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Comments of the  
Canada Department of Labour  
on the  
Report of the Board of Inquiry into Labour  
Standards and Labour Relations in the  
Northwest Territories

May 31, 1973

## LABOUR STANDARDS

### General Comments

The Report contains no data by which the impact of the proposed changes in labour standards may be estimated, such as the percentage of the work force that would be affected and possible cost. This would be particularly useful for the recommendations proposing a lowering of the standard hours of work and an increase in minimum wage rates, length of the vacation period and number of general holidays.

We also note that the Report makes no reference to areas which are currently the subject of legislative attention in Canada. Among these are: notice of individual and group termination, prohibition of dismissal because of garnishment, minimum age for employment, and stricter equal pay provisions.

A significant number of the provisions of the existing Ordinance, and of the recommendations of the Commission, are similar to provisions in Part III of the Canada Labour Code (Labour Standards).

This similarity raises the possibility that discussions between officers of the Canada Department of Labour and of the Territorial Government or the Department of Indian and Northern Affairs may be useful for the purpose of exchanging information and experience. Officers of

the Canada Department of Labour will be available for this purpose.

#### Hours of Work

1. THE BOARD RECOMMENDS "that effective April 1st, 1974, the weekly total hours of work be reduced from 48 in a week as in the Ordinance at present, to 44 hours in a week, and that the necessary corrections be made in the various sections of the Ordinance to accommodate such reduction of hours." (page 7)

#### Comment

As can be seen from Appendix A, Table 1, the proposed 44-hour standard work week is favourable in the context of Canadian hours of work legislation. Only 7 jurisdictions in addition to the Northwest Territories have legislation of general application.

The Report makes no specific recommendations regarding a compressed work week or other measures for flexibility, although it points out the necessity for such measures. All 8 jurisdictions do provide for some flexibility, of which Table 1 shows selected examples.

2. THE BOARD RECOMMENDS "for the protection of female employees generally that provisions be made in the Ordinance requiring the employer to provide safe transportation to employees to and from their residence to the place of work, if work commences or terminates between the hours of 11:00 p.m. and 6:00 a.m. the following morning." (page 8)

#### Comment

A similar provision is found in Alberta, Manitoba, Ontario, Québec and Saskatchewan.

Objections have been raised against such provisions as being discriminatory between the sexes. The Report of the Royal Commission on the Status of Women in Canada states:

"We are opposed to discrimination in protective measures. If there are hazards in employment, these measures should protect all employees exposed to them. Protective legislation for women has the effect of restricting their job opportunities. If a woman cannot legally work the same maximum number of hours as a man, she may find it harder to get a job. She may also find that she cannot obtain work on night shifts because of the precautions the law requires be taken for her safety. Therefore, we recommend to the provinces and territories that protective labour legislation be applicable to both sexes."

#### Minimum Wages

3. THE BOARD RECOMMENDS "a minimum wage of \$2.00 per hour to be effective September 1st, 1973, and a further increase of 50¢ per hour on April 1st, 1974, for all employees over 17 years of age. For employees under 17 years of age the minimum rate of wage of \$1.75 per hour effective September 1st, 1973, and \$2.25 per hour effective April 1, 1974." (page 10)

#### Comment

The proposed rate for adult workers would bring the Northwest Territories to the level of British Columbia, which has the highest minimum rate in Canada. Young

workers would have the highest rate in Canada, if the recommendation is accepted. (See Appendix A, Tables 2 and 3 for a comparison of minimum wage rates.)

The proposed 50-cent increases are unusual. Only British Columbia has raised its rate for adult workers by 50 cents to \$2.00; the increase to \$2.50 is to occur in two stages. Previously, the largest increase was a 40-cent jump in the federal jurisdiction in 1970.

(Data would have been particularly useful here, as the current wage situation in the Northwest Territories might indicate the reasonableness of such increases.)

#### Annual Vacations

4. THE BOARD RECOMMENDS "that additional provisions be included in Section 18 of the Ordinance to provide for three weeks' vacation after five years of employment based on 6% of the employee's earnings and the appropriate amendment also made to Section 22." (page 11)

#### Comment

All jurisdictions require a minimum vacation with pay of 2 weeks. (In Ontario, 1 week after the first year and 2 weeks thereafter.) Saskatchewan and Manitoba already provide for a 3-week vacation after 5 years of employment.

The increase in vacation pay is common where the vacation period is lengthened.

5. THE BOARD RECOMMENDS "that present Section 21 be rescinded and the following be substituted therefore,

'Where a general holiday occurs during vacation granted to an employee, pursuant to Part Four, the vacation to which the employee is entitled, may be extended by one day but the employer shall pay to the employee in addition to the vacation pay, the wages to which the employee is entitled for that general holiday.'" (page 12)

Comment

The federal Code and the Yukon Ordinance contain the same provision regarding a general holiday during a vacation. Five provinces explicitly take account of holidays occurring during the vacation period (British Columbia, Manitoba, Newfoundland, Prince Edward Island and Saskatchewan). In addition, the holiday legislation in Nova Scotia might be interpreted as requiring pay for holidays during a vacation.

