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NORTHWEST TERRITORIES

SESSIONAL PAPER NO. 9
(First Session, 1967)

REPORT OF A BOARD OF INQUIRY
ON
LABOUR STANDARDS LEGISLATION
IN THE
NORTHWEST TERRITORIES

DISPOSITION

Tabled	To Committee	Accepted as Read	Accepted as Amended	Deferred (to Session)	Rejected	Noted not Considered
9-MAR-67	10-MAR-67	10-MAR-67				

REPORT OF
A BOARD OF INQUIRY
ON
LABOUR STANDARDS LEGISLATION
IN THE
NORTHWEST TERRITORIES

Mr. B.G. Sivertz,
Commissioner,
Northwest Territories,
Canada.

May 10, 1966.

Sir:

The Board of Inquiry appointed on October 12, 1965 has completed its inquiry into Minimum Standards for Wages, Hours of Work, Paid Vacations, Statutory Holidays and such other matters as in the opinion of the Board may pertain thereto, and begs to submit to your office the following report.

We remain your obedient servants.



K.A. Pugh,
Chairman.



A.C. Kennedy,
Member.



W.N. Gray,
Member.

KAP
ACK
WNG/mg

FOREWARD

The Public Hearings were held in Yellowknife on November 1st and 2nd, 1965 in Hay River on November 3rd, Inuvik on November 5th and in Edmonton on November 9th giving ample opportunity to employers, trade unions, employees, other associations and individuals residing or deeply concerned with the economic growth and development in the Mackenzie District of the Northwest Territories, to express their views.

The Board conducted a further Public Hearing at Frobisher Bay and finally concluded its hearings in Ottawa on December 10th.

We are most appreciative of the arrangement made for familiarization trips made to Tundra, Tuktoyaktuk, Fort Simpson, Fort Smith and Hall Beach. Informal discussions with local residents at these interesting settlements and at the Board's Hearings gave to the members of the Board a broader understanding of the economic and social impacts of labour standards on the people of the Territories. These "grass-root" discussions were of vital importance to the Board in determining the proper course to follow in its recommendations. Legislation to be meaningful must be acceptable to the majority of the people and framed to stimulate the economic development of the country; protecting the worker from exploitation by establishing standards for employment that will enhance the standards of living for all the citizens of the Territories.

In all, thirty-one (31) written briefs and submissions and several verbal ones were submitted. Copies of the briefs will be

filed in the Commissioner's office.

We are indebted to the Commissioner for the background information and material pertaining to the history and present trends of development of Canada's last frontier, The Northwest Territories, to Miss Edith Lorentsen, Director, Legislation Branch, Federal Department of Labour, for the legislative material supplied; to Mr. C.W. Gilchrist of the Territorial Division, Secretary to the Board of Inquiry, for his efficient manner in carrying out his assigned duties and to the number of administrators of the Northern Affairs and Natural Resources Department who did everything possible to make our visit in the Northwest Territories a very memorable and pleasant one.

We are extremely grateful for the wise counsel received from the individuals in submitting their views on this important question of implementation of labour standards. Special emphasis must be made of our thanks and appreciation to the representatives of the residents. One cannot be but delighted with their expressions of love for the North, their determination to assist in the development of their country, and their kind attitude towards the members of the Board will not be forgotten.

Prior to the Board commencing hearings copies of the draft Northwest Territories Labour Standards (Ordinance) had been distributed and formed the basis of the discussions at the hearings. Individuals and representatives of organizations appearing before the

Board expressed fear that little attention would be paid to their submissions and that the draft Ordinance would be forced on them. They were assured that the whole purpose of the appointment of the Board of Inquiry was to fully explore the feasibility of the adoption of labour standards for the Northwest Territories, and that their views and recommendations were of vital importance to the Board for it to reach a determination on this so important matter of labour standards. With this assurance of the Board a climate of complete understanding of the functions of the Board and the responsibilities of the individuals and representatives of organizations was firmly established.

With an endeavour to make this report as brief as possible, the following is a summary of the highlights of the submissions made at the Hearings.

HOURS OF WORK

In the main, the proposed labour standard which received the most attention and divergent views of management, labour and employees was the limiting of hours of work.

Management strongly suggested:

- (a) As the mining industry is the main prop of the economy of the Northwest Territories any legislation that would restrict this industry would have a detrimental affect on the whole economy of the Territories.

(b) Mining, in particular, exploration and development diamond drilling, construction and transportation industries must be exempt from maximum hours of labour and in any case longer hours are necessary than those proposed in the draft Ordinance.

(c) Mines in isolated areas must be exempt from hours of work legislation. Imposition of proposed regulations would be a disservice to the union, hamper future mine development and increase operating costs. The ability to recruit workmen to isolated mines would be impaired if the workmen are prohibited from working long hours to earn large wage incomes.

In one open pit mining operation limited to four and a half (4½) months work per year the collective agreement provides a ten (10) hour day, seven (7) days per week in pit and a twelve (12) hour day, seven (7) day week in mill. NOTE: Agreement provides for payment of overtime at the rate of one and one half times rate of wages on all hours over eight (8) in a day and forty-four (44) in a week.

(d) Due to climatic conditions and the shortage of skilled manpower the right to work overtime is the desire of both employer and employee without the necessity of obtaining permission to do so from the Commissioner.

(e) Oil well drilling could operate on a normal daily work schedule for extended periods with accumulated days of rest of one (1) day for each six (6) day's worked. This accumulation of days of rest with pay be granted at the end of a four (4) to six (6) month period. While companies recommend an eight (8) hour day and a forty-eight (48) hour

week, they suggested the employees would prefer a twelve (12) hour day and overtime pay after two hundred and eight (208) hours a month.

(f) For geophysical and seismic exploration and oil well servicing the Ordinance should provide monthly hours of work of two hundred and eight (208) similar to the regulations in effect in Alberta and British Columbia, based on a forty-eight (48) hour week.

(g) The construction industry suggests a regular nine (9) hour day and forty-eight (48) hour week with a ten (10) hour day and a sixty (60) hour week maximum without the necessity of obtaining a permit from the Commissioner.

However, if hours of work are lost due to weather conditions a twelve (12) hour day would be required to make up lost time. No overtime pay on hours made up due to weather, otherwise time and one half after nine (9) hours in a day and forty-eight (48) in a week, whichever is greater.

(h) One large segment of the construction industry suggested that contractors from the outside engaged in projects in the Territories should be free from the application of any labour standards legislation adopted by the Northwest Territories.

(i) Trucking industry vitally concerned with the impact of limiting hours of work, particularly when operating on long hauls to isolated areas over winter, 'ice' temporary roads. Very desirous of having flexibility in hours of work to accommodate the conditions of

trucking to economically provide this important service.

(j) The hotel industry suggests the proposed limitation of hours of work would adversely affect the industries ability to provide service to the public.

(k) Guides engaged in hunting and fishing must be able to work unlimited hours to give proper service to the tourists.

