

EMPLOYMENT STANDARDS ACT**CHAPTER 10**

[Assented to August 22, 1980]

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1

INTERPRETATION AND APPLICATION

Interpretation**1. In this Act**

- “annual vacation” means an annual paid vacation to which an employee is entitled;
- “board” means the Employment Standards Board established under Part 12 and, except in sections 86 to 88 and 94, includes a panel established under section 87;
- “collective agreement” means a collective agreement as defined in the *Labour Code* or the *Public Service Labour Relations Act*;
- “conditions of employment” means all matters and circumstances in any way affecting employers and employees in respect of the employment relationship;
- “day” means a 24 hour period ending at midnight;
- “director” means the Director of Employment Standards appointed under the *Public Service Act*;
- “employee” includes
- (a) a person, including a deceased person, in receipt of or entitled to wages for labour or services performed for another,
 - (b) a person an employer allows, directly or indirectly, to perform work or service normally performed by an employee, and
 - (c) a person being trained by an employer for the purpose of the employer’s business;
- “employer” includes a person who
- (a) has control or direction of, or
 - (b) is responsible, directly or indirectly, for the employment of an employee, and includes a person who was an employer;
- “general holiday” means New Year’s Day, Good Friday, Victoria Day, Dominion Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day;
- “obligor” means an employer or person named in a certificate as owing wages;
- “pay period” except in Part 9, means a period of employment not exceeding 16 consecutive days;
- “wages” includes
- (a) salaries, commissions or compensation, paid or payable by an employer to an employee for his services or labour,
 - (b) money required to be paid by an employer to an employee under this Act,
 - (c) money required to be paid by an order of the board, and
 - (d) in Part 2, money required to be paid for an employee’s benefit under a contract of employment or a collective agreement to a fund, insurer or other person,
- but does not include
- (e) gratuities,
 - (f) money that is paid at the discretion of the employer and that is not related to hours of work, production or efficiency,
 - (g) travelling allowances or expenses, or
 - (h) other expenses;
- “week” except in Part 3, means a period of 7 consecutive days commencing on any day of the week;

“work” means the labour or services an employee is required to perform for an employer and includes time the employee is required to be available for his employment duties at a place designated by the employer but does not include the time spent by an employee in his own living accommodation, whether on or off the employer’s premises.

Minimum standards

2. A requirement prescribed by or under this Act is a minimum requirement and, subject to this Act, the regulations and lawful orders of the director, an agreement to waive a requirement is void.

Action rights not affected

3. Subject to section 24, nothing in this Act or the regulations affects the right of a person to commence and maintain an action which, but for this Act, he would have had the right to commence and maintain.

PART 2

WAGE PROTECTION

When wages paid

4. (1) An employer shall, at least semi monthly and not later than 8 days after each pay period, pay to each employee all wages earned for the pay period by the employee other than wages for annual vacation or accrued general holidays.

(2) On receipt of a written application from an employer and his employees or their representative, the director may authorize an extension of the 8 day period under subsection (1).

Where employment terminates

5. (1) On termination by an employer of an employee’s employment, the employer shall forthwith pay to the employee all wages owing to him.

(2) On termination by an employee of his employment, the employer shall within 6 days after the date of termination of employment, pay to the employee all wages owing to him.

(3) Where an employee is paid on a salaried basis and his employment is terminated, the employer shall pay the employee not less than the corresponding hourly equivalent of his salary for every hour of work for which he has not been paid.

Form of payment

- 6.** An employer shall pay all wages
- (a) in lawful currency of Canada,
 - (b) by cheque, bill of exchange or order to pay, payable on demand, drawn on a savings institution, or
 - (c) if authorized by the employee in writing, by deposit to the credit of the employee's account in a savings institution.

Deductions, assignments, etc.

7. (1) Except as permitted or required by an enactment, an employer shall not, directly or indirectly, withhold, deduct or require payment of all or part of an employee's wages by way of a setoff, counterclaim, assignment or for any other purpose.

(2) An employer shall honour an employee's written assignment of or authorization to pay wages

- (a) to a trade union in accordance with the *Labour Code* or the *Public Service Labour Relations Act*,
- (b) to a charitable or other organization, or a pension or superannuation or other plan, if the assignment or authorization to pay is for amounts that are deductible for income tax purposes under the *Income Tax Act* (Canada),
- (c) to an insurer, licensed under the *Insurance Act*, for the purpose of insurance or medical or dental coverage with that insurer,
- (d) to a savings institution, and
- (e) for a purpose that the director considers is for the benefit of the employee and that is authorized by written order of the director.

(3) An employer may honour an employee's written assignment of or authorization to pay wages to meet a credit obligation.

Revocation of assignment

8. An employee who revokes a wage assignment or authorization to pay shall do so by giving written notice of revocation

- (a) to his employer, and
- (b) to the person in whose favour the wage assignment or authorization to pay was made.

Employer's duty to pay over

9. (1) An employer who makes a deduction from an employee's wages under a written wage assignment or authorization to pay shall make payment in accordance with the terms of the wage assignment or authorization to pay, or within one month after the date the deduction is made, whichever is sooner.

(2) An employer who has agreed under a contract of employment or a collective agreement to make a payment for the benefit of an employee to a fund, insurer or other person shall make the payment when it is due and in accordance with the terms of the contract or collective agreement.

Employer records

10. (1) An employer shall, in respect of each employee, keep a record of the wages earned, the wages paid, the wage rate, the hours worked each day, each deduction made and the reason it was made, and the employee's name, occupation, date of birth and residential address.

(2) The record must be in English and be kept at the employer's principal place of business in the Province for a period of one year after the employee ceases his employment, but the director may authorize an alternative place for the employer to keep the records under conditions the director considers appropriate.

Statement of wages

11. (1) An employer shall, on every payday, give to each employee a separate written statement of wages for his pay period stating

- (a) in the case of an hourly paid employee, the hours worked by him,
- (b) the employee's wage rate and, where the rate varies, the hours worked at each rate,
- (c) the hours worked by the employee for which payment of wages is made at the overtime wage rate, and the overtime wage rate,
- (d) any bonus, living allowance or other payment to which the employee is entitled,
- (e) the amount of each deduction from the earnings of the employee and the purpose of each deduction,
- (f) where an employee is paid other than by salary or by the hour, how the wages were calculated for the work for which payment is made, and
- (g) the amount being received by the employee.

(2) Where in pay periods subsequent to the pay period for which a statement has been given there has been no change in the statement, a further statement need not be given to the employee until a change occurs.

