 38, 54 Victoria, chapter 26, and 56 Victoria, chapter 28, is replaced by the following:

SECTION IV.

SAFETY OF PERSONS EMPLOYED IN AND SANITARY CONDITION OF INDUSTRIAL ESTABLISHMENTS.

§ 1.—*Declaratory and interpretative provisions.*

Name of sec-
tion.

Interpretation
of certain
words:

"Domestic
workshop;"

"Employer;"

"Industrial
establish-
ment;"
"Establish-
ment."

"Inspectors;"

"Sanitary
physicians;"

"3019. This section may be known and designated as the "Quebec Industrial Establishments' Act", and, unless the context distinctly expresses or clearly implies the contrary, the following words, terms and expressions have, for the purposes of this act, the meaning specially given to them, to wit:

1. The words "domestic workshop" mean every establishment in which only the members of the family are employed, either under the authority of the father or mother, or of the tutor or guardian, provided such establishment be not classed as dangerous, unhealthy, or inconvenient, or that the work be not done by a steam-boiler or other motor";

2. The word "employer" means any person who, in his own behalf, or as manager, superintendent, overseer or agent for any person, firm, company, or corporation, has charge of any industrial establishment and employs persons therein;

3. The words "industrial establishment" or merely "establishment," mean manufactories, works, workshops, work-yards, mills of all kinds and their dependencies;

No part of such industrial establishment used as a dwelling shall be deemed to form part of the establishment governed by this paragraph.

No premises or place shall be excluded from the definition of an industrial establishment by reason only that such place or premises is or are in the open air;

4. The words "inspectors," "sanitary physicians," mean the inspectors and sanitary physicians appointed by the Lieutenant-Governor in Council, under the authority of this act, for enforcing the provisions thereof;

5. The word "week," unless otherwise defined in this "Week;" act, means the period between midnight on Sunday night and the same time on the following Saturday night;

6. The words "Commissioner of Public Works" or "Assistant-Commissioner of Public Works," or merely "Commissioner" or "Assistant-Commissioner" mean the Commissioner or Assistant-Commissioner of Public Works of the Province of Quebec; er of Public Works;" "Assistant-Commissioner."

7. The word "child" means a boy under fourteen years of age; "Child;"

8. The words: "young girl" mean a girl over fourteen and under eighteen years of age; "Young girl;"

9. The word: "woman" means a woman of eighteen years and upwards. "Woman."

§ 2.—Application of the act.

"3020. With the exception of mines, which are governed by the Quebec Mining Act, and to which this act applies only when the same is formally enacted herein, all manuf- Factories, &c., subject to this act. factories, works, workshops, work-yards, and mills of every kind and their dependencies, are subject to the provisions of this act.

2. Domestic workshops, in which no strange workman is employed, are excepted, unless such workshops be classified by the Lieutenant-Governor in Council as dangerous, unwholesome or inconvenient, or unless work be done therein by means of steam-boilers or other motors. Exceptions: Domestic workshops.

3. Such other premises as the Lieutenant-Governor in Council may indicate in the regulations made by him under this act are also excepted. Other premises.

§ 3.—Safety of employees in factories and sanitary condition of such establishments.

I. GENERAL PROVISIONS.

"3021. The industrial establishments mentioned in the preceding article must be built and kept in such manner as to secure the safety of all employed in them; and, in those which contain mechanical apparatus, the machinery, mechanism, gearing, tools and engines shall be so placed and kept as to afford every possible security for the employees. Method of building and keeping industrial establishments.

2. They must also be kept in the cleanest possible manner; be sufficiently lighted and have a sufficient quantity of air for the number of persons employed; be provided with effective means for expelling the dust produced during the course of the work, and also the gases and vapours which escape and the refuse which results from it; in a word, fulfil all sanitary conditions necessary for the health of the persons employed, as required by and in conformity with Idem.

the regulations made by the Board of Health of the Province of Quebec, with the approval of the Lieutenant-Governor in Council.