General Holidays

6. THE BOARD RECOMMENDS "an appropriate amendment be made to Section 2 clause (e), to include the first Monday in August as a general holiday upon proclamation of the Commissioner." (page 12)

Comment

In Canada, 9 jurisdictions have legislation concerning general holidays, and of these only the Yukon provides for 9 holidays. The federal jurisdiction, Alberta, British Columbia and Saskatchewan provide for 8, Manitoba and Ontario for 7, and Nova Scotia for 5.

7. THE BOARD RECOMMENDS "an amendment to Section 25 to ensure the employee receives holiday pay whether or not the general holiday falls on a working day. This

could be achieved by deleting the words 'that would otherwise be a working day' and by substituting 'within any period of his employment'." (page 13)

#### Comment

The federal Code and the Yukon and Nova Scotia legislation use the recommended wording. Saskatchewan requires holiday pay where an employee does not work on a holiday equivalent to what he would have received were the day not a holiday.

It should be noted that in the federal jurisdiction, British Columbia, Manitoba and Nova Scotia, an employee is entitled not merely to holiday pay, but to another day off with pay where the holiday falls on a non-working day.

Furthermore, the federal Code provides that where one of the fixed holidays, (Christmas, New Year's, Dominion Day and Remembrance Day), falls on a Saturday or Sunday that is a non-working day for the employee, he must be granted a holiday with pay on the day immediately preceding or following the holiday. Manitoba, the Yukon and Saskatchewan have a degree of similar protection, either for fewer fixed holidays or where a holiday falls on Sunday.

#### Maternity Leave

8. THE BOARD RECOMMENDS "that a maternity leave clause be inserted protecting the employee's job for eleven weeks, five weeks before delivery and six weeks following



and that the employee receive the same wage and benefits upon return to work as when she left on leave or maternity leave." (page 13)

#### Comment

Six jurisdictions have maternity leave protection legislation. (See Appendix A, Table 4)

The Report recommends a pre-natal leave of 5 weeks, which is shorter than in the other jurisdictions (6 weeks in British Columbia, New Brunswick and Ontario, and 11 weeks in the federal jurisdiction, Manitoba and Nova Scotia). The post-natal leave is 6 weeks in all these jurisdictions. The maternity leave period recommended by the I.L.O. is 11 weeks pre-natal and 6 weeks post-natal.

All the jurisdictions provide job security during maternity leave, and the federal jurisdiction, Manitoba, Nova Scotia and Ontario require reinstatement as recommended. Further, these four jurisdictions also forbid dismissal because of pregnancy before leave is granted.

#### Wage Recovery

9. THE BOARD RECOMMENDS "two approaches to assist the employee re wage recovery

- (a) THE FIRST RECOMMENDATION would be to amend the Standards Ordinance to provide that all wages due to an employee must be paid within 10 days of each pay period, and such pay period should not be greater than one month." (page 14)

Comment

Most provincial labour standards legislation provides that wage due to an employee must be paid within a stated number of days of each pay period, and also fixes the maximum length of the pay period.

9(b) "THE SECOND RECOMMENDATION would be a requirement that all employers be bonded to ensure the payment of wages. The Board would RECOMMEND that the employer be required to post a bond in an amount of 75% of the annual payroll or anticipated payroll." (page 15)

Comment

There is no legislative requirement in Canada that an employer be bonded in order to ensure the payment of wages. Federal government contracts policy does require such bonding, and provinces may follow a similar policy in their contracts.

Alberta, British Columbia, Manitoba, Nova Scotia, Ontario and Saskatchewan have legislation under which the government collects unpaid wages on behalf of the employee. In most of these provinces, the Department or responsible official has authority to require the employer, or a third party owing money to the employer, to pay monies in trust to the government for the benefit of an employee who has a claim against his employer for wages, pending a settlement of the claim.

10. THE BOARD RECOMMENDS "to stop exploitation of employees engaged in commercial fishing and to protect the employees, that the application of the Ordinance be amended so that such employees be not excluded and further recommend that their hours of work be based on a monthly total." (page 16)

Comment

The constitutional problem of whether or not fishermen fall under provincial or federal legislation for labour matters has not been solved. The determination of what type of relationship (employer-employee, independent contractor, etc.) between fishermen and the people with whom they deal is fraught with difficulties. Most provinces have excluded fishermen from the hours of work provisions of their Standards Acts.

Administration and General

11. THE BOARD RECOMMENDS "that under the provisions of of Section 45 that a Board be established and provisions be made in the legislation for the authority to have additional members appointed so that the total Board would not exceed five members.

FURTHER, the Board to have a great deal more authority and power than that of advising the Commissioner. This would include making recommendations to the Commissioner with regards to general changes of hours of work and minimum wages, vacation pay, etc., and would have the administrative authority to deal with individual applications regarding the question of changes in shift hours of work, permission to work over-time, etc., and enforcement of the legislation." (page 17)

Comment

Please see comments regarding Labour Relations Board.

Fair Practice Ordinance

12. THE BOARD RECOMMENDS "that 'marital status and sex' be included in the provisions which provide for no discrimination in employment, in membership of trade unions and in accommodation." (page 18)

Comment

Discrimination in employment and trade union membership on the basis of sex is prohibited by all jurisdictions other than the federal jurisdiction, Prince Edward Island, the Northwest Territories and the Yukon Territory. Only Alberta and Ontario prohibit such discrimination on the basis of marital status. It is intended to amend Part I of the Canada Labour Code (Fair Employment Practices) to add sex and marital status to the prohibitions. The charts comprising Appendix A, Table 5, provide more detailed information with respect to the federal, provincial and territorial laws and ordinances concerning discrimination in employment and trade union membership.