Labour:

Organized Labour strongly urge the adoption of an eight (8) hour day, forty (40) hour week, Monday to Friday; Saturday and Sunday to be rest days in underground and surface mining. The same hours of work generally with provisions for exemptions to certain industries where it is proven that such limitation of hours would prove to be harmful to the industry.

Spokesmen for unorganized employees would agree to an eight (8) hour day and a forty-eight (48) hour week and payment of overtime for all excessive hours. While suggesting such hours of work apply as maximum to all employees, some special arrangements would be necessary in mining, exploration and other projects or undertakings in isolated areas.

MINIMUM WAGE

- (a) The vast majority of management stated the proposed minimum wage of One Dollar and twenty-five cents (\$1.25) was satisfactory.
- (b) Some employers urged the inclusion of fringe benefit costs as part of wages and that the provisions of section 14 of the proposed Ordinance should be left to collective bargaining as these items were considered as fringe benefits. They further suggested that section 14 is harmful particularly as the fixing of costs, etc., was in the sole discretion of an individual, the Commissioner.
- (c) Suggestions were made to consider fixing the minimum rate at One Dollar (\$1.00) per hour to encourage employment of local labour.
- (d) One submission advocated a novel idea of fixing a higher minimum rate than One Dollar and twenty-five cents (\$1.25) per hour but to be paid for all hours of work whether overtime hours or not.
- (e) Organized labour and employee's representative urged the adoption of a \$1.50 rate generally and \$1.75 per hour rate in mining. These suggested higher rates were necessary due to higher cost of living in the Territories.

ANNUAL VACATIONS

- (a) Employers agreed annual vacations be established on the principle of two (2) weeks vacation with pay after completion of

one (1) year's employment and in each ensuing year of employment, and in the main did not oppose the provision of Part 3 of the proposed Ordinance. However, doubted the usefulness of all the authority prescribed in section 22 of Part 3.

(b) Organized labour urged the Board to consider longer vacations with pay than proposed on the following formula:

Two (2) weeks with pay after one (1) year or
4% whichever greater,

Three (3) weeks with pay after five (5)
years or 6% ,

Four (4) weeks with pay after ten (10) years
or 8%.

GENERAL HOLIDAYS

(a) Management suggest holidays should be limited to seven (7) days and the employee receive his normal pay for the holiday providing the holiday falls within his normal days of work in the week and he has not failed to report for work on the work day before and the work day after the holiday.

Opposition was expressed to the requirement of paying an employee two and one-half (2½) times the rate of pay for work performed on a holiday and suggest double time rate be ample.

(b) Organized labour suggested ten (10) paid general holidays.

Employees required to work on a general holiday be paid two and one-half (2½) times their rate of pay plus an additional day off by mutual agreement at regular pay. •

(c) Organized Labour in the construction field recommend nine (9) general holidays and the payment of double time to an employee who worked on a holiday.

An examination of the proposed Ordinance reveals that it is practically identical to The Canada Labour (Standards) Code which came into force on July 1st 1965. This Code is applicable to works undertaken in businesses within the legislative authority of the parliament of Canada.

A very general comment on this observation is that The Canada Labour (Standards) Code may be described as a very advanced labour legislation, perhaps the most advanced in Canada in the sense that on the whole it provides for more benefits for employees than do the provisions of the various provincial statutes dealing with these matters. And may be said also to be more restrictive in most respects on the freedom of employers than provincial legislation.

It is strongly suggested that generally employers affected by The Canada Code are large, long established corporations engaged in certain limited fields of federal jurisdiction, such as banks, railways, communication, transportation and that legislation that may be appropriate to these long established industries is not necessarily appropriate for other industries, particularly those engaged in pioneer development in the outlying areas of the Northwest Territories. Areas of the country which are largely in the developing or pioneer stage should not take the lead in adopting legislation which might discourage development. If the growth of the North is to be fostered every encouragement should be given to the investment of risk capital by

companies that have the required resources. This type of capital investment is discouraged, in the opinion of the Board, by legislation which, apart from any restrictive affect that it may have upon the employer's operation, contains provisions leading to uncertainty. The proposed legislation providing for regulations which may be changed from day to day instills uncertainty in the employer who must plan for the future and who must be in the position to accurately predict and control his costs.

To be meaningful and practical the legislation must be specific in its application. While definite in principle as to the Limitation of Hours of Work, the need of flexibility in providing for longer hours of work in certain industries must be clearly defined. The necessity of obtaining approval to work employees overtime must be limited and only required where excessive hours are contemplated on a long continuous basis. To do otherwise would lead to uncertainties and stifle the economic and social development of the Northwest Territories.

It will be noted upon perusal of the summaries of the briefs that the consensus of opinion disclosed no objection to a minimum wage of One Dollar and Twenty-five cents (\$1.25) an hour and annual vacation of two (2) weeks with pay and the seven (7) general holidays. It was suggested that the general holidays should not be bonus holidays (as presently contemplated by the Ordinance), that is employees being entitled to a general holiday if same falls within his scheduled day of

work and further certain conditions should be set forth to qualify an employee to receive general holiday pay.

The question of the limitation of hours of work is the most serious matter before the Board. The impact of such legislation received by far the majority attention, and discussion at the hearings. Being mindful of the need of the orderly, economic development of the Northwest Territories and the need of establishing labour standards for the protection of the employees, the development of a working force without discrimination, and to protect the human dignity of the worker the Board recommends as follows:

HOURS OF WORK

- (a) The general limitation of Hours of Work be based on eight (8) hours a day, forty-eight (48) hours a week.
- (b) For exploration and development of metal mining and petroleum, including geophysical, geological, seismological and diamond drilling be based on Two Hundred and Eight (208) hours in a month.
- (c) That transportation primarily engaged in the transport of goods to isolated areas be based on Two Hundred and Eight (208) hours per month.

HOURS OF WORK (Continued)

- (d) That tourist camp employees and commercial fishermen be based on Two Hundred and Eight (208) hours per month.
- (e) Hunting and fishing guides be removed from the limitation of hours of work.
- (f) In the case of isolated mines and oilwell drilling, provision be made for the accumulation of days of rest where the operations are on a continuous basis. Such accumulation of days of rest to be limited to a period of six (6) months, except with the approval of the competent authority established in the Ordinance.
- (g) Provision in continuous operations for approval of shift schedules.
- (h) Provision for further exception upon application to a competent authority.

OVERTIME

In cases where eight (8) hours in a day and forty-eight (48) hours in a week are applicable, all hours in excess of the daily limit and the weekly limit established therein are overtime hours.

In the cases of industries established on a monthly total of Two Hundred and eight (208) hours then all hours in excess are overtime.

HOURS OF WORK

OVERTIME (Continued)

In industries and undertakings to which the basic eight (8) hour day and forty-eight (48) hour week is applicable then no permit to work overtime be required, except in cases where overtime exceeds two (2) hours in the day and twelve (12) hours in the week.

The Board considers that a punitive payment for overtime hours should be sufficient deterrent and removes the necessity of obtaining overtime permission.