II. SPECIAL PROVISIONS.

Regulations
by Lieuten-
ant-Governor.

" 3022. Regulations may be made by the Lieutenant-Governor in Council to determine the special prescriptions necessary for the safety of employees in industrial establishments.

Their modifi-
cation and
application.

Such regulations may be modified and may be applied, either in whole or in part, to all industries or certain methods of working.

§ 4.—*Employment of children, girls or women and duration of such employment.*

I. AGE OF ADMISSION.

Age of em-
ployees in
dangerous es-
tablishments.

" 3023. In establishments classified by the Lieutenant-Governor in Council as dangerous, unwholesome or inconvenient, the age of the employees shall not be under sixteen years for boys and eighteen years for girls or women.

In other estab-
lishments.

2. In all establishments other than those indicated in the preceding paragraph, the age of the employees shall not be less than twelve years for boys and fourteen years for girls.

Certificate of
age.

3. The employer of the child or young girl shall, if required, exhibit to the inspector a certificate of age signed by the parents, tutor or other persons having the lawful custody or control over such child or young girl, or the written opinion of a physician on the subject.

New exami-
nation may be
made.

" 3024. A new examination of the children or girls, already allowed to work in a factory, may, at the request of the inspector, be made, by one of the sanitary physicians, or by any other physician, and upon the advice of such physician, the employee examined may be discharged for being under age or physically unfit.

II. DURATION OF EMPLOYMENT.

Hours of
work in cer-
tain cases.

" 3025. Except in the case mentioned in article 3026, no boy, under eighteen years of age, and no child, girl or woman shall be employed in any of the establishments mentioned in article 3020 for more than ten hours in one day or for more than sixty hours in any one week. Any employer may apportion the hours of labor per day for the sole purpose of giving a shorter day's work on Saturday.

Time for
meals.

One hour shall be allowed at noon each day for meals, if the inspector so direct, but such hour shall not be counted as part of the time herein limited as respects their employment.

The day of ten hours mentioned in this article shall not commence before six o'clock in the morning nor end after nine o'clock at night. When work to begin and end.

“ **3026.** The inspector, for sufficient reasons given to him, and in order to make up lost time or to satisfy the exigencies of trade, may, for a period not exceeding six weeks, extend the time of employment of children, girls and women to twelve hours in a day, or seventy-two hours in a week, provided that the day shall not commence before six o'clock in the morning nor end after nine o'clock in the evening, in the following cases: Inspector may allow over-work in certain cases.

(a). When any accident, which prevents the working of any industrial establishment, happens to the motive power or machinery; or Accidents to machinery.

(b). When, from any occurrence beyond the control of the employer, the machinery or any part of the machinery of any industrial establishment cannot be regularly worked; or Interruption of regular work.

(c). When any stoppage occurs from any cause whatsoever. Stoppage of work.

§ 5.—General duties of employers.

“ **3027.** Each employer or head of any establishment mentioned in article 3020 shall comply with all the provisions concerning him and specially shall: Employer to comply with provisions and to

1. Forward to the inspector a written notice containing his name and address, the name of the factory, the place where it is situated, the nature of the work, and the nature and amount of the motive power therein; Give notice of names of employees and nature of work, &c. ;

Such notice shall be given within thirty days from the opening of a new establishment, and, in the case of existing establishments, within thirty days from the coming into force of this act. Time for giving notice.

2. Send, within forty-eight hours of the accident, a written notice to the inspector, informing him of any accident whereby any of the workmen has been killed or has suffered serious bodily injury, whereby he has been prevented from working; Give notice of accidents;

Such notice shall state the place of residence of the person injured or killed, or the place to which he has been removed, so as to enable the inspector to hold the inquiry required by law; What to contain.

3. Keep a register in which shall be entered :

(a). The names and age of the children, boys, girls or women whom he employs; Keep register of children, women, &c. ;

(b). The period of each day and week during which such children, boys, girls or women are employed, and the hour at which they commenced and finished working; Hours of labour.