Certificate of nonpayment by employer**12.** Where

- (a) the director or his authorized representative receives or obtains information before the expiration of 6 months following the latest date on which an employer or person failed to make
 - (i) payment of wages to an employee, or
 - (ii) a payment referred to in section 9, 17 (1), 19, 20, 23 or 76 (2), and
- (b) the director is satisfied that wages are owing and no other proceeding for their recovery has been commenced, or, if commenced, has been discontinued,

the director shall

- (c) issue a certificate setting out the amount owing by the obligor, and
- (d) serve a copy of the certificate on the obligor giving him 8 days after service, or further time the director may allow, within which to give notice to the director that he contests the certificate.

Confirmation of certificate

13. (1) Where the obligor does not give notice that he contests the certificate within the time allowed in section 12 (d), the director may confirm the certificate.

(2) Where an obligor, within the time allowed under section 12 (d), gives notice that he contests the certificate, the director shall refer the certificate to the board.

(3) Notwithstanding subsection (2), where an agreement satisfactory to the director has been reached between the obligor and employee or person owed wages named in the certificate, the director may

- (a) cancel the certificate, or
- (b) cancel the certificate and make and confirm a certificate setting out the amounts agreed to.

(4) Where the director has referred a certificate to the board, the board may, subject to section 91, order the director to

- (a) confirm the certificate,
- (b) cancel the certificate, or
- (c) cancel the certificate and make and confirm a certificate setting out the amounts owing.

(5) Where the board makes an order for the payment of money otherwise than under this section, the director shall issue a certificate for that amount and confirm it.

Certificate enforceable as judgment

14. (1) The director may file in court a certificate confirmed under section 13.

(2) A filed certificate is enforceable in the same manner as a judgment of the court in favour of the director for the recovery of a debt in the amount set out in the certificate.

Lien and charge on property

15. (1) Unpaid wages set out in a certificate constitute a lien, charge and secured debt in favour of the director against all the real and personal property of the obligor, including money due or accruing due to the obligor from any source.

(2) Notwithstanding any other Act, the amount of a lien and charge and secured debt referred to in subsection (1) is payable and enforceable in priority over all liens, judgments, charges or any other claims or rights including those of the Crown in right of the Province and, without limiting the generality of the foregoing, the amount has priority over

- (a) an assignment, including an assignment of book debts, whether absolute or otherwise and whether crystallized or not,
- (b) a mortgage of personal property,
- (c) a debenture charging personal property, whether crystallized or not, and
- (d) a contract, account receivable, insurance claim or proceeds of a sale of goods,

whether made or created before or after the date the wages were earned or the date a payment for the benefit of an employee became due.

(3) Notwithstanding subsection (2), the lien, charge and secured debt referred to in subsection (1) does not have priority over a mortgage of, or debenture charging, land, that was registered in a land title office before registration against that property of a

certificate of judgment obtained pursuant to the filing under section 14, except with respect to money advanced under the mortgage or debenture after the certificate of judgment was registered.

Attachment of debts

16. (1) Where the director has reason to believe that a person is or is likely to become indebted to an obligor, the director may demand in writing that from out of the money payable by the person to the obligor the person shall pay the amount stated in the certificate to the director on account of the liability of the obligor.

(2) Where a demand is made under this section, the person named in the demand

(a) shall, if indebted to the obligor, pay to the director the amount demanded, within 15 days after the later of

(i) the date of service of the demand, or

(ii) the date he becomes indebted to the obligor, and

(b) shall not, except with the written consent of the director, pay the amount demanded to a person other than the director.

(3) The director's receipt for money paid in response to a demand shall be deemed conclusive proof of the discharge of the liability of the person to the obligor to the extent of the amount stated in the receipt.

(4) Money or a beneficial interest in money in a savings institution

(a) on deposit to the credit of an obligor, or held in trust by a depositor for an obligor, at the time a demand is served, or

(b) deposited to the credit of an obligor after a demand is served,

is money for which the savings institution is indebted to an obligor within the meaning of subsection (1).

(5) A demand issued under this section continues in effect until it is satisfied or until it is cancelled by the director.

Nonpayment of demand

17. (1) Where a demand made on a person under section 16 is not honoured and the person is indebted to the obligor, the director may enforce recovery of the amount as if it were unpaid wages, and this Act applies to the recovery of that amount.

(2) Where a person on whom a demand is made denies indebtedness to an obligor, the director or his authorized representative may require that person to produce information the director or his authorized representative considers necessary to establish that there is no indebtedness.

Disposition of money paid to director

18. (1) The director shall pay all money received by him to the Minister of Finance who shall hold it in trust for, and shall pay out according to the direction of the director to, the persons entitled under this Act.

(2) Where the director receives money under this Act, the money shall first be attributed by the director proportionally among the employees named in the certificate

according to their wages due and owing as shown on the certificate and shall then be paid according to the following priority:

- (a) to a person who is a holder for value of a cheque, bill of exchange or order to pay for the employee's wages that was not paid;
- (b) to the assignee of an assignment or authorization to pay made by the employee;
- (c) to the person named in the certificate, and where the employee is deceased,
 - (i) under the *Estate Administration Act*, or
 - (ii) to the estate of the employee;
- (d) to a fund, insurer or other person to whom payment is to be made under section 9.

(3) Where there is insufficient money to pay all persons entitled under a paragraph in subsection (2), the money available to the persons covered by that paragraph shall be divided in proportion to the amount of each person's entitlement.

(4) Notwithstanding subsection (2), where

- (a) the director receives money in respect of wages owing to an employee, and
- (b) that employee is also an obligor,

the money that, but for this subsection, would have been paid in accordance with subsection (2) may be directed by the director to be paid in satisfaction of the claims of the employee named in the certificate in respect of which the employee referred to in paragraph (b) is the obligor.

Corporate officer liability

19. A person who was a director or officer of a corporation at the time wages of an employee of the corporation should have been paid is personally liable for the unpaid wages in an amount not exceeding 2 months' wages for each employee affected, and this Act applies to the recovery of the unpaid wages from that person.

Associated corporations

20. Where the director or the board considers that businesses, trades or undertakings are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination of them under common control or direction, the director or the board may treat the corporations, individuals, firms, syndicates or associations, or any combination of them, as constituting one person for the purposes of this Act, and they are jointly and severally liable for payment of the amount set out in a certificate or order made under this Act and this Act applies to the recovery of that amount from any or all of them.

Seizure of assets

21. Where a certificate is issued under section 12, the director or his authorized representative may seize the assets owned or in the possession of the obligor or used in or incidental to his business to the extent necessary to satisfy the amount set out in the

certificate and any costs incurred in the course of the seizure and shall safely keep the assets under seizure until the certificate is filed under section 14 and a writ of seizure and sale has been executed by a sheriff or until the certificate is cancelled.