And further, in cases of accident or break-down to machinery and unpreventable and unforeseeable circumstances overtime may be worked beyond the ten (10) hours a day and sixty (60) hours a week without permission. Such emergency overtime can only be worked where it is necessary to avoid serious interference with the ordinary working of the undertaking.

MINIMUM WAGES

The Board would recommend that:

- (a) The minimum wage of One Dollar and Twenty-five cents (\$1.25) be fixed in the Ordinance.

MINIMUM WAGE (Continued)

- (b) The minimum wage for overtime be fixed at time and one half the regular rate of pay payable to the employee.

VACATIONS WITH PAY

The Board recommends:

- (a) Vacation with pay be established on a two (2) week basis after completion of one year of service with an employer.
- (b) In cases where an employee has not completed a year's service, upon termination be paid in lieu of vacation with pay a sum equivalent to four per cent of his regular earnings received from his employer.
- (c) As the Board does not favour bonus (general holidays) the employee should not be entitled to any additional benefits if a general holiday falls within his vacation period.

GENERAL HOLIDAYS

The Board recommends that the ordinance provide for eight (8) paid general holidays. The Board further recommends for an employee to qualify for entitlement of a general holiday the following conditions must exist:

- (a) That the general holiday falls upon a scheduled work day.

GENERAL HOLIDAYS (Continued)

- (b) That the employee has reported for work the required shift before and after the general holiday.
- (c) If the employee does not work on the general holiday to which he is entitled he shall receive his regular days pay.
- (d) If an employee is required to work on a general holiday he shall be paid his regular pay plus an additional day's pay.

ADMINISTRATION AND GENERAL

It will be noted that the Board's recommendations, briefly set forth above, will remove the necessity of the proposed requirements of obtaining approval of the Commissioner.

In recognizing the needs of industry and to insure beneficial protection to the employees, the law must provide guide lines in the way suggested by the Board, so that there will be no impairment to the industrial development of the Territories.

At all of the Hearings of the Board strong feelings were expressed of the desirability of locating the Administration of this Ordinance in the Territories, particularly in the Mackenzie District.

The Board is aware that this question, besides others, is within the ambit of the Inquiry of the Carrothers Commission and would

therefore hesitate to make any recommendations thereon. However, the Board feels that it is competent in suggesting alternatives, without in any way encroaching in the field of endeavours of the Carrothers Commission.

In the field of administration and enforcement of labour standards legislation administration from a long range is not desirable. Therefore,

- (a) If the present form of government of the Northwest Territories remains then the Commissioner or Deputy Commissioner should be located in the most densely populated area in the Northwest Territories, with an administrative office in the Eastern Arctic.
- (b) If the government of the Northwest Territories is changed to the form of a provincial government, then a Labour Standards Board be established. This Board would be a tripartite board consisting of one representative of the employer, one representative of the employees, and the third, the Chairman, a civil servant. In view of the experience in the other

provinces of Canada that a Board consisting of representatives of employers and employees assures the employers and employees that their interests are carefully protected, the legislation is more easily accepted and the problems of administration minimized.

Such a Board would, of course, be responsible to the Commissioner and to the Council.

Referring back to clause (a), even if no changes are made in the structure of government of the Northwest Territories, then consideration should be given to the establishment of an administrative Labour Standards Board as suggested in Clause (b).

At the Hearings a request was made for another opportunity to review the new draft Ordinance before promulgation.

The Board appreciates the decision to follow this procedure rests with the Commissioner and the Council. However, to be of assistance, the Board has drafted a Labour (Standards) Ordinance. It is attached hereto as Appendix A. This draft Ordinance contains all of the recommendations of the Board.

SUPPLEMENTAL REPORT

SUPPLEMENTAL REPORT

The Board would be remiss if it did not bring to your attention the views and opinions of the citizens of the Northwest Territories, which indirectly, or in some cases, were entirely outside of the terms of reference, but nevertheless of vital concern in the economic and social development of the Territories.

NORTHERN ALLOWANCES

While it can be appreciated, to attract persons to take employment in the Territories from the outside, in view of the high cost of living, a northern allowance payment is justified and logical; to the white and non-white population, the permanent citizens in the Territories not employed by government agencies and thus in the main not receiving northern allowances, this is a matter over which they feel aggrieved, for they are faced with the same high cost of living as anyone else.

It was suggested that personal income tax exemption should be increased to Two Thousand Dollars (\$2,000) per person and an appropriate increase for dependants. This variance from the ordinary income tax personal deductions for outlying and developing areas is entertained in the Soviet Union and in Australia. We would submit that there is merit to the suggestion. If such a plan for increased personal deduction was adopted then an examination could be made of making an appropriate

reduction in a northern allowance to narrow the gap of the earnings of those who receive and those who do not receive a northern allowance.

A complaint was registered of alleged abuse of the northern allowance regulation which requires a person to be employed three (3) months before becoming entitled to the northern allowance. That employees have been released a few days before they could qualify on one pretext or another.

While the Board appreciates that this is an internal regulation of the Departments involved, and the three (3) month period without a doubt is to assist in recruiting from the outside, review should be made of the application of this regulation.

COST OF LIVING

While the Board has not available all the statistical information as to the cost of living in the Territories, it was suggested that the cost of living varied from thirty (30) to fifty (50) per cent above the cost of living in the City of Edmonton in the various locations in the Territory.

It is quite obvious that a great deal of the increase in the cost of living is attributable to transportation costs and warehousing. The Board would suggest that consideration be given to subsidizing transportation costs to reduce the cost of living to make the implementation of labour standards more meaningful to those stalwart Canadians who live in the Territories. The subsidizing of transportation would also reduce the cost of fuel oil, the main source of fuel in the Territories.

EMPLOYMENT OPPORTUNITIES FOR NON-WHITE

This is an area which we suggest requires a great deal of understanding and consideration. A spokesman representing a group of non-white citizens and individuals complained that they were not given job opportunities in many places where the recruitment for employees has taken place outside of the Territories.

Complaints can be listed as follows:

The wives of civil servants and naval personnel taking positions which could be filled by non-white females who, it was suggested, with job training and guidance in personal hygiene and manners could perform the work required.

We appreciate, of course, the social problems involved, nevertheless, strong emphasis was placed particularly with reference to navy personnel, where they are posted in the north for a limited period of several years only, and who may not have any interest at all in the development of the country. The question was asked: Should they take away the job opportunities of the non-white citizens?

We would like to congratulate the Department responsible for the earnest endeavours in the field of education. To us, we believe, education is the key to open the door to job opportunities and make a fuller life for the Canadians in the north. We had the opportunity of visiting the two marvellous institutions of learning at Yellowknife

and Inuvik. We observed, with interest, in one particular school a class of girls learning to be typists and stenographers, but as we had not noticed any of the non-white girls working at this vocation in industry, we asked the question of the Principal - Where would these girls go to seek employment? The answer was that if they could not find employment in the Territories efforts were made to place them in employment outside.