In recent months, jurisdictions administering or planning to administer prohibitions concerning discrimination in employment on grounds of sex or marital status have become aware that there are some very difficult technical questions when it comes to applying the prohibitions to pension plans and insurance plans providing life, accident, sickness or disability benefits. When dealing with pension plans, some of the difficulties arise in

connection with different retirement ages for men and women, and the provision of a widower's benefit in respect of female employees. Representations from women's groups pressing for changes in existing pension plans in respect of the points just mentioned and discussions with the Department of Insurance indicate that certain proposals for applying the prohibitions to the pension plan field would threaten the actuarial viability of existing pension plans. The technical difficulties are such that at the present time no comprehensive definition has been developed of what should constitute unlawful discrimination on grounds of sex and marital status in respect of pension and insurance plans.

In respect of accommodation, Alberta, Ontario, Nova Scotia and Saskatchewan prohibit discrimination on the grounds of sex in public accommodation and rental practices. Only Ontario prohibits discrimination based on marital status in public accommodation.

LABOUR RELATIONS

13. THE BOARD RECOMMENDS "it is now timely for the adoption of a Labour Relations Ordinance, such an Ordinance must guarantee to employees the freedom of association, the right of collective bargaining and proper procedures for the settlement of industrial disputes. We would also recommend that such legislation be written in clear, concise, simple language so that employees and employers could readily understand their rights and obligations under the law.

To ensure a full recognition of the principle of the rights of employers and employees in the collective bargaining we would suggest that a preamble be inserted in the legislation similar to the preamble contained in the Canada Labour Code." (page 21)

Comment

Part V of the Canada Labour Code (Industrial Relations) now applies to all undertakings in the Northwest Territories. If an Ordinance is to be passed by the Territory, then Part V will no longer apply to undertakings of a local or private nature. Guidance would have to be sought from the Legislation Section of the Justice Department to determine the procedure to be followed so that there will not appear to be an overlapping of the two labour relations laws. Provisions would have to be made to take care of the transition from Part V to any new labour relations Ordinance.

If a labour relations Ordinance would replace Part V of the Code, the Report completely fails to deal with such basic areas as collective bargaining, certification and decertification, conciliation, prohibitions and enforcement.

The Board's recommendations on labour relations are expressed in very broad and general terms. Attached as Appendix B is a schedule which sets out in detail the areas now covered by Part V. The Board dealt with unfair labour practices, but did not indicate who would hear such disputes. Part V gives jurisdiction to hear such disputes to the Canada Labour Relations Board.

#### Initiation Fees

14. THE BOARD RECOMMENDS "that residents be exempted from the payment of initiation fees required by Union Security clauses contained in collective agreements executed by employers and trade unions in all cases where the trade union is not a local trade union in the Territories." (page 22)

#### Comment

No jurisdiction in Canada has enacted such a provision. Union dues, including initiation fees, is a matter concerning the internal operation of a trade union and provisions for determining the amount of dues are contained in the constitutions of trade unions.

#### Seniority Clauses

15. THE BOARD RECOMMENDS "the application on seniority clauses of agreements executed outside of the Territories has created problems for resident employees and again to ensure protection to such employees to have an opportunity to be gainfully employed we would recommend that such seniority clauses be null and void with respect to resident employees." (page 22)

#### Health and Welfare Plans

16. THE BOARD RECOMMENDS "in the case of health and welfare plans contained in agreements between

construction employers and trade unions and building trade unions, any monies so payable on behalf of resident employees should be funded in such a manner that the resident employees shall qualify under the eligibility clauses in such health and welfare plans." (page 22)

17. THE BOARD RECOMMENDS "we understand that the average plan today provides for requirement of 600 hours of work before an employee can qualify for such health welfare plans and since the resident employees of the Northwest Territories may not be able to accumulate 600 hours, this figure should be reduced considerably to ensure that they enjoy such benefits." (page 22)

Comment (15, 16 and 17)

The above matters relating to seniority and health and welfare plans fall within the scope of collective bargaining and no jurisdiction in Canada has such legislative provisions.

Access to Employers' Premises

18. THE BOARD RECOMMENDS "besides the ordinary prohibition against intimidation or threats by employers, trade unions, or those acting on behalf of such persons or organizations interfering with the right of an employee to join or not to join a trade union, that provisions be made that where an employee resides on land owned by or under the control of his employer that there be no prohibition against any representative of the trade union visiting the employee outside of working hours for the purpose relating to the formation of an organization, selection or administration of a trade union or soliciting membership in a trade union." (page 23)

Comment

The federal jurisdiction and four provinces (Manitoba, Ontario, Québec and Saskatchewan) have enacted provisions ensuring access to employees living on the employer's premises.



Interim Certificate of Certification

19. THE BOARD RECOMMENDS "to expedite the process of certification it is suggested that an examining officer be authorized to issue an interim certificate of certification if:

- a) he is satisfied that the union is a proper bargaining agent,
- b) the unit for collective bargaining is appropriate, and
- c) a majority of employees desire to have the trade union certified.

Upon issuance of the interim certificate if an employer is not satisfied then he could appeal to the Board for formal hearing. Time limits would have to be established." (pages 23 and 24)

Comment

Several jurisdictions have established procedure under which certification may be expedited. In addition to the provisions described below, some provinces have established speedy certification processes for the construction industry unions.