Afford facilities of inspection ;

4. Afford the inspector every means necessary for facilitating the thorough inspection of the establishment and its dependencies ;

Keep posted up law and regulations ;

5. Keep hung up, in the most conspicuous places in the establishment, the notices and provisions of the law and regulations supplied to him by the inspector, and keep them entire and legible until the latter orders them to be altered or removed ;

Furnish certificate of health officer ;

6. Furnish the inspector with a certificate from a health officer that his establishment fulfils the conditions as to salubrity and hygiene required by this act and the regulations of the Board of Health of the Province of Quebec approved by the Lieutenant-Governor in Council ;

Furnish certificate of boiler inspection.

7. Furnish the inspector every year with a certificate of the inspection of the boilers and other motors in the establishment, as well as of the steam-pipes.

§ 6.—*Inspection of steam-boilers, &c.*

Boilers and motors ; their inspection, &c.

“3028. The inspection of steam-boilers and motors in the establishment and also of steam-pipes, shall be made, in accordance with the regulations made on the subject by the Lieutenant-Governor in Council, by an inspector holding a certificate from the examiners appointed by the Lieutenant-Governor in Council, with such salary as he may be pleased to fix.

Such inspection may also be made by any inspector of a lawfully incorporated accident insurance company, doing business in the Province, provided such company is interested and such inspector holds a certificate as above provided for.

Employers shall afford every facility and means for a thorough inspection.

Boilers which shall be hereafter placed, shall be made as to afford every possible security and so that their mode of construction may give all necessary means of inspecting them.

§ 7.—*Duties of owners, &c., of property on which industrial establishments are built.*

Responsibility of owners, tenants and occupants for fire-escapes, &c. ;

“3029. The owner, tenant and occupant of the property on which the industrial establishment is built are jointly and severally responsible for the construction and repair of fire-escapes, as well as for the changes made in such industrial establishment.

Approval of fire-escapes.

2. The dimensions and form of the fire-escapes, as well as the changes made to them, shall be approved by the inspector.

§ 8.—*Inspection of industrial establishments.*

I. APPOINTMENT OF INSPECTORS AND SANITARY PHYSICIANS.

"**3030.** For the purpose of carrying out this act and the regulations made under its authority, the Lieutenant-Governor in Council appoints inspectors, one of whom is chief inspector. Appointment of inspectors. Chief inspector.

The sanitary conditions of industrial establishments are under the control of the Board of Health of the Province. Board of Health to control sanitation.

One or more sanitary physicians may, on the recommendation of the Board of Health of the Province, be appointed by the Lieutenant-Governor in Council, with special authority to supervise, under the direction of the said Board of Health, the sanitary condition of the industrial establishments, as well as the execution of the sanitary regulations made by the said Board of Health. Appointment of sanitary physicians.

The remuneration of such sanitary physicians and their necessary expenses are paid out of the sums voted by the Legislature for the carrying out of this act. Out of what fund paid.

"**3031.** The Lieutenant-Governor in Council determines the salary of the inspectors and of the sanitary physicians, and defines their powers and duties which are not formally defined by this act. Salary of inspectors and sanitary physicians, &c.

"**3032.** These officers are under the general control and direction of the Commissioner of Public Works; they shall report to him every year and whenever called upon to do so, with respect to the observance of the law. Control of Commissioner of Public Works, &c.

II. DUTIES OF SUCH OFFICERS.

"**3033.** On entering into office, the said officers shall take the following oath before the Commissioner of Public Works or his assistant : Oath of office.

I swear that I will faithfully and conscientiously fulfil the duties of my office of *(as the case may be)*, and that I will not in any manner reveal the secrets of manufacture nor generally the processes followed in manufactures which may come to my knowledge in the performance of my duties. So help me God.

(Signature), A. B.,
Inspector.

Sworn before me, at ,
this day of }
 18 .

(Signature), C. D.,
Commissioner of Public Works,
or Assistant Commissioner.