To us, something is radically wrong when employers stated that they had difficulty in recruiting typists and stenographers from the outside. The question is: Why were not the local residents given an opportunity in employment? As far as we could ascertain, the main reason given by employers was that non-whites paid little attention to personal hygiene. Surely, with understanding and patience, this problem could be removed.

It was also brought to our attention that non-whites seeking employment in the government service were required to pass examinations based on the same standards for those seeking employment in the government service in other parts of Canada. In view of the marvellous endeavours of the educational authorities in trying to improve the academic and vocational learning of the non-whites, would it not be only logical that a lower standard for admittance into government employment should be introduced and a planned programme of training on the job be followed to upgrade the non-white employees, while they are employed, to the required standards for the positions.

We feel that if this procedure is followed private industry could be encouraged to do likewise.

We wonder if anyone can appreciate the frustration and heartbreak of a young girl who has finished vocational training to be a stenographer, and then has not been given a job opportunity and is then forced to return to her old way of life. Such results cannot be allowed to continue.

It is quite evident that more emphasis must be placed on the need of training in vocational and trades. The human resources are there in the Territories and without adequate training they will not have the opportunity of being fully, gainfully employed and will continue to be an economic burden on welfare.

Training under programmes of vocational, technical and apprenticeship are shared between the Provincial and the Federal Government and we would suggest that similar programmes be developed for the Territories.

In certain areas we were advised that local non-white were not given an opportunity to work in the construction field. There appears to be lack of liaison between employers and responsible non-white representatives. It would appear that more emphasis must be placed on the need of full cooperation between employers, the local groups or persons and the placement officers of the Department.

There is a vital need of the appointment of a local committee in each of the main towns and villages or settlements, on a daily fee basis,

to assist in counselling and placement of employees, not only in the construction field but in all potential places of employment.

Some criticism was expressed of the manner in which Departments opened for tender to the lowest bidder certain menial maintenance jobs such as window washing, giving the contract to the lowest bidder but paying no regard to the fact that as a non-white, not experienced in bidding for contracts, he cannot perform the work required to enable him a living from the contract. Surely the administrator or engineer in charge would know the reasonable figure at which the contract should be performed, and thus not necessarily grant the contract to the lowest bidder. There is a feeling that this is a form of exploitation of native help. Of course, one remedy would be to accept a policy that when the standards ordinance is promulgated, that all persons employed by government agencies shall enjoy at least the standards established in law.

To encourage employment of the non-white population, should not the government develop a policy that in any project for the government the contractor must employ a certain percentage of non-white employees. The percentage of course would have to be established on the availability of workers in the area in which the project is located. We appreciate that some contractors may view such a policy with alarm, but as they would be enjoying a government contract, should they not also accept the responsibility as Canadians to assist not only the development of the country but the development of human resources. In this regard the

Board also recommends that summer employment of university students from outside should be kept at a minimum and preference be given to local residents.

At Frobisher Bay the Teachers' Association submitted a brief dealing with teacher problems in the north. The spokesman for the Association impressed us with his sincerity and dedication to his profession. Two (2) major items were stressed. He suggested to improve the relationship between the student, parents and the teacher, the teacher should be individually housed in the settlements so that the student and parent could feel free at any time to visit the teacher in his or her home. From the Board's little knowledge of the housing facilities for teachers in the north it would appear that this is a special situation in Frobisher Bay that may not exist in other parts of the Territories.

The second item we feel is of more importance, and that is regarding the training of teachers for the north. The spokesman for the Association stated that while the teacher may have full teaching qualifications as required outside, that when they first are posted in the Territories they are completely lost for a number of years as they do not understand the language, have no knowledge of the environment and culture of the Eskimo. This, he stated handicaps the teachers in carrying out their duties. The brief submitted by the Teachers' Association, we would recommend, requires careful review by competent persons in the educational field.

LABOUR RELATIONS

Presently for those industries not within the jurisdiction of the Parliament of Canada the Industrial Relations and Disputes Investigation Act, Chapter 52, R.S.C. 1952 has no application unless the employer and his employees mutually agree to be bound by the provisions of this Federal Statute.

The Board suggests that the full right of employees to enjoy collective bargaining is impaired under these arrangements where the right of collective bargaining could be denied the employees by the employer refusing to give consent.

Employees must be guaranteed the freedom of association, and the right to compel the employer to enter into collective bargaining where it is the majority wish of the employees in a unit appropriate for collective bargaining.

However, presently, due to the small size of the working force in the Northwest Territories, it would not be practical for the Territories to establish and operate its own Labour Relations Board.

It is logical to suggest that the Northwest Territories pass enabling legislation providing authority for the Territories to enter into an agreement with the Federal Department of Labour to administer the legislation similar to the Industrial Relations and Disputes Investigation Act.

Anti-Discrimination Law

It is suggested that careful consideration be given to enacting legislation to provide for additional protection to employees in seeking employment and while in employment.

Such legislation should boldly declare the fundamental principle that all persons are equal in dignity and human rights without regard to race, religious beliefs, colour, ancestry or place of origin and further provide for equal pay for equal work disregarding the sex of the employee.

The Board appreciates until the administration is established to administer the Labour Standard Ordinance it would be impractical to enact anti-discrimination laws. However, with the passing of a few years of administrative experience in the field of labour standards it would then be timely to enact anti-discrimination laws to give full recognition to the human dignity of the worker.

Names of Organizations, Associations, their representatives
and persons who made submissions to the Board of Inquiry.

YELLOWKNIFE, N.W.T.

Yellowknife Board of Trade	- Mr. D.R. DeLaporte
Mayor of Yellowknife	- Mr. John H. Parker
International Union of Mine, Mill & Smelter Workers	- Mr. A. King and Mr. W. Berezowski
Giant Mine	- Mr. D.R. DeLaporte
Boyles Bros.	- Mr. R.L. Robertson

DISCOVERY & TUNDRA

Discovery & Tundra Mines	- Mr. R.J. Kilgour
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INUVIK & DISTRICT

Chamber of Commerce	- Mr. Tom Butters
Inga-mo Society	- Mr. Victor Allen
Inuvik Employment Advisory Committee	- Mr. Frank Firth
Civil Service Association	- Mr. Len Adrian
Brief submitted by mail	- Mrs. Patricia S. Barry

HAY RIVER

Chamber of Commerce	- Mr. R.L. Esmonde
The Consolidated Mining and Smelting Company of Canada Limited	- Messrs. Dewdney, Gray, Eyre & Scarborough

Names of Organizations, Associations, their representatives
and persons who made submissions to the Board of Inquiry.
Continued.