In Manitoba, when no dispute exists as to the jurisdiction of the Board or the status of the applicant union, the Board may appoint an examiner to inquire into an application for certification. The examiner may reject the application or grant certification. Any party to the proceedings may appeal the decision to the Board within 5 days.

Saskatchewan has made provision for the appointment of an executive officer, to whom the Board may delegate

any of its powers and functions. The acts of the executive officer are subject to review by the Board at the request of any person affected or upon the Board's own initiative.

The Lieutenant Governor in Council may make rules permitting the Board to deal with applications ex parte. Any party affected by an ex parte disposition may apply to the Board for a review of the case.

In Nova Scotia, the Board is authorized to decide certain matters by separate consultation with the Chief Executive Officer, without having to meet as a group. The procedure is limited to cases involving interim cease and desist orders regarding work stoppages and other uncontested cases. The Construction Industry Panel may also deal with certification applications in this manner.

In Québec, if there is no dispute as to the majority status of the union or the bargaining unit, the investigator (an officer of the Department of Labour and Manpower) is to certify the union on the spot.

#### Representation Vote

20. THE BOARD RECOMMENDS "provision should be made permitting applications for certification to the Board by a trade union which has not less than 35% support of the employees in a unit. In all such cases, if the application is made on the wishes of 35% or more but less than 50% of the employees in the unit who

are members of the trade union, then the Board must supervise a vote of the employees as to whether or not a majority of the employees entitled to vote desire the trade union to be certified as their bargaining agent." (page 24)

#### Comment

Six jurisdictions have relaxed the requirement for obtaining a certification vote: Saskatchewan 25%, the federal jurisdiction, Manitoba and Ontario 35%, and New Brunswick and Nova Scotia 40%. The circumstances under which such a vote may be held and the procedures that the Boards must follow vary considerably.

#### Use of "Spin-off" Companies

21.. THE BOARD RECOMMENDS the provisions to prevent the use of "spin-off" companies to negate collective bargaining could be in the following forms:

- "1. If and when the employer or any shareholder (holding a major equity or control thereto) shall perform or shall cause to be performed, any work covered by a collective agreement under its own name or under the name of any other as a person, corporation, company, partnership, enterprise, associate, combination or joint venture, the collective agreement shall be applicable to all such work performed under the name of the employer or the name of any other person, corporation, company, partnership, enterprise, associate, combination or joint venture.
2. Where a question arises under section 1 as to whether or not the collective agreement is applicable the Tripartite Board may decide the question and its decision is final and conclusive." (pages 25 and 26)

Comment

No jurisdiction in Canada has enacted a provision such as the one proposed above. However, most jurisdictions have some "successor rights" provisions which may be applied to employers trying to evade certification or collective agreements, particularly where a business passes from one employer to another through sale, merger, amalgamation or otherwise.

The federal jurisdiction and Nova Scotia (and Alberta-- proposed Bill 35) authorize the Board to declare several employers to be a single employer where associated or related businesses are under common control or direction.

In Nova Scotia, the Board is also empowered to direct that the provisions governing the transfer of business apply where an employer contracts out a significant part of the work normally done by his employees.

Administration

22. THE BOARD RECOMMENDS "the Labour Standards Board be authorized to be a Labour Relations Board with quasi-judicial authority under a Labour Relations Ordinance and empowered with the responsibility of administering the said Ordinance." (page 26)

Comment

In most Canadian jurisdictions, labour relations boards deal only with matters assigned to them under labour relations legislation. However, the Alberta, British Columbia and Manitoba Boards deal with questions of employment standards.

Seldom do boards actually administer legislation--this is generally done by departments of labour. Boards usually have quasi-judicial powers or powers of recommendation.

The Report in recommending a labour relations ordinance does not consider case loads related to applications for certification, investigation of such applications, or conciliation services, which are presently handled by the Canada Labour Relations Board and the Canada Department of Labour.

If the Canada Labour Code (Part V) were replaced by a Labour Relations Ordinance, the question may arise as to whether the Federal Government could continue to provide administrative services. In this regard, Section 209 of the Canada Labour Code (Part V) reads as follows:

"209.(1) Where this Part and legislation enacted by the legislature of a province are substantially uniform, the Minister may, on behalf of the Government of Canada, with the approval of the Governor in Council, enter into an agreement with the government of the province to provide for the administration by officers and employees employed in the public service of Canada of the provincial legislation.

(2) An agreement made pursuant to sub-section (1) in respect of the administration of any legislation of a province may provide

- (a) for the administration by Canada of the legislation of the province with respect to any particular work, undertaking or business;
- (b) that the Minister may, on behalf of the province, exercise or perform powers or

duties conferred under the legislation of the province;

(c) that the members of the Board, or officers and employees employed in the public service of Canada, may exercise or perform powers or duties conferred or imposed under the legislation of the province; and

(d) for payment by the government of the province to the Government of Canada for expenses incurred by the Government of Canada in the administration of the legislation of the province.

(3) Where

(a) an agreement has been entered into between the Government of Canada and the government of a province in respect of any legislation of the province, and

(b) the legislation so provides and the Governor in Council so orders,

the Minister, the members of the Board and any officers or employees employed in the public service of Canada, may exercise the powers and perform the duties specified in the legislation or agreement."