III. POWERS OF OFFICERS.

Inspectors
may enter and
visit pre-
mises ;

Require pro-
duction of
documents ;

Procure
assistance of
constable ;

Cause law,
&c., to be ex-
ecuted ;

Hold in-
quiries :
Examine wit-
nesses on
oath ;

Proviso.

Cost of
inquiry.

Be present at
coroners' in-
quests and
inquiries by
fire marshals ;

Make, &c.,
suggestions.

Obstructing
inspector.

“ **3034.** The inspectors and sanitary physicians shall have power to enter at all reasonable times, by day or night, the establishments mentioned in article 3020.

2. They may require the production of the registers, certificates, notices or documents prescribed by this act and the regulations, examine the same and take copies of or extracts from them, make any suggestions and put any questions which they may consider pertinent.

3. For the purposes of the two preceding paragraphs they may get a constable to accompany them when they have reason to fear that they will be molested in the execution of their duty.

4. They have concurrent powers with the authorities charged with the execution of the law and of the regulations respecting safety and health in industrial establishments, and in mines as elsewhere.

5. The inspectors may hold inquiries whenever they deem proper, and for such purpose examine any person employed in the establishment, summon witnesses, administer the oath to them, and exercise all the powers which may be necessary to carry out the provisions of this act and of the regulations.

No person examined by the inspector shall, however, be required to answer any questions or give any evidence tending to incriminate himself.

The costs of the inquiry shall be paid by the employers, whenever it is established that they are in default, and are recoverable by action brought by the inspector before any court of competent jurisdiction.

6. They may be present at inquests held by coroners and at inquiries held by the fire commissioners of Quebec and Montreal, in cases of fire or accident in an industrial establishment, and examine the witnesses with a view of ascertaining the cause of such fire or of such accident.

7. They have the right to make any suggestions they may think advisable to the proper authorities in the interest of health and safety in industrial establishments.

“ **3035.** Every person who wilfully delays one of these officers in the exercise of the powers conferred on them by the preceding article, or who fails to comply with an order or summons received, or who conceals or attempts to conceal a child, young girl or woman to prevent any one of them from appearing and being examined, shall be deemed to obstruct the officer in the execution of his duty and be liable to the fine or imprisonment enacted in article 3039.

§ 9.—*Notices and services.*

“ **3036.** All notices required by this act to be given shall be held to be validly so given if they are received by the person for whom they are intended, or if left at his domicile or place of business within the delay fixed herein, without any reference to the mode by which such notice was conveyed. Notices how given.

2. All notices, orders, requisitions, summonses and documents required or authorized to be served for the purposes of this act may be served by delivering the same to or at the domicile of the person himself, or by leaving a true copy with a reasonable person of his family or at the establishment where the person is employed, or by leaving a true copy with one of the employees or by a prepaid letter sent through the post. Services how effected.

When such documents are required to be served on an employer, they shall be deemed to be properly addressed, if addressed to him at the establishment in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer. Services on employers.

3. The inspector shall cause to be prepared such notices of the provisions of this act and of the regulations made thereunder as he deems necessary to enable the employers and employees in any establishment to become acquainted with their responsibilities and duties. Inspector to prepare certain notices.

Such notices shall also give the name and address of the inspector. To contain his name and address.

4. The notices to be given by the employers and the registers they have to keep under article 3027 shall be made and drawn up in the form prescribed by the inspector. Form of notices by employers.

§ 10.—*Offences and penalties.*

“ **3037.** Whoever keeps an establishment, contrary to the provisions of this act and of the regulations, is liable to a fine not exceeding two hundred dollars and costs, and to an imprisonment not exceeding twelve months in default of payment. Penalty for keeping factory contrary to law.

“ **3038.** The parents, tutors or guardians of any child or young girl employed in an industrial establishment in contravention of this act, shall be guilty of an offence against this act unless such contraventions be without their consent and without connivance or negligence on their part, and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars and costs, and an imprisonment not exceeding three months in default of payment. Penalty upon parents, &c., of children, &c., employed contrary to law.