EDMONTON

Canada Tungsten & Mining Corporation Ltd.	- Mr. R. Elierman
Northwest Territories Hotel Association	- Mr. A. Marshall Mr. S.F. Gaida, C.A.
Northwest Territories Allied Council	- Mr. F.C. Bodie & Mr. R. Slatter
Fortier & Associates Ltd.	- Mr. W. Buchanan
Canadian Petroleum Association	- Mr. C. Young
Canadian Association of Oilwell Contractors	- Mr. John Porter
Imperial Oil Co.	- Mr. George Rogers Mr. Hugh Sterling
Alberta Construction Association	- Mr. Gordon Alexander
Alberta Federation of Labour	- Mr. F.C. Bodie
Texaco Exploration Co.	- Mr. N.A. Earl
Byers Transport Ltd.	- Mr. J. Chapman
Echo Bay Mines Ltd.	- Mr. J.F. Burton
Northwest Territories Tourist Association	- Mr. D. Finlayson
Northwest Territories Labour Council	- Mr. R. Gall

FROBISHER BAY

	- Mr. John Enns
Inook Ltd.	- Mr. Bryan Pearson
Northwest Territories Teachers Association	- Mr. Jerry Hammerschmidt

Names of Organizations, Associations, their representatives
and persons who made submissions to the Board of Inquiry.
Continued.

Richie Mechanical Co., - Mr. Severn
Civil Service Association - Mr. Wally Joyce
Esso Service Stations

OTTAWA

The Mining Association of Canada - Mr. N.C. Wausbrough
Baffin Iron Mines Ltd., - Mr. John S. Grant
Watts, Griffis and McQuat Ltd. - Mr. J.F. McQuat
Canadian Construction Association - Mr. N.R. Williams
Peter Stevens &
Associates.



NORTHWEST TERRITORIES

ROUGH DRAFT NORTHWEST TERRITORIES
LABOUR (STANDARDS) URDINANCE

MAY 10, 1966

An Ordinance respecting hours of work, minimum wages, annual vacations
vacations and holidays with pay in the Northwest Territories.

Short Title

1. This Ordinance may be cited as the Northwest Territories
Labour (Standards) Ordinance.

Interpretation.

2. In this Ordinance,
 - (a) "board" means the Labour Standards Board constituted under the provisions of this Ordinance.
 - (b) "collective agreement" means an agreement in writing between an employer or an employer's organization acting on behalf of an employer, on the one hand, and a trade union acting on behalf of the employees in collective bargaining or as a party to an agreement with the employer or employer's organization, on the other hand, containing terms or conditions of employment of employees including provisions with reference to rates of pay and hours of work;
 - (c) "commissioner" means the Commissioner of the Northwest Territories.
 - (d) "day" means any period of twenty-four consecutive hours;
 - (e) "employee" means a person employed to do skilled or unskilled manual, clerical, technical, operational or administrative work;
 - (f) "employer" means any person who employs one or more employees;

- (g) "General holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day and includes any day substituted for any such holiday pursuant to sections 26 and 29;
- (h) "Industrial establishment" means any work, undertaking or business and includes such branch, section or other division of a work, undertaking or business;
- (i) "Inspector" means an inspector designated pursuant to section 31.
- (j) "month" means in relation to Part I, that period of time between the first and last day (both inclusive) of each calendar month.
- (k) "order" means any order of the Board (Commissioner) made pursuant to this Ordinance or the regulations;
- (l) "overtime" means hours of work in excess of standard hours of work;
- (m) "standard hours of work" means the hours of work described in section 5 or prescribed by an order made under section 36;
- (n) "trade union" means any organization of employees formed for purposes that include the regulation of relations between employers and employees;
- (o) "wages" includes every form of remuneration for work performed but does not include tips and other gratuities;
- (p) "week" means, in relation to Part I, the period between midnight on Saturday and midnight on the immediately following Saturday.

Application

3. (1) This Ordinance applies to and in respect of employees who are employed upon or in connection with the operation of any work, undertaking or business of a local or private nature in the Northwest Territories and to their employers.

(2) This Ordinance does not apply to or in respect of employees who are

(a) domestic servants in private houses and farm labourers,

(b) members and students of such professions as may be designated by the regulations as professions to which this Ordinance does not apply, and

(c) (i) managers or superintendents or who exercise management functions,

(ii) in case of the dispute the Board (Commissioner) may determine whether or not the position held by a person or the capacity in which he is employed is such as to bring him within the scope of clause (c)(i), and the decision of the Board (Commissioner) is final.

4. (1) This Ordinance applies notwithstanding any other law or any custom, contract or arrangement, whether made before or after the commencement of this Ordinance, but nothing in this Ordinance shall be construed as affecting any rights or benefits of an employee under any law, custom, contract or arrangement that are more favourable to him than his rights or benefits under this Ordinance.

(2) Nothing in this Ordinance authorizes the doing of any work on Sunday that is prohibited by law.

PART I

Hours of Work

5. Except as otherwise provided by or under this Ordinance, the working hours of an employee shall not exceed

- (i) eight in the day nor forty-eight in the week of not more than six working days.
- (2) two hundred and eight in a month while employed in
 - (a) exploration and development of metal mining and petroleum, including geophysical, geological, seismological and diamond drilling,
 - (b) transportation primarily engaged in the transport of goods to and from isolated areas, and
 - (c) tourist camps and commercial fishing.

6. Part I does not apply to employees employed as hunting or fishing guides.

7. (1) An employer shall allow an employee not less than twenty-four consecutive hours of rest immediately following each period of not more than six consecutive days of work unless the Board (Commissioner) orders

- (a) that the said hours of rest may be allowed in two periods, or
- (b) that a period of rest in excess of twenty-four hours in each consecutive period of seven consecutive days shall be allowed.

(2) Upon the application of an employer, the Board (Commissioner) may inquire into the conditions of employment the operations of which are ordinarily continuous, and

- (a) may except or make an order excepting that employment wholly or in part from the provisions of subsection (1), and

(b) may make such other provision as it deems necessary with regard to the days of rest that are to be allowed to the employees in such employment.

(3) Any exception or order made pursuant to this section may provide for consecutive rest periods in relation to a work period of lesser or greater than six months, as the Board (Commissioner) may deem proper.

(4) In industrial establishments subject to the limitation of two hundred and eight hours of work in a month the employer shall allow an employee days of rest in respect of a period not exceeding twenty-four days of work on a basis not less than:

- (a) one day of rest for each period of six consecutive days of work.
- (b) two days of rest for each period of twelve consecutive days of work,
- (c) three days of rest for each period of eighteen consecutive days of work, or
- (d) four days of rest for each period of twenty-four consecutive days of work,

providing that any accumulated days of rest shall be consecutive days and allowed not later than immediately following the period of work for which the days of rest are allowed and at a time agreed upon by the employer and employee.

8. When an employee is required or permitted to work in excess of the standard hours of work prescribed in section 5, he shall be paid for the overtime at a rate of wages not less than one and one-half times his regular rate.

9. The maximum hours of work of eight in a day prescribed in section 5 subsection (1) may be exceeded by two hours without obtaining a permit to work overtime from the Board (Commissioner).

10. (1) Upon application of an employer or an employer's organization, the Board (Commissioner) after due inquiry may, by a permit in writing, authorize hours to be worked by any class of employees therein in excess of the maximum hours of work prescribed by or under sections 5 and 9, having regard to the conditions of employment in the industrial establishment and the welfare of the employees.