Over the period 1968 to 1972, inclusive, there were 16 disputes involving 10 collective agreements.

Our information is that the work force is estimated to be 9,000; and the workers who are organized appear to number about 3,300, of whom about 1,900 are covered by the Public Service Staff Relations Act.

Please see Appendix C, Tables 1 and 2, for details of disputes and estimated costs relating to conciliation services.

Over the same period, 1968 to 1972, inclusive, the Canada Labour Relations Board granted 14 certifications out of a total of 20 applications. (See Appendix D.)

It should be noted that the new Canada Labour Relations Board has established a policy whereby the Board will sit at various locations across the country, which will no doubt expedite the handling of applications and reduce their cost to the parties.

#### Annual Guaranteed Income

23. THE BOARD RECOMMENDS "that the Government should introduce an annual guaranteed income to every adult person, discontinuing welfare payments and northern allowance." (page 27)

#### Comment

This recommendation does not fall within the purview of the Canada Department of Labour.

1. Hours of work legislation\*

Jurisdiction	Hours	Compressed work week	Examples of other variation
Federal	Standard: 8, 40 Maximum: 48	No	Trucking: special provisions
Alberta	Standard: 9, 44 Maximum: 8, 44 (in a 6-day week)	Yes	Geophysical exploration: oil well service; land surveying: 191  Work camps; brush clearing: 10, 191 logging and sawmill (Nov. 1 - March 31, with Board approval June 1 - Oct. 31)  Highway and railway construction: 10, 88 in 2 weeks  Trucking: 10, 50
British Columbia	Standard: 8, 40 Maximum: 8, 44 (certain industries only)	Possible	Geophysical exploration, oil-well drilling and service; cooks and bunkhouse occupation in unorganized territory: 174 standard  Trucking: 8½, 47 standard
Manitoba	Standard: 8, 44	Possible	Construction: 44, 40 in Winnipeg, 60 heavy construction



Jurisdiction	Hours	Compressed work week	Examples of other variation
Ontario	Standard: 48 (where allowed) Maximum: 8, 48	Possible	Highway transport: 60  Local cartage; seasonal employees in fruit and vegetable processing; and hotels, restaurants and tourist resorts: 55  Road building: 55 or 50, depending on class of work  Watermain construction: 50  Other construction excluded
Saskatchewan	Standard: 8, 40	Yes	Northern area except towns; logging; road construction excluded
Northwest Territories	Standard: 8, 48 Maximum: 10, 60	No, except for employees with monthly hours	Exploration and development of metal mining and petroleum; transport of goods to and from isolated areas, tourist camps: 208 standard, 260 maximum
Yukon Territory	Standard: 8, 48 ( <del>not</del> in shops) Maximum: 10, 60, 260	No	Excluded: mineral prospecting

\* The procedures by which hours, including variations, are established vary greatly.

2. General Minimum Wage Rates for Adult Workers  
(as of May 1, 1973)

Jurisdiction	Date Rates effective	Rates \$
Federal	November 1, 1972	17 and over: 1.90
Alberta	January 1, 1973	18 and over: 1.75
British Columbia	December 4, 1972 December 3, 1973 June 3, 1974	18 and over: 2.00 2.25 2.50
Manitoba	October 1, 1972	18 and over: 1.75
New Brunswick	January 1, 1973	18 and over: 1.50
Newfoundland	June 1, 1972	Over 18 : 1.40
Nova Scotia	July 1, 1972 July 1, 1973	18 and over: 1.55 1.65
Ontario	February 1, 1973	1.80
Prince Edward Island	September 1, 1969 July 1, 1972 July 1, 1973 July 1, 1974	1.25 men (18 and over) 1.10 women 18 and over: 1.40 men 1.30 women 1.50 both sexes
Québec	May 1, 1973 November 1, 1973 May 1, 1974 November 1, 1974	18 and over: 1.70 1.80 1.90 2.00
Saskatchewan	July 1, 1972	1.75

Jurisdiction	Date Rates effective	Rates \$
Northwest Territories	September 1, 1970	17 and over: 1.50
Yukon Territory	January 1, 1972	17 and over: 1.75*

\* Upon proclamation of amendment to Labour Standards Ordinance to be 10 cents higher than the federal minimum at all times.

Legislative Research Branch

3. Minimum Wage Rates for Young Workers

Jurisdiction	Date Rates effective	Rates \$
Federal	November 1, 1972	Under 17: 1.65
Alberta	January 1, 1973	Under 18: 1.60 Students under 18 (employed part-time): 1.25
British Columbia	December 4, 1972 December 3, 1973 June 3, 1974	Under 18: 1.60 1.85 2.10
Manitoba	October 1, 1972	Under 18: 1.50
New Brunswick	March 1, 1972	Under 18: 1.35
Newfoundland	June 1, 1972	16-18: 1.10
Nova Scotia <sup>1</sup>	July 1, 1972 July 1, 1973	14-18: 1.35 1.40
Ontario <sup>2</sup>	February 1, 1973	Students under 18: 1.45 (employed not more than 28 hours a week or during a school holiday)

1 Without the express approval of the Minimum Wage Board, the number of young workers employed by an employer may not exceed 25% of his total work force. However, in a motel, hotel, restaurant or tourist resort from June 15 to September 15, 60% may be young workers.