Penalty for obstructing inspector, &c.

“ **3039.** Every person obstructing the inspector or sanitary physician in the execution of his duties under the provisions of this act shall, if such obstruction be in the day time, be liable to a fine not exceeding thirty dollars and costs, and an imprisonment not exceeding three months in default of payment, and if it be in the night time, to a fine not exceeding one hundred dollars and costs, and an imprisonment not exceeding six months in default of payment.

Penalty for not having boilers, &c., inspected.

“ **3040.** Every employer who neglects to have the boilers and steam-pipes in his industrial establishment inspected according to law and to the regulations on that subject, or who opposes such inspection or does not provide the necessary means and facilities for a thorough inspection, is liable to a fine not exceeding one hundred dollars and an imprisonment not exceeding six months in default of payment.

Penalty for allowing excessive steam-pressure, &c.

“ **3041.** Every engineer or employer who shall at any time allow the pressure of steam to which the boiler is subjected to exceed the degree allowed by his certificate, or shall alter, hide or dispose of the steam-gauge so as to prevent the real pressure from being seen and established, shall incur a penalty of two hundred dollars for each contravention, and an imprisonment of six months in default of payment.

Court may order employer to comply with law, under penalty, within certain delay.

“ **3042.** If an establishment is not kept in conformity with the provisions of this act and of the regulations thereby provided for, the court, in addition to the penalties to which the employer is liable, may order such employer to comply therewith, within the time named in the order, under penalty of a fine not exceeding six dollars for each day the delay shall last after the expiration of the said period.

Enlargement of delays.

The same court may, however, upon application, and for valid reasons, enlarge the delays, either by the same or by a subsequent order.

Penalty for making false entries in register, &c.

“ **3043.** Every person who wilfully makes a false entry in any register, notice, certificate or document required by this act, or who makes or signs any false declaration, or who makes use of such false entry or declaration, knowing it to be false, shall, on conviction thereof, be liable to a fine not exceeding one hundred dollars and costs, and an imprisonment not exceeding six months in default of payment.

Penalty for not keeping register under art. 3027 and

“ **3044.** Every employer who refuses to keep a register of the persons employed in his establishment in accordance with article 3027, and to enter their hours of work therein,

is liable to a fine not exceeding thirty dollars and costs, and an imprisonment not exceeding three months in default of payment. entering hours of work.

"3045. If no penalty is prescribed for a contravention of the provisions of this act or of the regulations, rules or orders made thereunder by the Lieutenant-Governor in Council, or by the inspector, the employer who is guilty of such contravention is liable, upon summary conviction thereof, to a fine of not more than fifty dollars and costs, and to an imprisonment not exceeding three months in default of payment. Penalty for contravention, if no other penalty prescribed.

"3046. If any offence is committed against this act or the regulations, for which an employer is legally responsible, and it appears to the satisfaction of the court before whom the same is tried, that the offence has been committed without the personal consent, concurrence or knowledge of such employer, but by some other person, such court may summon such other person to answer for such offence, and such other person shall be liable to the penalty herein provided for such offence, and on due proof shall be convicted thereof, instead of the employer. Infractions committed without knowledge of proprietor.

"3047. Where it is made to appear to the satisfaction of the inspector, at the time of discovering an offence, that the employer had used all due diligence to enforce the execution of this act or of the regulations, and to ascertain by whom the offence was committed, and also that it had been committed without the knowledge, consent or connivance of the employer and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender, without first proceeding against the employer. Proceedings when proprietor has used due diligence and offence committed without his knowledge.

"3048. Where an offence, for which an employer is responsible under this act or the regulations, has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall be liable to the same fine, penalty and punishment for such offence as if he were the employer. Punishment of offence by agents, workmen, &c.