(2) No permit may be issued under subsection (1) unless the applicant has satisfied the Board (Commissioner) that there are exceptional circumstances to justify the working of additional hours.

(3) A permit under subsection (1) shall be issued for the period specified therein, which shall not be longer than the period during which it is anticipated that the exceptional circumstances that justified the permit will continue.

(4) A permit under subsection (1) may either specify the total of the number of additional hours in excess of the maximum hours prescribed by or under sections 5 and 9 or may specify the additional hours that may be worked in any day, in any week, and in any month during the period of the permit.

11. The maximum hours of work prescribed by or under section 5 may be exceeded in cases of

(a) accident to machinery, equipment, plant or persons;

(b) urgent and essential work to be done to machinery, equipment or plant; or

(c) other unforeseen or unpreventable circumstances;

but only to the extent necessary to prevent serious interference with the ordinary working of the industrial establishment affected.

12. Where the maximum hours of work in an industrial establishment have been exceeded, the employer shall report in writing to the Board (Commissioner) not later than thirty days following the last day of the calendar month in which the maximum hours of work were exceeded, setting out:

(a) the reason for exceeding the maximum hours of work,

(b) The number of employees who worked in excess of the maximum hours, and

(c) the total number of the excessive hours,

during the calendar month.

PART II

Minimum Wages.

13. (1) Except as otherwise provided by or under this Part, an employer shall pay to each employee of the age of seventeen years and over a wage at the rate of not less than one dollar and twenty-five cents an hour or not less than the equivalent of that rate for the time worked by him where the wages of the employee are paid on any basis of time other than hourly.

(2) Where the wages of an employee are computed and paid on a basis other than time or on a combined basis of time and some other basis, the Board with the approval of the Commissioner (Commissioner) may, by order,

(a) fix a standard basis of work to which a minimum wage on a basis other than time may be applied, and

(b) fix a minimum rate of wage that in his opinion is the equivalent of the minimum rate under subsection (1);

and except as otherwise provided by or under this Part the employer shall pay to each employee who is paid on a basis other than time a wage at a rate not less than the minimum rate fixed by order under this subsection.

14. An employer may only employ a person under the age of seventeen years

(a) in such occupations as may be specified by regulation, and

(b) subject to the conditions and at a wage of not less than the minimum wage prescribed by the regulations for the occupation in which such person is employed.

15. (1) For the purpose of enabling a person to be gainfully employed who has a disability that constitutes a handicap in the performance of any work to be done by him for an employer, the Board (Commissioner) may, upon the application of the handicapped person or an employer, authorize the employment of such person at a wage lower than the minimum wage prescribed under section 13 if, having regard to all the circumstances of the case, the Board (Commissioner) is of the opinion that it is in the interests of such person to do so.

(2) An application made under subsection (1) shall be supported by such evidence of disability and handicap as the Board (Commissioner) may require.

16. The Board with the approval of the Commissioner (Commissioner) may make regulations for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, may make regulations

- (a) requiring employers to pay employees who report for work at the call of the employer minimum wages for such minimum number of hours as may be prescribed whether or not the employee is called upon to perform any work after so reporting for work;
- (b) fixing the maximum price to be charged for board, whether full or partial, furnished by or on behalf of an employer to an employee, or the maximum deduction to be made therefor from the minimum wages of the employee by the employer;
- (c) fixing the maximum price to be charged for living quarters, either permanent or temporary, furnished by or on behalf of an employer to an employee, whether or not such quarters are self-contained and whether or not the employer retains general possession and custody thereof, or the maximum deduction to be made therefor from the minimum wages of the employee by the employer;
- (d) governing the charges or deductions for furnishing uniforms or other articles of wearing apparel that an employer may require an employee to wear or requiring an employer in any specified circumstances to provide, maintain or launder uniforms or other

- articles of wearing apparel that he requires an employee to wear;
- (e) governing the charges or deductions for furnishing any tools or equipment that an employer may require an employee to use and for the maintenance and repair of any such tools or equipment;
 - (f) specifying the circumstances and occupations in which persons under the age of seventeen years may be employed in any industrial establishment, fixing the conditions of such employment and prescribing the minimum wages for such employment; and
 - (g) exempting, upon such terms and conditions and for such periods, as are considered advisable, any employer from the application of section 13 in respect of any class of employees who are being trained on the job, if the training facilities provided and used by the employer are adequate to provide a training program that will increase the skill or proficiency of an employee.

PART III.

Annual Vacations.

17. In this Part,
- (a) "vacation pay" means four per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation;
 - (b) "year of employment" means continuous employment of an employee by one employer
 - (i) for a period of twelve consecutive months beginning with the date the employment began or any subsequent anniversary date thereafter, or

(ii) for a calendar year or other year established under any custom or agreement or under his contract of employment providing that such custom or agreement or contract of employment ensures the employee conditions in respect of annual vacation with pay not less favourable than are provided in this ordinance.

18. (1) Except as otherwise provided by or under this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks after every completed year of employment.

(2) For the purposes of this Part a year of employment includes a year of employment begun before the coming into force of this Part and completed after this date.

19. The employer of an employee who under this Part has become entitled to a vacation pay

(a) shall grant to the employee who under this Part has become entitled, which shall begin not later than ten months immediately following the completion of the year of employment for which the employee became entitled to the vacation; and

(b) shall, at least one day before the beginning of the vacation pay to the employee the vacation pay to which he is entitled in respect of that vacation.

20. Vacation pay shall for all purposes be deemed to be wages.

21. (1) Where the employment of an employee by an employer is terminated before the completion of the employee's year of employment, the employer shall forthwith pay to the employee

- (a) any vacation pay then owing by him to the employee under this Part in respect of any prior completed year of employment, and
- (b) four per cent of the wages of the employee during the completed portion of his year of employment.

(2) Notwithstanding paragraph (b) of subsection (1) an employer is not required to pay an employee any amount under that paragraph unless the employee has been employed by him for a period of thirty days or more from the date of commencement of employment.

22. Where any particular work, undertaking or business in which an employee is employed is, by sale, lease, merger or otherwise, transferred from one employer to another employer, the employment of the employee by the two employers before and after the transfer of the work, undertaking or business shall, for the purposes of this Part, be deemed to be continuous with one employer, notwithstanding the transfer.

23. The Board with the approval of the Commissioner (Commissioner) may for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, make regulations

- (a) defining the circumstances and conditions under which the rights of an employee under this Part may be waived or the enjoyment thereof postponed;
- (b) prescribing the notices to be given to employees of the times when vacations may be taken;
- (c) defining the absences from employment that shall be deemed not to have interrupted continuity of employment;
- (d) for the calculation and determination of vacation and vacation pay in the case of seasonal or temporary employees or in other suitable cases:

- (e) providing for the granting of vacation or payment of vacation pay in the event of temporary cessation of employment; and
- (f) providing for the application of this Part where, owing to illness or other unavoidable absence, an employee has been absent from his employment.

PART IV

General Holidays

24. Except as otherwise provided by this Part, an employer shall give to each of his employees a holiday with pay on each of the general holidays falling on any of his working days as herein provided.