Release of assets

22. The director shall release from seizure an asset seized under section 21 where he is satisfied that it is owned by a person other than an obligor.

Wrongful removal of seized assets

23. A person, other than the director or his authorized representative, shall not remove, damage or dispose of assets seized under section 21 and a person who does so is, in addition to any other penalty, liable for the amount owed by the obligor, and this Act applies to the recovery of the amount from that person.

No other proceedings

24. After the director has issued a certificate under section 12 the employee shall not, without the written consent of the director, commence any other proceeding to recover unpaid wages unless the certificate is cancelled and not replaced under section 13.

Where employee cannot be located

25. (1) Where an employer is unable to locate an employee to pay the employee his wages, the employer shall, not later than 60 days after the date the wages became due and payable, pay the wages to the director who shall give the employer a receipt for the amount received.

(2) A receipt from the director discharges the employer from liability for the payment of those wages.

PART 3

HOURS OF WORK AND OVERTIME

Interpretation

26. In this Part

“overtime wage” means the wage that an employee is entitled to receive under section 30 or 31;

“regular wage” means,

- (a) the hourly wage of an employee,
- (b) where paid on a flat rate, piece, commission or other incentive basis, the wages of the employee in a pay period divided by the employee's total hours of work during that pay period,

- (c) where paid on a weekly basis, the weekly wage of the employee divided by the lesser of the employee's normal or average weekly hours of work, or
- (d) where paid on a monthly basis, the monthly wage of the employee multiplied by 12 and divided by the product of 52 times the lesser of the employee's normal or average weekly hours of work;

"week" means the period between midnight on Saturday and midnight on the following Saturday.

Notice of hours of work

27. (1) An employer shall notify his employees

- (a) of the hours at which work begins and ends,
- (b) where work is carried on by shifts, of the hours at which each shift begins and ends, and
- (c) of the eating periods allowed during the period of work that are not counted as part of the hours worked,

by posting notices in a conspicuous place where all employees have ready access to read the notices.

(2) An employer shall give an employee 24 hours' notice of a change in shift unless the change results in the employee working hours that entitle him to an overtime wage.

(3) On receipt of a written application from an employer and his employees or their representative, the director may, on being satisfied that the application of subsection (2) is unsuitable in the circumstances, authorize a variation.

Maximum hours of work

28. Subject to sections 29, 31 and 35, an employer shall not require or permit an employee to work more than 8 hours in a day or 40 hours in a week unless the employer complies with section 30.

Order by director

29. (1) Where the director is satisfied, after an inquiry he considers adequate, that the hours of work of an employee are excessive or are detrimental to the employee's health or safety the director may, by order,

- (a) require an employer to limit the daily or weekly or both the daily and weekly hours of work of his employees to 8 in a day or 40 in a week,
- (b) require that a copy of the order be posted and kept posted in a conspicuous place where all employees have ready access to read the order, and
- (c) allow the limit of hours of work of employees established under paragraph (a) to be exceeded under conditions and periods of time the director considers appropriate.

(2) Where an employer contravenes an order made under subsection (1), the director may refer the matter to the board and the board may, on being satisfied that the order has been or is being contravened, make an order varying the overtime wage to be

paid by that employer to his employees and may make the order retroactive to the date of the order made under subsection (1).

Overtime pay

- 30.** (1) An employer shall, in addition to all other amounts due to an employee, pay an employee who works more than the number of hours specified in section 28,
- (a) except as provided in paragraph (b), 1 1/2 times his regular wage for all hours worked in excess of
 - (i) 8 in a day, and
 - (ii) 40 in a week, but excluding from the calculation hours worked in excess of 8 in a day, and
 - (b) double his regular wage for all hours worked in excess of
 - (i) 11 in a day, and
 - (ii) 48 in a week, but excluding from the calculation hours worked in excess of 8 in a day.
- (2) Where a week contains a general holiday to which an employee is entitled
- (a) the references to hours in a week in subsection (1) (a) (ii) and (b) (ii) shall be reduced by 8 hours for each general holiday in the week, and
 - (b) in calculating the overtime hours worked by an employee in that week, no account shall be taken of hours worked by him on the general holidays.
- (3) Where overtime wage provisions established by a collective agreement vary from those provided in subsection (1) or (2), the overtime wage provisions of the collective agreement apply.

Variation by director

- 31.** (1) On receipt of a written application, the director may authorize a variation of the overtime wage provisions of section 30 where
- (a) hours of work are averaged over a period longer than a week,
 - (b) less than 5 days are worked in a week, or
 - (c) the basis for calculation of overtime wages has been established by agreement between the employer and his employees or their representatives.
- (2) In an authorization under subsection (1), the director may establish conditions of employment and overtime wages that are not inconsistent with the intent of this Act.

Eating period and periods free from work

- 32.** (1) An employer shall ensure that each employee has an eating period of at least 1/2 hour, at intervals that will result in no employee working longer than 5 consecutive hours without an eating period.
- (2) For the purpose of computing the hours worked by an employee, the periods allowed the employee for eating shall not be counted as hours worked unless the employee is required to work during those periods.
- (3) Except for an emergency an employer shall ensure that each employee has at least 8 consecutive hours free from work between each shift worked.

(4) On receipt of a written application from an employer and his employees or their representative, the director may, on being satisfied that the application of subsection (1) or (3) is unsuitable in the circumstances, authorize a variation.

Split shift

33. Where an employee works a split shift, the employer shall limit the employee's regular hours of work to the 12 hours immediately following commencement of his shift.

Minimum daily pay

34. (1) Subject to subsection (2), an employer shall pay an employee reporting for work as required by the employer his regular wage for the entire period spent at the place of work, with a minimum in any one day of

- (a) 2 hours' pay unless the employee is unfit to perform his duties or he has failed to comply with the Industrial Health and Safety Regulations of the Workers' Compensation Board, or
- (b) where the employee commences work, 1 hours' pay unless his work is suspended because of inclement weather or other reasons completely beyond the control of the employer, in which case paragraph (a) applies.

(2) An employer shall pay a school student reporting for work on his school day as required by the employer his regular wage for the entire period spent at the place of work, with a minimum in any one day of 2 hours' pay, whether or not he commences work.

(3) On receipt of a written application from an employer and his employees or their representative, the director may, on being satisfied that the application of subsection (1) (b) is unsuitable in the circumstances, authorize a variation.

Hours free from work

35. (1) Unless he complies with subsection (2), an employer shall ensure that each employee has at least 32 consecutive hours free from work each week.

(2) An employer who requires or allows an employee to work during the 32 hour period referred to in subsection (1) shall pay the employee double his regular wage for all hours worked during that period.