§ 11.—*Jurisdiction of certain courts and procedure.*

"3049. All prosecutions under this act are instituted by the inspector, and may be brought and heard before the judge of the sessions or the police magistrate in the cities of Montreal and Quebec, or before the district magistrate, or before any justice of the peace of the place where the offence was committed or wrong done, in any other part of By whom and before what court prosecutions are taken.

the Province, who shall have jurisdiction in such matter, whatever be the amount of the penalty claimed.

Proceedings
in prosecu-
tions.

“ **3050.** Save were otherwise provided by this act, the procedure to be followed is that prescribed by the Criminal Code, 1892, for summary convictions.

Limitation of
prosecutions.

“ **3051.** No fine or imprisonment shall be imposed under this act, unless proceedings are commenced against the offender within three months after the offence has come to the knowledge of the inspector.

§ 12.—*Application of penalties.*

Application of
fines.

“ **3052.** All fines imposed under this act shall be collected by the inspector and paid to the Provincial Treasurer for the uses of the Province.

§ 13.—*Regulations.*

Regulations
by Lieuten-
ant-Governor
in Council :
To exempt
certain es-
tablishments ;

“ **3053.** The Lieutenant-Governor in Council may, by regulation :

To classify
certain es-
tablishments ;

1. Exempt from the operation of this act, in accordance with article 3020, all such industrial establishments as he may deem proper ;

To determine
duties of
employers ;

2. Classify as dangerous, unhealthy or incommodious, such establishments as he considers dangerous to the health of the operatives, especially children, young girls and women ;

To determine
powers and
duties of offi-
cers ;

3. Determine the duties of employers and managers of establishments which are not formally determined in this act ;

Method of
inspection of
boilers.

4. Determine the powers and duties, not formally determined by this act, of the officers appointed to see to the execution of this act and of the regulations ;

5. Determine the method of inspection of steam-boilers and pipes in industrial establishments and in mines as elsewhere ;

Special pre-
scriptions.

6. Enact all the special prescriptions which may be necessary in connection with the matters indicated in article 3022.

Rights of mu-
nicipal coun-
cils as to cer-
tain by-laws
not affected.

This paragraph shall not however in any way affect the right possessed by municipal councils of passing by-laws on the subject and to cause the same to be observed, provided such by-laws contain provisions similar or equivalent to those indicated in this act or in the regulations made by the Lieutenant-Governor in Council.

§ 14.—*Final provisions.*

"**3053a.** The provisions of the civil laws of this Province, Civil laws not affected in certain cases. concerning the responsibility of the employer towards his employees, are in no manner considered as being modified or changed by the provisions of this act."

2. This act shall not affect the appointments, rules and regulations, matters or things made or done in virtue of the Certain appointments, &c., not affected, &c. act replaced by the present act, which shall remain in force until it be otherwise decided under the provisions of this act.

3. This act shall come into force on the day of its sanc- Coming into force. tion.

CAP. XXXI.

An Act to amend the law respecting the Board of Health of the Province of Quebec.

[Assented to 8th January, 1894.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 3055 of the Revised Statutes, as replaced by R. S., art. 3055, amended. the act 54 Victoria, chapter 27, section 1, and amended by the act 55-56 Victoria, chapter 28, section 1, is further amended by replacing the word "five," in the first line, by the word "seven."

2. The fourth paragraph of article 3056 of the said Statutes, as replaced by the act 54 Victoria, chapter 27, section 1, is again replaced by the following :

"The secretary receives such salary, not exceeding two Secretary's salary. thousand dollars, as the Lieutenant-Governor in Council may be pleased to fix."

3. Article 3058 of the said Statutes, as replaced by the R. S., art. 3058, amended. said act, is amended :

1. By inserting after the words : "think fit," in the first line of paragraph 3, the words : "for preventing the pollution of water-courses, wells, reservoirs and other sources of water supply ; for causing all nuisances or possible cause of disease to disappear ; for regulating more especially the manner of constructing and maintaining public and private sewers, drains, closets and cess-pools, for regulating the sanitary condition of houses, cow-sheds, stables, pig-sties and Further powers of Board.