2 Student rate not applicable in the ambulance or construction industries.

Jurisdiction	Date Rates effective	Rates \$
Prince Edward Island	July 1, 1972	Women under 18: 1.00
		Students (males employed minimum of 28 hours a week or during school holidays; females employed minimum of 24 hours a week)
	August 1, 1970	1.00 (males)
	July 1, 1972	1.00 (females)
	July 1, 1973	Under 18: 1.20 both sexes
July 1, 1974	1.40	
Québec	May 1, 1973	Under 18: 1.60
	November 1, 1973	1.70
	May 1, 1974	1.80
	November 1, 1974	1.90

Legislative Research Branch

#### 4. Maternity Protection Legislation

Jurisdiction	Period of Leave	Requirements	Coverage	Job Security
Canada	<p>17 weeks.</p> <p>Pre-natal: 11 voluntary, until actual delivery.</p> <p>Post-natal: 6 compulsory; shorter if agreed to by employee &amp; employer &amp; approved by physician.</p> <p>Special: (where no application made) - 11 voluntary where incapable of performing duties due to medical condition not expected by physician.</p>	<p>1 year's service; application 4 weeks before leave; medical certificate</p>	<p>Federal industries</p>	<p>No dismissal solely because of pregnancy or application for leave.</p> <p>Reinstatement in same position or comparable with not less than same wages and benefits.</p>
British Columbia	<p>12 weeks.</p> <p>Pre-natal: 6 voluntary.</p> <p>Post-natal: 6 compulsory; longer where recommended by physician.</p>	<p>Medical certificate</p>	<p>Excluded: farming, horticulture, domestics in private residence</p>	<p>No notice or dismissal because of authorized leave or reasons arising out of it unless absent for 16 weeks. Onus of proof on employer.</p>
Manitoba	<p>17 weeks.</p> <p>Pre-natal: 11 voluntary, to be extended until actual delivery.</p> <p>Post-natal: 6 compulsory; shorter if agreed to by employee &amp; employer &amp; approved by physician.</p> <p>Special: (where no application made) - 11 voluntary where incapable of performing duties due to medical condition not expected by physician.</p>	<p>1 year's service; application 4 weeks before leave; medical certificate</p>	<p>Excluded: farming, horticulture, domestics in private home, professionals and students</p>	<p>No dismissal solely because of pregnancy.</p> <p>Reinstatement in same position or comparable with not less than same wages and benefits; not required after more than 10 weeks.</p>

Jurisdiction	Period of Leave	Requirements	Coverage	Job Security
New Brunswick	12 weeks. Pre-natal: 6 voluntary Post-natal: 6 compulsory; longer with medical certificate.	Medical certificate	Excluded: employment in private home	16 weeks - no notice for reasons arising out of leave.
Nova Scotia	17 weeks. Pre-natal: 11 voluntary, extended until actual delivery. Compulsory any time on request of employer where duties cannot reasonably be performed or performance materially affected. Post-natal: 6 weeks compulsory; shorter on opinion of doctor.	1 year's service; medical certificate	Excluded: domestics in private home, professionals and students. Applies to Crown	No dismissal because of pregnancy. Reinstatement with no loss of security or benefits.
Ontario	12 weeks. Pre-natal: 6 voluntary, extended until actual delivery. Compulsory any time on request of employer where duties cannot reasonably be performed or performance materially affected. Post-natal: 6 compulsory; shorter on opinion of doctor.	1 year's service; medical certificate	Excluded: employers with fewer than 25 employees. Applies to Crown	Termination for pregnancy prohibited. Reinstatement without loss of seniority or accrued benefits.

Table 5

ACT APPLIES TO:	CODE PT. I	B.C.	ALTA.	SASK.	MAN.	ONT.	QUE.	N. B.	N.S.	P.E.I.	NFLD.	YUKON	N.W.T.
Employers of 1 or more employees.		●	●	●	●	●		●	●	●	●		
Employers of 5 or more employees.	●						●					●	●
Trade unions.	●	●	●	●	●	●	●	●	●	●	●	●	●
Employment agencies.	●	●	●	●	●	●		●	●	●	●	●	●
Employers' associations.	●	●	●	●	●	●	●	●	●	●	●	●	
Professional, occupational, business or trade associations.			●			●		●	●				
<b>EXCEPTIONS TO APPLICATIONS:</b>													
Employment of domestics.		●	●	●		●	●		●	●	●	●	●
Employment of resident farm workers or of employee living in the house of his employer.			●	●									
Certain organizations not operating for private profit.	●	●		●			●		●	●	●	●	●
"Employee" does not include a manager, supervisor, foreman, etc. in his relations with his employees.							●						







CODE PT. I	B.C.	ALTA.	SASK.	MAN.	ONT.	QUE.	N. B.	N.S.	P.E.I.	NFLD.	YUKON	N.W.T.
Retaliation because of employee's connection with process under the Act.	●	●	●	●	●		●	●	●	●	●	●
Use of employment agencies that discriminate.	●		●						●	●		
Employment agencies specifically forbidden to discriminate.					●		●	●				
Refusal of union membership; expulsion from union.	●	●	●	●	●	●	●	●	●	●	●	●
Refusal of membership in employers' association; expulsion from association.			●	●	●	●	●					
Refusal of membership in or expulsion from a professional, occupational, business or trade association.			●	●	●		●	●				
Discrimination against applicants for volunteer services (e.g. fire protection).								●				
<b>EXCEPTIONS TO PROHIBITED PRACTICES:</b>												
A limitation, specification or preference based on a bona fide occupational qualification is permitted in all areas.							●				●	●
A refusal, limitation, specification or preference based on a bona fide occupational qualification to employers and in application forms, advertisements and inquiries.			●									
A limitation, specification or preference based on a bona fide occupational qualification in application forms advertisements and inquiries.	●	●	●	●						●		