25. (i) Where a general holiday falls on a day that would otherwise be an employee's working day and he is not required to work on such day the employer

- (a) shall not reduce the wages of an employee whose wages are calculated on a weekly or monthly basis for a week or month in which a general holiday falls,
- (b) shall pay to each employee whose wages are calculated on a daily or hourly basis at least the equivalent of the wages he would have earned at his regular rate of wages for his normal hours of work, or
- (c) shall pay to each employee whose wages are calculated on other than an hourly, daily, weekly or monthly basis the equivalent of his average daily earnings, for the four weeks he worked immediately preceding the week in which such general holiday occurs.

(2) Where an employee is not required to work on a general holiday he shall not be required to work on another day of that week that would otherwise be a day of rest unless he is paid wages at the rate of double his regular rate of pay for the time worked on that day.

26. Where an employee is required to work on a general holiday his employer, in addition to paying the employee his regular wages for that day

- (a) shall pay to the employee wages at least equal to his regular rate of wages for the time worked by him on that day,
- (b) shall give the employee a holiday with pay in accordance with section 25 at some other time as a holiday with pay at a time convenient to him and the employee but not later than his next annual vacation or on termination of his employment, whichever first occurs.

27. Pay granted to an employee for a general holiday on which he does not work shall for all purposes be deemed to be wages.

28. Sections 24, 25 and 26 do not apply

- (a) where the employee has not worked for his employer a total of thirty (30) days during the preceding twelve (12) months, or
- (b) where the employee does not work on the holiday when he has been required or scheduled to do so, or
- (c) where the employee has absented himself from work without the consent of his employer on either his last regular working day preceding or his first regular working day following the general holiday.

29. Any other holiday may be substituted for a general holiday in any of the circumstances following:

- (a) where a class of the employees of an employer is represented by a trade union and the parties to a collective agreement entered into with regard to the terms or conditions of employment of the employees notify the Board (Commissioner) in writing that a specified day has been designated in the collective agreement as a holiday with pay in lieu of a general holiday under this Part, such designated day shall, for those employees mentioned in the collective agreement, be a general holiday for the purposes of this ordinance; or
- (b) where no employees of an employer are represented by a trade union or where a class of employees is not provided for under a collective agreement with regard to general holidays, and the employer applies to the Board (Commissioner) to substitute another designated holiday for any general holiday under this Part, the Board (Commissioner) may, if the Board (he) is satisfied that a majority of the employees or, as the case may be, that a majority of the class of employees who are not provided for under a collective agreement in regard to general holidays, concur with the application, approve the substitution of such designated holiday for the specified general holiday, and such designated day shall for those employees be a general holiday for the purposes of this ordinance.

30. For the purposes of this Part a person shall be deemed to be in the employment of another person when he is available at the call of such other person whether or not he is called upon to perform any work therefor.

PART V

Administration and General

31. (1) The Commissioner is hereby charged with the general administration of this Ordinance.

(2) For the purpose of enforcing the provisions of this Ordinance the Commissioner may appoint such fit and proper persons as he considers necessary as inspectors.

(3) An inspector may, for the purposes of enforcing this Ordinance or the regulations,

(a) inspect and examine all books, payrolls and other records of an employer that in any way relate to the wages, hours of work or conditions of employment affecting any employee;

(b) take extracts from or make copies of any entry in the books, payrolls and other records mentioned in paragraph (a);

(c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the wages paid to all or any of his employees, and the hours of work and conditions of their employment; and

(d) require an employee to make full disclosure, production and delivery to him of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof

or of other information either verbal or in writing that the employee has in his possession or under his control and that in any way relate to the wages, hours of work or conditions of his employment.

(3) An inspector may at any reasonable time enter upon any place used in connection with a work, undertaking or business for the purpose of making an inspection authorized under subsection (2), and may, for such purpose, question any employee apart from his employer.

(4) An inspector shall be furnished by the Commissioner with a certificate of his authority and on entering any place used in connection with a work, undertaking or business shall, if so required, produce the certificate to the person in charge thereof.

(5) The person in charge of any work, undertaking or business and every person employed thereupon or in connection therewith shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties under this Ordinance or the regulations.

32. An inspector may administer all oaths and take and receive all affidavits and statutory declarations required under subsection (3) of section 31 and certify to the administration or taking thereof.

33. (1) Where an inspector finds that an employer has failed to pay an employee

- (a) the minimum wage prescribed under this Ordinance,
- (b) any overtime pay to which the employee is entitled under this Ordinance, or
- (c) any vacation pay or holiday pay to which the employee is entitled under this Ordinance,

the inspector may determine the difference between the wages actually

paid to the employee and the wages to which the employee is entitled, and, if the amount of the difference is agreed to in writing by the employer and the employee, the employer shall, within five days after the date of the agreement, pay that amount to the employee on the direction of the inspector or to the Board (Commissioner) who shall pay it over to the employee forthwith upon the receipt thereof by the Board (him).

(2) No prosecution for failure to pay an employee the full wages to which he was entitled under this Ordinance shall, without the written consent of the Commissioner, be instituted against the employer when he has made payment of any amount of difference in wages in accordance with subsection (1).

The Northwest Territories Labour Standards Board

34. (1) There shall be a labour standards board to administer this Ordinance which shall be known as The Northwest Territories Labour Standards Board and shall consist of a chairman and such number of other members as the Commissioner may determine, not exceeding four, consisting of an equal number of members representative of employees and employers.

(2) The members of the Board shall be appointed by the Commissioner to hold office during pleasure.

(3) In addition to the Chairman and members of the Board, the Commissioner may appoint a person as vice-chairman to act in the place of the Chairman during his absence for any reason, and the vice-chairman shall be a member of the Board while so acting.

(4) The Head Office of the Board shall be in _____ Northwest Territories.

(5) The members of the Board shall be paid such remuneration and compensation as may be determined by the Commissioner.

Regulations

35. The Board with the approval of the Commissioner (Commissioner) may make regulations for carrying out the purposes of this Ordinance and, without restricting the generality of the foregoing, may make regulations

- (a) governing the production and inspection of records required to be kept by employers;
- (b) for calculating and determining wages received by an employee in respect of his employment, including the monetary value of remuneration other than money and the regular rate of wages of employees who are not paid solely on a basis of time;
- (c) prescribing the maximum number of hours that may elapse between the commencement and termination of the working-day of any employee;
- (d) fixing the minimum period that an employer may allow his employee for meals, and the maximum period for which an employer may require or permit an employee to work or be at his disposal without a meal period intervening;
- (e) providing for the payment of any wages of an employee to the Board (Commissioner) or to some other person in the event that the employee cannot be found or in any other case;
- (f) for any other matter or purpose that under this ordinance is required or permitted to be prescribed by regulation.

36. The Board after due inquiry, with the approval of the Commissioner, (Commissioner) may as it (he) considers necessary or advisable make orders prescribing

(a) that the maximum hours of work of an employee in any class of industrial establishment shall be less than the maximum provided in section 5 of Part I.