(3) On receipt of a written application from an employer and his employees or their representative, the director may, on being satisfied that the application of subsection (1) or (2) is unsuitable in the circumstances, authorize a variation.

PART 4

ANNUAL VACATION

Annual vacation

36. (1) An employer shall give to each of his employees, after the completion of each year of employment, an annual vacation of at least

- (a) 2 weeks, and

- (b) one additional week where the employee has completed 5 continuous years of employment with the employer.
- (2) An employer shall give an employee the annual vacation to which he is entitled not later than 10 months after the anniversary date of each year of his employment.
- (3) An employer shall permit an employee to take an annual vacation to which he is entitled in periods of one or more weeks at a time.
- (4) An annual vacation is exclusive of general holidays to which the employee is entitled.

Vacation pay

- 37.** (1) An employer shall pay annual vacation pay to each employee calculated on the employee's total wages for the year in respect of which the employee becomes entitled to an annual vacation at a rate at least equal to 2% for each week of annual vacation to which the employee is entitled under section 36.
- (2) An employer shall pay to an employee the annual vacation pay to which he is entitled in one payment
- (a) at least 7 days before the beginning of his annual vacation, or
 - (b) where the employment of the employee ceases before he takes his annual vacation, at the time established by this Act for payment of wages.
- (3) Where an employee ceases employment with an employer part way through his year of employment, the employer shall pay to the employee an amount equal to
- (a) 4% of the total wages of the employee for the part of the year he was employed, and
 - (b) where the employee has completed 5 continuous years of employment with that employer, an additional 2% of the total wages of the employee for the part of the year he was employed.
- (4) An employee whose employment ceases before he has completed 5 working days of employment in his working year is not entitled to annual vacation pay under subsection (3).

Related rights

- 38.** (1) The payment of sick pay or bonuses by an employer does not relieve the employer from complying with sections 36 and 37.
- (2) An annual vacation, or pay instead of an annual vacation, to which an employee is entitled under this Part shall not be reduced because the employee was previously given an annual vacation of greater duration than provided in section 36.
- (3) For the purposes of subsection (2), an annual vacation of greater duration than provided in section 36 does not include an annual vacation taken in advance.

Common anniversary date for annual vacation entitlement

- 39.** Notwithstanding sections 36 and 37, the director may authorize an employer to use a common anniversary date for the purpose of calculating annual vacation entitlement and if the employer does so, where an employee has not completed a year of employment, the employer shall give him an annual vacation calculated on a proportional basis.

Records

40. For the purposes of this Part and in addition to any other requirement of this Act, an employer shall keep in his principal place of business in the Province for a period of one year after the employee ceases his employment, a record in English showing in respect of each employee

- (a) the date of commencement of his present term of employment and the authorized anniversary date, if any,
- (b) each annual vacation given, with
 - (i) the dates of commencement and completion,
 - (ii) the period of employment to which the annual vacation relates, and
 - (iii) the amount of annual vacation pay given,
- (c) the amount paid in substitution for a general holiday on termination of employment,
- (d) the amount paid under section 37 (3), and
- (e) the number of days accumulated for general holidays.

PART 5**TERMINATION OF EMPLOYMENT****Interpretation**

41. In this Part

"terminate" includes

- (a) layoff of an employee from employment, other than temporary layoff or
- (b) alteration of a condition of employment that the board declares to be a termination of an employee's employment, but does not include the discharge of an employee for just cause;

"severance pay" means the greater of the employee's

- (a) normal weekly wages, or
- (b) average weekly wages

within the last 8 weeks in which he earned wages;

"temporary layoff" means an interruption of an employee's employment by an employer for a period

- (a) not exceeding 13 weeks of layoff in a period of 20 consecutive weeks, or
- (b) exceeding 13 weeks of layoff, where the employer recalls the employee to employment within a time fixed by the director;

"week of layoff" means a week in which an employee earns less than 50% of his weekly wages at his regular wage as defined in section 26, averaged over the previous 8 weeks.

Notice required

42. (1) An employer shall not terminate an employee without giving the employee, in writing, at least

- (a) 2 weeks' notice where the employee has completed a period of employment of at least 6 consecutive months, and

- (b) after the completion of a period of employment of 3 consecutive years, one additional week's notice, and for each subsequent completed year of employment, an additional week's notice up to a maximum of 8 weeks' notice.
- (2) The period of notice shall not coincide with an employee's annual vacation.
- (3) When an employer terminates an employee he may, instead of the notice required to be given under subsection (1), pay the employee severance pay equal to the period of notice required.
- (4) Payment under subsection (3) does not relieve the employer from making any other payment to which the employee is entitled under this Act.

Notice not required**43.** Section 42 does not apply to

- (a) an employee discharged for just cause,
- (b) an employee employed under an arrangement by which the employer may request the employee to come to work at any time for a temporary period and by which the employee has the option of accepting or rejecting one or more of the temporary periods,
- (c) an employee employed
 - (i) for a definite term, or
 - (ii) for specific work to be completed in a period not exceeding 12 months,
- (d) an employee on temporary layoff,
- (e) an employee who has been offered and who has refused reasonable alternative employment by his employer, and
- (f) an employee employed under a contract of employment that is impossible to perform due to an unforeseeable event or circumstance.

Temporary lay off becomes termination

44. Where an employer temporarily lays off an employee and the layoff exceeds a temporary layoff, the employee shall be deemed to have been terminated at the commencement of the temporary layoff and the employer shall pay the employee the severance pay under section 42 (3).

Terms of employment not to be altered

45. Where the notice referred to in section 42 (1) has been given, the employer shall not, without the consent of the employee, alter his rate of wages or any other term or condition of his employment.

Continuation of employment after expiry of notice

46. Where an employee continues to be employed after the expiry of the period of notice given under section 42, the notice is without effect.

Continuation of employment after completion of definite term or task

47. Where an employee referred to in section 43 (c) continues to be employed for a period of 3 months or more after completion of the definite term or specific work for which he was employed, his employment shall be deemed not to be for a definite term or specific work and for the purpose of section 42 his period of employment shall be deemed to have commenced at the beginning of the definite term or specific work.

Board may declare employer's actions constitute termination**48.** Where

- (a) an employer has substantially altered a condition of employment, and
- (b) the board is satisfied that the purpose of the alteration is to discourage the employee from continuing in the employment.

it may declare that the employer has terminated the employee.

Board's power

49. Where the board is satisfied that an employer has contravened this Part, the board may make one or more orders requiring the employer to do one or more of the following:

- (a) comply with this Part;
- (b) remedy or cease doing an act;
- (c) pay any wages lost by reason of the contravention;
- (d) make a payment to which a person is entitled to a fund, insurer or other person.