	CODE PT. I	B.C.	ALTA.	SASK.	MAN.	ONT.	QUE.	N. B.	N.S.	P.E.I.	NFLD.	YUKON	N.W.T.
Sex discrimination prohibition not applicable where there is a bona fide occupational qualification.		●				●			●		●		
Marital status discrimination prohibition not applicable where there is a bona fide occupational qualification						●							
Adherence to security regulations excepted.	●			●						●			
The operation of a bona fide pension or group insurance plan is not affected by prohibitions based on:											●		
a) age		●	●			●							
b) sex						●							
c) marital status.			●			●							
Sex discrimination prohibition does not nullify the application of protective or restrictive laws or regulations.		●				●			●				
Any prohibition is not applicable where there is a bona fide occupational qualification in respect of certain organizations not operating for private profit.					●	●							
Any prohibition is not applicable where based on the inherent requirements of a job.							●						
Preference may be given to workmen ordinarily resident in the province.											●		

	CODE PT. I	B.C.	ALTA.	SASK.	MAN.	ONT.	QUE.	N. B.	N.S.	P.E.I.	NFLD.	YUKON	N.W.T.
<b>Discrimination of grounds of a person's sex not prohibited where the work cannot reasonably be performed by persons of that sex.</b>				●			●						
<b>Statutory preference excepted for Canadian citizens or British subjects, in respect of professional, business or trade associations.</b>								●					
<b>CURRENT RESPONSIBLE AUTHORITY</b>													
Minister of Labour	●	●	●			●	●	●			●		
Attorney - General				●	●								
Minister of Public Welfare									●				
Minister of Labour and Manpower Resources										●			
Commissioner of Territory												●	●
<b>ADMINISTERING AUTHORITY</b>													
Human Rights Commission			●	●	●	●		●	●				
Director	●	●									●		
Minimum Wage Commission							●						



Areas Covered by Canada Labour Code,  
Part V (Industrial Relations)

Preamble	
Clause 1	Repeal and Substitution Definitions Applications
Division I	Basic Freedoms
Division II	Canada Labour Relations Board
	Composition
Composition & Operation	Completion of Duties Remuneration Head Office & Meetings Quorum
Powers and Duties	Chief Executive Officer Regulations Powers of Board Review & Amendment Application of Orders Exercise of Powers Review and Enforcement of Orders Under the Federal Court Act Filing of Orders in Federal Court
Division III	Acquisition and Termination of Bargaining Rights
	Application for Certification
	Determination of Bargaining Units
	Duty to Certify
	Representation Vote
	Conduct of Vote
Certification and related matters	Result of Vote Council of Trade Unions Employers' Organization Longshoring (pools) and others May declare a single employer Certification prohibited Private constables in separate unit Effect of Certification
	Application for Revocation
Revocation and related matters	Revocation Order Revocation for Fraud - Application Revocation for Fraud - Ordered Revocation - Council of Trade Unions Effect of Revocation
Successor Rights and Obligations	Merger of Trade Unions Sale of Business Portion of public service established as Corporation under this Part

Division IV

Collective Bargaining and  
Collective Agreements

Obligation  
to Bargain

Notice to Bargain  
Duty to Bargain  
Technological Change Definitions

Technological  
Change

Notice by Employer  
Orders by Board  
Notice to Bargain Ordered  
Conditions precedent

Content and  
Interpretation  
of Collective  
Agreements

Effect of Collective Agreement  
Provision for Final Settlement  
Arbitration pursuant to agreement  
not to be reviewed - etc.  
Powers of Arbitrator (or Board)  
Questions referred to Arbitration  
Enforcement of Decisions  
Item of Collective Agreement  
Certain Provisions re Trade Unions  
Revocable Check-off

Division V

Conciliation

Conciliation  
Procedures

Notice of Dispute  
Options of Minister  
Duties of Conciliation Officer  
Conciliation Officer Unsuccessful  
Duties of Commissioners and Boards  
Report of Commissioners or Boards  
Reconsideration of Report  
Release of Report

Establishing  
Conciliation  
Boards

Report binding by agreement  
Composition Conciliation Board  
Nomination to Board  
Notification board established  
Powers of Board

General

Sittings  
Proceedings prohibited  
Not evidence in Court

Division VI

Prohibitions and Enforcement

Strikes  
and  
Lockouts

Definition "employer" "trade union"  
Requirements before Strike or Lockout  
Limitation between Parliaments  
Declaration Strike Unlawful  
Declaration Lockout Unlawful



Division VI  
(Cont'd.)