(b) that the maximum hours of work of any employee whose work is essentially seasonal or intermittent in any class of industrial establishment shall be greater than the maximum provided in subsection (1) of section 5 of Part I,

having regard to the nature and conditions of the industrial establishment, the conditions of employment and the welfare of the employees.

37. Where by this Ordinance or the regulations the Board (Commissioner) is authorized to make any order in respect of any matter, the order may be made to apply generally or in particular cases or to apply to any area or classes of employees or industrial establishments.

Information and Returns

38. (1) An employer shall maintain in each place of business operated by him in the Northwest Territories a true and correct record in the English language of the following particulars in respect of each of his employees,

- (a) the hours worked or on duty each day,
- (b) the wages paid,
- (c) the name, age and residential address,

- (d) the date of commencement of present term of employment and the anniversary date thereof,
- (e) the date and particulars of each change in wage rate,
- (f) each annual vacation granted, showing
 - (i) the date of commencement and completion,
 - (ii) the period of employment covered by the annual vacation, and
 - (iii) the amount of vacation pay given,and
- (g) the amount of money paid in lieu of vacation with pay upon the termination of employment,

except an employer may with the consent of the Board (Commissioner) maintain such records in whole or in part, at his principal place of business in the Territories or elsewhere in Canada.

(2) The record of hours referred to in clause (a) of subsection (1) shall be recorded daily.

(3) The records required under this section to be maintained by an employer shall be preserved and retained by the employer for a period of twenty-four months from the time when each record was made.

(4) An employer

- (a) shall when required by the Board (Commissioner) furnish to it the names, addresses and ages of all employees and such further information respecting wages, hours and days and conditions of work as the Board (Commissioner) requires, and
- (b) shall produce any books, records, pay-rolls, contracts of employment and any such other records that the Board (Commissioner)

requires for the inspection of the Board (Commissioner) or an inspector designated by the Board (Commissioner) on such date and at such place as the Board (Commissioner) designates.

(5) The Board (Commissioner) by notice in writing given to an employer may forthwith or within the time set out in the notice require the employer to make provision for the true and correct registration of the hours of work of each of his employees with respect to starting time, stopping time, and rest intervals by means of time-clocks or in such other manner as the Board (Commissioner) may direct.

(6) An employer shall comply with and observe the requirements and directions of the Board in any notice given by the Board (Commissioner) under subsection (5).

39. (1) An employer shall notify his employees

(a) of the hours at which work begins and ends, and

(b) when work is carried on by shifts, of the hours at which each shift begins and ends,

by means of the posting of notices in conspicuous places on the premises or other suitable place or by such other method as the Board (Commissioner) may approve.

(2) The hours of work shall be so fixed that the duration of the work shall not exceed the limits prescribed by this ordinance or orders made thereunder.

(3) When work is carried on by shifts, employees shall not be required to change from one shift to another shift without at least twenty-four hours' notice of the change of shift, except in case of accident or in case of urgent work to be done to machinery or plant or in case of unforeseeable or unpreventable circumstances.

40. (1) Where the Board (Commissioner) is authorized to require a person to furnish information under this Ordinance or the regulations, the Board (Commissioner) may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known address of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice.

(2) A certificate of the Chairman of the Board (Commissioner) certifying that a notice was sent by registered mail to the person to whom it was addressed, accompanied by an identifying post office certificate of the registration and true copy of the notice, is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained therein.

(3) Where the Board (Commissioner) is authorized to require a person to furnish information under this ordinance or the regulations, a certificate of the Chairman of the Board (Commissioner) certifying that the information has not been furnished is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained therein.

(4) A certificate of the Chairman of the Board (Commissioner) certifying that a document annexed thereto is a document or a true copy of the document made by or on behalf of the Board (Commissioner) shall be received in evidence and have the same force and effect as if it has been proven in the ordinary way.

(5) A certificate under this section signed or purporting to be signed by the Chairman of the Board (Commissioner) is admissible in evidence without proof of his appointment or signature.

41. (1) An employer shall, at the time of making any payment of wages to an employee, furnish to the employee a statement in writing setting out

- (a) the period for which the payment of wages is made;
- (b) the number of hours for which payment is made;
- (c) the rate of wages;
- (d) details of the deductions made from the wages; and
- (e) the actual sum being received by the employee.

(2) The Board (Commissioner) may, by order, exempt any employer from any or all of the requirements of subsection (1).

42. A person who

- (a) contravenes any provision of this Ordinance or the regulations, or any order made thereunder; or
- (b) discharges or threatens to discharge or otherwise discriminates against a person because that person
 - (i) has testified or is about to testify in any proceeding or inquiry had or taken under this Ordinance, or
 - (ii) has given any information to the Board (Commissioner) or an inspector regarding the wages, hours of work, annual vacation or conditions of work of the employee or any of his fellow employees in an industrial establishment;

is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

43. A complaint or information under this Ordinance may relate to one or more offences by one employer in respect of one or more of his employees.

44. Proceedings in respect of an offence under this Ordinance may be instituted at any time within two years after the time when the subject matter of the proceedings arose.

45. (1) Where an employer has been convicted of an offence under this Ordinance in respect of any employee, the convicting court may, in addition to any other penalty order the employer to pay to the employee any overtime pay, vacation pay, holiday pay or other wages to which the employee is entitled under this Ordinance the non-payment or insufficient of which constituted the offence for which the employer was convicted.

(2) Where an employer has been convicted of an offence under this Ordinance in respect of the discharge of an employee, the convicting court may, in addition to any other penalty, order the employer

(a) to pay compensation for loss of employment to the employee not exceeding such sum as in the opinion of the court is equivalent to the wages that would have accrued to the employee up to the date of conviction but for such discharge; and

(b) to reinstate the employee in his employ at such date as in the opinion of the court is just and proper in the circumstances and in the position that the employee would have held but for such discharge.

(3) An employer who refuses or neglects to comply with an order of a convicting court made under this section is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding fifty dollars for each day during which such refusal or failure continues.

(4) In determining the amount of wages or overtime for the purposes of subsection (1), if the convicting court finds that the employer has not kept accurate records as required by this Ordinance or the regulations, the employee affected shall be conclusively presumed to have been employed for the maximum number of hours a week allowed under this Act and the overtime hours worked if any and to be entitled to the full compensation therefor.

46. Where a person who makes a complaint to the Board (Commissioner) requests that his name and identity be withheld, his name and identity shall not be disclosed by the Commissioner or his officials except where disclosure is necessary for the purposes of a prosecution or is considered by the Board (Commissioner) to be in the public interest.

47. No civil remedy of an employee against his employer for arrears of wages is suspended or affected by this Ordinance.

48. In a prosecution for an offence against any of the provisions of this Ordinance, regulations or orders made thereunder alleged to have been committed by an employer, the onus of proof that he is not an employer is upon the person charged with the offence.

Commencement

49. This Ordinance comes into force on a day to be fixed by Order of the Commissioner.