PART 6**CHILD EMPLOYMENT****Child employment**

50. (1) In this section "child" means a person under the age of 15 years.

(2) No person shall employ a child without the permission of the director or his authorized representative, and no parent or guardian shall consent to the employment of a child in contravention of this section.

(3) The director or his authorized representative may set the conditions of employment under which the child may be employed.

(4) No employer shall employ a child in a manner that is inconsistent with the conditions of employment set under subsection (3).

PART 7**MATERNITY LEAVE****Maternity leave**

51. (1) An employee, on her written request supported by a certificate of a medical practitioner stating that the employee is pregnant and estimating the probable date of birth of the child, is entitled to a leave of absence from work, without pay, for a period of 18 consecutive weeks or a shorter period the employee requests, commencing 11 weeks immediately before the estimated date of birth or a later time the employee requests.

(2) Regardless of the date of commencement of the leave of absence taken under subsection (1), the leave shall not end before the expiration of 6 weeks following the actual date of birth of the child unless the employee requests a shorter period.

(3) A request for a shorter period under subsection (2) must be given in writing to the employer at least one week before the date that the employee indicates she intends to return to work and the employee must furnish the employer with a certificate of a medical practitioner stating that the employee is able to resume work.

(4) Where an employee gives birth or the pregnancy is terminated before a request for leave is made under subsection (1), the employer shall, on the employee's request and on receipt of a certificate of a medical practitioner stating that the employee has given birth or the pregnancy was terminated on a specified date, grant the employee leave of absence from work, without pay, for a period of 6 consecutive weeks, or a shorter period the employee requests, commencing on the specified date.

(5) Where an employee who has been granted leave of absence under this section is, for reasons related to the birth or the termination of the pregnancy as certified by a medical practitioner, unable to work or return to work after the expiration of the leave, the employer shall grant to the employee further leaves of absence from work, without pay, for a period specified in one or more certificates but not exceeding a total of 6 consecutive weeks.

Employer may require employee to take leave

52. An employer may require an employee to commence a leave of absence under section 51 where the duties of the employee cannot reasonably be performed because of the pregnancy and to continue the leave of absence until the employee provides a certificate from a medical practitioner stating that she is able to perform her duties.

Employment deemed continuous

53. The services of an employee who is absent from work in accordance with this Part shall be considered continuous for the purpose of sections 36, 37 and Part 5 and any pension, medical or other plan beneficial to the employee, and the employer shall continue to make payment to the plan in the same manner as if the employee were not absent where

- (a) the employer pays the total cost of the plan, or
- (b) the employee elects to continue to pay her share of the cost of a plan that is paid for jointly by the employer and the employee.

Reinstatement

54. (1) An employee who resumes employment on the expiration of the leave of absence granted in accordance with this Part shall be reinstated in all respects by the employer in the position previously occupied by the employee, or in a comparable position, and with all increments to wages and benefits to which the employee would have been entitled had the leave not been taken.

(2) Where the employer has suspended or discontinued operations during the leave of absence granted under this Part and has not resumed operations on the expiry of the leave of absence, the employer shall, on resumption of operations and subject to seniority provisions in a collective agreement, comply with subsection (1).

Prohibition

55. (1) An employer shall not

- (a) terminate an employee, or
- (b) change a condition of employment of an employee without the employee's written consent

because of an absence authorized by this Part or because of the employee's pregnancy, unless the employee has been absent for a period exceeding that permitted under this Part.

(2) The burden of proving that

- (a) the termination of an employee, or
- (b) a change in a condition of employment of the employee without the employee's written consent

is not because of an absence authorized by this Part or because of an employee's pregnancy, is on the employer.

Board's power

56. Where the board is satisfied that an employer has contravened this Part, the board may make one or more orders requiring the employer to do one or more of the following:

- (a) comply with this Part;
- (b) remedy or cease doing an act;
- (c) hire a person or reinstate an employee and pay her any wages lost by reason of the contravention;
- (d) pay an employee compensation instead of reinstating her;
- (e) pay a person or employee compensation for financial loss or damages caused by the contravention.

PART 8**EMPLOYEE PROTECTION****False representations**

57. An employer shall not, by means of deceptive or false representations, advertising or pretences respecting

- (a) the availability of a position,
- (b) the nature of the work to be done,

(c) the wages to be paid for the work, or

(d) the conditions of employment

induce, influence or persuade a person to become his employee or to undertake work or to make himself available for work.

Improper treatment of employee

58. An employer shall not

(a) terminate or threaten to terminate an employee,

(b) discipline or suspend an employee,

(c) impose a penalty on an employee, or

(d) intimidate or coerce an employee

because of an investigation or action that may be or has been taken under this Act or because the employee

(e) has registered a complaint under this Act, or

(f) has supplied or may supply information to the director or his authorized representative or the board.

Board's power

59. Where the board is satisfied that an employer has contravened this Part, the board may make one or more orders requiring the employer to do one or more of the following:

(a) comply with this Part.

(b) remedy or cease doing an act;

(c) hire a person or reinstate an employee and pay him any wages lost by reason of the contravention;

(d) pay an employee compensation instead of reinstating him;

(e) pay a person or employee compensation for financial loss or damage caused by the contravention.

PART 9

FARM LABOUR CONTRACTORS

Interpretation

60. In this Part

"farm labour contractor" means an employer whose employees do work in connection with the planting, cultivating or harvesting of any horticultural or agricultural product, for or under the direction of another person;

"licence" means a licence to carry on the business, activity or operation of a farm labour contractor under this Part;

"pay period" means a period of employment not exceeding 7 consecutive days.

Licence required

61. No person shall act as a farm labour contractor unless he is licensed to do so.

Application

- 62.** (1) An application for a licence shall be made to the director.
- (2) The director shall not issue a licence until the applicant has
- (a) submitted a written application in a form required by the director containing
 - (i) a statement of all facts required by the director concerning the applicant's previous experience as a farm labour contractor, competency, responsibility and the manner and method by which he proposes to conduct his operations as a licensee, and
 - (ii) the names and addresses of all persons financially interested in the proposed operation as a farm labour contractor as partners, associates, directors or shareholders, together with the amount and description of their respective interests,
 - (b) satisfied the director as to his character, competency and responsibility,
 - (c) paid to the director a prescribed licence fee,
 - (d) demonstrated to the satisfaction of the director in an oral or written examination, or both, knowledge of this Act and the regulations, and
 - (e) deposited with the director security for the payment of wages or provided a bond under the *Bonding Act* of a nature and amount the director considers appropriate.
- (3) The director may refuse to issue a licence to an applicant who has had a previous licence cancelled.
- (4) Where the director is satisfied that the requirements of this section have been met, he shall issue to the applicant a licence in the prescribed form and subject to conditions the director considers appropriate.