Unfair  
Practices

Offences and  
Penalties

Prohibitions and Enforcement

Employer Interference with Union  
Acts prohibited by unions  
General Prohibitions  
Complaints to Board  
Duty and Power of Board  
Board Orders  
Penalties illegal strikes & lockouts  
General offences - penalties  
Further offences - penalties  
Prosecution employers' organizations  
or council of trade unions  
Consent of Minister before Prosecution

Division VII

Promotion of  
Industrial  
Peace

General

Mediators  
Minister may make enquiries  
Minister - additional powers  
Industrial Inquiry Commission  
Access to Employer's Premises  
Regulations  
Miscellaneous  
Late Reports to Minister  
Technical defects in proceedings  
Filing collective agreements  
Remuneration & Expenses of  
Industrial Inquiry Commission  
Persons appointed not in Public Service  
Witness Fees and Expenses  
Not required to give evidence  
Arrangements with Provinces  
Annual Report

1. Conciliation Caseload1968

Cominco Ltd., (Pine Point Operations),  
Pine Point and United Steelworkers  
of America

Settled,  
conciliation  
officer

No. of employees: 300

Cominco Ltd., (Con and Rycon Operations),  
Yellowknife and United Steelworkers  
of America

Settled,  
conciliation  
officer

No. of employees: 185

Giant Yellowknife Mines Ltd., Yellowknife  
and Local 803 of the United Steelworkers  
of America

Settled,  
conciliation  
officer

No. of employees: 260

Inspiration Limited and United Steelworkers  
of America, Local 7288

Settled,  
conciliation  
officer

No. of employees: 40

1970

Cominco Ltd., (Con and Rycon Operations),  
Yellowknife and United Steelworkers of  
America

Settled,  
conciliation  
officer

No. of employees: 210

Giant Yellowknife Mines Ltd., Yellowknife  
and Local 803 of the United Steelworkers  
of America

Settled,  
conciliation  
officer

No. of employees: 300

Inspiration Limited (Mining Services Division),  
and United Steelworkers of America, Local 7238

Settled,  
conciliation  
officer

No. of employees: 75

1971

Cominco Ltd., (Pine Point Operations),  
Pine Point and United Steelworkers  
of America

Settled  
conciliation  
officer

No. of employees: 425

Yellowknife Public School Board (Yellowknife  
Public School District No. 1) and Yellowknife  
Public School Local, Northwest Territories  
Teachers' Association

Settled  
conciliation  
officer

No. of employees: 538

Dominion Catering Co. Ltd., Yellowknife  
and United Steelworkers of America

Settled  
conciliation  
officer

No. of employees: 15

Poole Construction Limited, Edmonton  
(employees employed in the Northwest  
Territories) and United Brotherhood of  
Carpenters and Joiners of America,  
Local 1325

Had services  
of Board and  
is still pending.

No. of employees: 19

1972

Inspiration Drilling, Yellowknife (Division  
of Dresser Industries Canada Ltd.) and  
United Steelworkers of America, Local 7288

Settled,  
conciliation  
officer

No. of employees: 35

Cal-Van-Canus Catering Services Limited,  
Pine Point and Hotel and Restaurant Employees  
and Bartenders Union, Local 579

Settled,  
conciliation  
officer

No. of employees: 20

Canada Tungsten Mining Corporation Ltd.,  
Tungsten and United Steelworkers of America,  
Local 953

Settled,  
conciliation  
officer

No. of employees: 90

A. V. Carison Construction Ltd., Edmonton  
and United Brotherhood of Carpenters and  
Joiners of America, Local Union No. 1325  
(representing a unit of carpenters in the  
District of MacKenzie in the Northwest  
Territories)

No Board; no action  
taken by parties  
since so advised and  
is still pending.

No. of employees: none at present time  
since work is seasonal

Bird Construction Co. Ltd., Edmonton and  
United Brotherhood of Carpenters and  
Joiners of America, Local Union No. 1325  
(representing a unit of carpenters in the  
District of MacKenzie in the Northwest  
Territories)

No. Board; no action  
taken by parties  
since so advised  
and is still  
pending.

No. of employees: 2

2. Estimated Costs of Conciliation

<u>Year</u>	<u>Man-Days</u>	<u>Salaries</u>	<u>Lodging</u>	<u>Transportation</u>	<u>Total</u>
1968	36	1,488.23	533.65	1,281.00	3,302.88
1969	nil	nil	nil	nil	nil
1970	33	1,731.27	749.25	1,463.90	3,944.42
*1971	61	3,349.03	977.70	2,185.96	6,512.69
1972	28	1,485.84	365.00	1,053.70	2,904.54
<hr/>					
Total 5 years	158	\$8,054.37	\$2,625.60	\$5,984.56	\$16,664.53
<hr/>					

\*1971, Conciliation Board expenses.....984.80

TOTAL: \$17,649.33

- Notes:
1. In the five years reported, one dispute went to a Conciliation Board in 1971. The total cost for Conciliation services for the year 1971 was \$7,497.49.
  2. Cost of telephone service not included.
  3. Cost of support staff not included.

CANADA LABOUR RELATIONS BOARDActivities\* in the Northwest TerritoriesJanuary 1, 1968 to December 31, 1972

	<u>Received</u>	<u>Granted</u>	<u>No. of Employees</u>	<u>Rejected</u>	<u>Withdrawn</u>
1968	5	5	(733)	-	-
1969	3	1	( 7)	-	2
1970	2	-	-	-	2
1971	5	3	(104)	2	-
1972	5	5	(103)	-	-

\*All activities involved applications for certification.