Expiry and transfer

- 63.** (1) A licence expires on December 31 of the year in which it is issued.
- (2) A licence is not transferable or assignable.
- (3) Where there is any change in the directors or shareholders of a corporation that is a farm labour contractor the corporation shall, within 7 days after the change, submit a new application for a licence.
- (4) Failure to apply within the time specified in subsection (3) renders the licence of the corporation void.

Obligations on farm labour contractor

- 64.** A farm labour contractor shall
- (a) carry his licence with him at all times while carrying on his licensed activities and shall show it to all persons with whom he intends to deal in his capacity as a farm labour contractor before so dealing,
 - (b) immediately notify the director of a change in his business or residential address,
 - (c) have available for inspection by his employees and others with whom he contracts as a farm labour contractor, a written statement showing the wages he is paying to his employees for services for or under the direction of the person with whom he has contracted, and

- (d) have displayed prominently at the site where the work is to be performed and on all vehicles used by him for transportation of employees, the wages he is paying to his employees.

Payroll list

65. (1) A farm labour contractor, on request of a person with whom he has contracted to supply employees, shall immediately furnish that person with a payroll list of all the farm labour contractor's employees who do work for that person.

(2) The payroll list shall be in a form, and contain information, required by the director.

No recruiting without order

66. (1) A farm labour contractor who provides transportation for an employee to a proposed job site and does not then provide employment for him shall pay wages to the employee at the hourly minimum wage for the greater of 4 hours or the elapsed time from the point of departure to the return to the same place or a place that is no further away and that is acceptable to the employee.

(2) This section does not apply where employment is not available because of inclement weather or other reasons completely beyond the control of the farm labour contractor.

No division of fees or profits

67. No farm labour contractor shall

- (a) dispose of an interest in his business without the written consent of the director,
- (b) give a fee or benefit to a person for whom the farm labour contractor's employees do work, or
- (c) accept a fee or benefit from an employee or applicant for employment.

Deemed employer

68. A person who knowingly enters into an agreement with an unlicensed farm labour contractor shall for the purposes of this Act and that agreement be deemed to be the employer of the employees of the farm labour contractor.

When wages payable

69. Notwithstanding section 4, a farm labour contractor shall, not later than 72 hours after each pay period, pay to each employee all wages earned by the employee other than wages for annual vacation.

Cancellation or suspension

70. (1) The director may cancel or suspend a licence of a farm labour contractor where

- (a) he or his agent contravenes this Act,
- (b) he made a misrepresentation or false statement in his application for a licence,

- (c) the conditions under which the licence was issued have changed, or
- (d) he or his agent fails to comply with an enactment relating to health and safety of his employees.

(2) A farm labour contractor whose licence is cancelled or suspended shall immediately surrender the licence to the director.

PART 10

EMPLOYMENT AGENCIES

Interpretation

71. In this Part "employment agency" means a person who for a fee recruits or offers to recruit employees for employers.

Registration required

72. No person shall operate an employment agency unless he is registered under this Part.

Registration not required for agency acting for one employer

73. Section 72 does not apply to a person operating an employment agency for the sole purpose of hiring employees exclusively for one employer.

Application for and expiry of registration

74. (1) An application for registration under this Part shall be made to the director in a form he requires and accompanied by the prescribed fee.

(2) A registration under this Part expires on December 31 of the year in which registration occurs.

Registration

75. (1) Where the director is satisfied that the requirements of this Part have been met, he shall register the person as an employment agency.

(2) The director may refuse to register or he may cancel or suspend the registration of a person who

- (a) does not meet the requirements for registration, or
- (b) is operating or has operated an employment agency contrary to the best interest of employers or persons seeking employment.

No charge to employees

76. (1) No person shall request, demand, charge or receive, directly or indirectly, a payment from a person seeking employment

- (a) for giving employment to or procuring employment for him, or
- (b) for providing information to him respecting employers seeking employees.

(2) A payment wrongfully received by a person under this section shall be deemed to be wages owing, and this Act applies to the recovery of that payment.

No fee to outside person

77. No employment agency shall pay, directly or indirectly, a fee or remuneration to a person, and no person shall accept a fee or remuneration, for procuring or assisting in procuring employment for another person.

Records to be kept

- 78.** (1) An employment agency shall keep a record of
- (a) the name and address of all employers for whom the employment agency provides a service, and
 - (b) the name, occupation and address of every person who is directed to an employer for the purpose of procuring work or employment or who is provided with information respecting employers seeking employees.
- (2) The records required to be kept under subsection (1) shall be kept
- (a) in English at the employment agency's place of business in the Province, and
 - (b) for a period of not less than 3 years.

Director may inspect records

79. The director or his authorized representative may inspect all records kept by an employment agency.

PART 11**COMPLAINTS AND APPEALS****Complaints**

80. A complaint under this Act shall be made to the director or his authorized representative within 6 months after the last date on which payment of wages was to be made to an employee and an employer failed to make it, or, in respect of other matters, within 6 months after the date on which the subject matter of the complaint arose.

Anonymity

81. Where the complainant requests in writing to the director or his authorized representative that his name and identity be withheld, it shall not be disclosed to any person except where disclosure

- (a) is necessary for the purposes of a proceeding under this Act, or
- (b) is considered by the director or the board to be in the public interest.

Powers and duties of director

82. (1) On receiving a complaint within the time permitted under section 80, the director or his authorized representative shall investigate the complaint, but the director or his authorized representative may refuse to investigate a complaint where he considers that the complaint is frivolous, vexatious, trivial or has not been initiated in good faith, and he may cease investigating a complaint where, in his opinion, there is insufficient evidence to substantiate the complaint.

(2) The director or his authorized representative may institute an investigation without receiving a complaint where either of them considers it necessary to determine that the requirements of this Act are being complied with.

(3) The director may on application or on his own motion reconsider a decision, order, authorization or direction made by him or his authorized representative and may vary or revoke the decision, order, authorization or direction.

(4) For the purposes of this Act, the director and his authorized representative have the protection, privileges and power of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*.

Director may refer a matter to the board

83. Where the director or his authorized representative is unable to

(a) resolve a complaint made under this Act, or

(b) obtain compliance with this Act

the director, but not an authorized representative, may, in addition to any other proceeding provided in this Act, refer the matter to the board for a decision.

Appeal to board

84. (1) A person affected by a decision, order, authorization or direction made by the director or his authorized representative may appeal to the board.

(2) An appeal must be made in writing and delivered to the board within 10 days after the date of the decision, order, authorization or direction of the director or his authorized representative, as the case may be.

Board's decision

85. Where the board considers an appeal under section 84, it may allow or deny the appeal in whole or in part and may order the director to remedy the matter complained of in a manner that it considers appropriate.

PART 12

EMPLOYMENT STANDARDS BOARD

Employment Standards Board

86. (1) There is established a board to be called the Employment Standards Board.

(2) The board shall be composed of a chairman and one or more vice chairmen appointed by the Lieutenant Governor in Council and one or more additional members appointed by the minister.

(3) A vice chairman may act in the place of the chairman during his absence and while so acting the vice chairman has the power and authority of the chairman.

(4) Each member of the board shall be paid remuneration fixed by the Lieutenant Governor in Council and reasonable and necessary expenses incurred in the discharge of his duties as a member of the board.

Panels

87. (1) The chairman may establish one or more panels of the board and, in respect of matters referred to a panel by the chairman, a panel has the power and authority of the board, and 2 or more panels may proceed with separate matters at the same time.

(2) The chairman may refer a matter that is before the board to a panel and may refer a matter that is before a panel to the board or another panel.

(3) A panel of the board shall consist of

- (a) the chairman of the board and a vice chairman of the board,
- (b) the chairman of the board or a vice chairman of the board, or
- (c) the chairman of the board, or a vice chairman of the board, and one or more other members of the board.

Quorum

88. A quorum of the board or panel is a majority of its members.

Decision

89. Where there is no majority decision of the members of the board, the decision of the presiding chairman is the decision of the board.

Powers of board

90. For the purposes of this Act, the board and each of its members has the protection, privileges and powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*.

Practice and procedure

91. (1) The board shall give full opportunity to the parties to a proceeding to present evidence and to make submissions and, where requested by a party, shall hold a hearing.

(2) In a proceeding before the board, the parties shall be

- (a) the person alleged to have contravened this Act,
- (b) the complainant, if any,
- (c) the director or his authorized representative, and
- (d) any other person specified by the board.

(3) The board may order the payment by a party of costs or expenses to another party referred to in subsection (2) (a), (b) or (d), including compensation for wage loss resulting from attending a hearing, that it considers appropriate.

Vacancies

92. Where a member of the board resigns or his appointment terminates, he may, in relation to a proceeding in which he participated as a member of the board and until the proceeding is completed, carry out and complete duties or responsibilities and continue to exercise powers that he may have had if he had not ceased to be a member.

Board may declare opinion

93. The board may on application or on its own motion give a declaratory opinion on a matter arising under this Act.

Board may reconsider

94. The board may on its own motion reconsider a decision, order, authorization, direction, declaration or ruling made by it or a panel within 15 days after making it and may vary or revoke the decision, order, authorization, direction, declaration or ruling.

PART 13**GENERAL****Uniforms**

95. (1) An employer who requires an employee to wear a uniform or other special apparel shall furnish the uniform or other special apparel and shall clean, launder, repair or provide similar services with respect to the upkeep of it, without charge to the employee.

(2) On receipt of a written application from an employer and his employees or their representative, the director may, on being satisfied that the application of subsection (1) is unsuitable in the circumstances, authorize a variation.

Sales, etc. of business

96. Where a business or part of it or a substantial part of its entire assets is disposed of, the employment of an employee of the business shall, for the purpose of Parts 4, 5 and 7, be deemed to be continuous and uninterrupted by the disposition.

Employer's records

97. The board or the director, or an authorized representative of either of them, may

- (a) inspect and examine an employer's record that relates to the wages, hours of work or conditions of employment affecting an employee,
- (b) on giving a receipt for a record examined under paragraph (a), remove it for the purpose of making a copy of or an extract from it,
- (c) require an employer or employee to disclose, either orally or in writing, a matter required under this Act and require that the disclosure be on oath, and
- (d) require an employer to make full disclosure, production or delivery of all records.

Entry and inspection

98. The board or the director, or an authorized representative of either of them, may for a purpose under this Act at all reasonable times enter a ship, vessel, vehicle, aircraft or other means of conveyance or transport, factory, workshop or land or place of any kind where

- (a) work is done or has been done or commenced by employees,
- (b) an employer carries on business,
- (c) a record required under this Act is kept, or
- (d) a matter or thing, to which this Act applies, is taking place or has taken place.

Confidentiality

99. (1) Subject to section 18 (4) of the *Ombudsman Act* but notwithstanding any other Act, information obtained for the purpose of this Act by the minister, the board or the director, or an authorized representative of any of them, is not open to inspection by any person.

(2) Except for a prosecution under this Act or a proceeding before the board, the board or the director, or an authorized representative of either of them, or a public officer of the Ministry of Labour, shall not be required by a court, board, tribunal or person to give evidence relating to information obtained for the purpose of this Act.

Service of notices

100. (1) Where service of a notice or demand is required under section 12 (c), 16 (1) or 42, the notice or demand shall be conclusively deemed to have been served

- (a) if served on the person, or
- (b) if sent by registered mail to the last known address of the person.

(2) Where service is by registered mail the notice or demand shall be conclusively deemed to be served on the eighth day after deposit of the notice or demand in the Canada Post Office at any place in Canada.

Extraprovincial certificates

101. (1) Where the Lieutenant Governor in Council is satisfied that reciprocal provisions will be made by a province for the enforcement of confirmed certificates issued under this Act, he may declare the province to be a reciprocating province and may designate the designated statutory authority of that province for the purpose of this section.

(2) Where an order, judgment or confirmed certificate for the payment of wages has been obtained by a designated statutory authority, the authority may apply to the director to enforce the order, judgment or confirmed certificate for the payment of wages.

(3) On receiving a copy of the order, judgment or confirmed certificate for the payment of wages

- (a) certified by the court in which the order, judgment or confirmed certificate is registered, or
- (b) where there is no provision in the reciprocating province for registration in a court of the order, judgment or confirmed certificate, certified to be a true copy by the designated statutory authority,

and on being satisfied that the wages are still owing, the director shall issue a confirmed certificate and file it with a court, and, on being filed, the certificate is enforceable by the director in the same manner and with the same priorities as are provided in this Act for wages owing.

Irregularities

102. A technical irregularity does not invalidate a proceeding under this Act.

Offences

103. (1) A person who

- (a) contravenes section 4, 5, 7 (1), 23, 25 (1), 29, 36, 40, 42, 44, 45, 50, 54, 55, 57, 58, 61, 69 or 72,
- (b) does not comply with an order under section 49, 56 or 59,
- (c) in payment of wages, issues a cheque, bill of exchange or order to pay, the payment of which is not made by the savings institution on which it is drawn when presented for payment, whether in person or through another savings institution,
- (d) in an application or under a requirement of this Act to make a statement or provide information, knowingly makes a false or misleading statement or knowingly gives false or misleading information, or
- (e) contravenes a determination of the director under section 105 (3) (a),

commits an offence.

(2) A person who contravenes section 67 commits an offence and is liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months, or to both.

(3) A person who contravenes section 6, 9, 10, 11, 30, 32, 33, 34, 35, 37, 64, 65, 70 (2), 76, 77, 78, 81 or 95 commits an offence and is liable to a fine of not more than \$2 000.

(4) An employer who contravenes section 27 commits an offence and is liable to a fine not exceeding \$50 in respect of each employee affected by the contravention.

(5) A person who refuses or neglects to furnish statements or information or to keep or produce records required under this Act or who intentionally obstructs a person acting under this Act or the regulations commits an offence.

(6) Where a corporation commits an offence under this Act, whether or not the corporation is prosecuted for the offence, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence commits an offence.

Evidence and burden of proof

104. (1) The production of a cheque, bill of exchange or order to pay on which is marked "Pursuant to clearing rules, this item must not be cleared again unless certified", or other words importing that payment was not made by a savings institution, is evidence that payment was not made.

(2) In a prosecution under section 50, the burden is on the defendant to prove that the person employed is not a child.

(3) A copy of a document issued under this Act by the minister, the board, the director or an authorized representative of any of them, and certified by the director as being a true copy, is, without proof of the appointment or the signature of the director, evidence

- (a) of the document, and
- (b) that the person issuing the document was authorized to do so.

Regulations

105. (1) The Lieutenant Governor in Council may make regulations.

(2) Without limiting the generality of subsection (1) the Lieutenant Governor in Council may make regulations

- (a) establishing minimum wages and conditions of employment for employees or classes of employees,
- (b) exempting a person or class of persons from all or part of this Act or the regulations, and
- (c) requiring employers to give their employees a general holiday with pay, and a regulation under this paragraph may provide for one or more of the following:
 - (i) the conditions under which an employee is to be granted a general holiday with pay;
 - (ii) the substitution of another day for a general holiday;
 - (iii) exceptions, in whole or in part, to the application of the regulation;
 - (iv) the pay to which an employee is entitled where the employee works or does not work on a general holiday;
 - (v) the manner in which the pay for a general holiday is to be determined;
 - (vi) any other condition necessary or incidental to the carrying out of a regulation under this paragraph.

(3) The director may

- (a) determine the maximum amount that an employer may charge for room and board furnished to an employee or class of employees,
- (b) approve an agreement or arrangement between an employer and his employees or their representative providing for a variation of minimum wages or conditions of employment established by regulations under subsection (2) (a) and (c),
- (c) authorize an employer or class of employers to pay to a handicapped employee an amount set by the director that is less than the minimum wage, and
- (d) authorize an employer or class of employers to pay to employees annual vacation or general holiday pay in a specified manner.

(4) A determination, approval or authorization of the director under subsection (3) and section 31 is not a regulation as defined in the *Regulation Act*.

Appropriation

106. Money required for the purposes of this Act shall, until March 31, 1981,

- (a) in the absence of an appropriation, or
- (b) where money appropriated is insufficient,

be paid out of the consolidated revenue fund to a maximum of \$850 000.

Repeal

107. (1) The *Employment Standards Act*, R.S.B.C. 1979, c. 107, is repealed.

(2) The Board of Industrial Relations is dissolved and all appointments to the board are terminated.

Consequential Amendments

Barbers Act Amendment

- 108.** Section 14 of the *Barbers Act*, R.S.B.C. 1979, c. 25, is amended
- (a) in subsection (1) by striking out "and the *Employment Standards Act*, Part 8", and
 - (b) in subsections (1) and (3) by striking out "or the Board of Industrial Relations" wherever it appears.

Bonding Act Amendment

- 109.** Section 2 (1) of the *Bonding Act*, R.S.B.C. 1979, c. 31, is amended by adding "*Employment Standards Act*."

Coal Mine Regulation Act Amendment

- 110.** Section 22 (7) of the *Coal Mine Regulation Act*, R.S.B.C. 1979, c. 52, is amended by striking out "Part 5 of"

Company Act Amendment

- 111.** The definition of "wages or salary" in section 1 (1) of the *Company Act*, R.S.B.C. 1979, c. 59, is amended by striking out "Part 9 of"

Energy Act Amendment

- 112.** Section 67 (1) of the *Energy Act*, R.S.B.C. 1979, c. 108, is amended by striking out "Part 8 of the"

Factory Act Amendment

- 113.** Section 32 of the *Factory Act*, R.S.B.C. 1979, c. 118, is amended
- (a) in subsection (6) (b) by striking out "by the Board of Industrial Relations" and substituting "under the *Employment Standards Act*", and
 - (b) in subsection (7) by striking out "and Parts 5 and 8 of" and substituting "and"

Harddressers Act Amendment

- 114.** The *Harddressers Act*, R.S.B.C. 1979, c. 159, is amended
- (a) in section 8 (1) by striking out "and the *Employment Standards Act*, Part 8", and
 - (b) in sections 8 (2), (4), (5) and (6) and 16 (1) by striking out "or the Board of Industrial Relations"

Hydro and Power Authority Act Amendment

- 115.** Section 52 (6) of the *Hydro and Power Authority Act*, R.S.B.C. 1979, c. 188, is amended by striking out "Part 9,"

Mining Regulation Act Amendment

116. Section 18 (4) of the *Mining Regulation Act*, R.S.B.C. 1979, c. 265, is amended by striking out "Part 5 of".

Ministry of Labour Act Amendment

117. Section 8 (1) of the *Ministry of Labour Act*, R.S.B.C. 1979, c. 276, is amended by striking out "and" at the end of paragraph (a) and by repealing paragraph (b).

Nurses (Registered) Act Amendment

118. Section 40 (2) of the *Nurses (Registered) Act*, R.S.B.C. 1979, c. 302, is amended by striking out "Part 4 of" and substituting "Part 10 of".

Social Service Tax Act Amendment

119. Section 18 (3) of the *Social Service Tax Act*, R.S.B.C. 1979, c. 388, is amended by striking out "section 114 of the *Employment Standards Act*." and substituting "section 15 of the *Employment Standards Act*."

Wage (Public Construction) Act Amendments

120. Section 1 of the *Wage (Public Construction) Act*, R.S.B.C. 1979, c. 426, is amended by repealing the definition of "board" and substituting the following: "board" means the Employment Standards Board.

121. Section 10 is amended by striking out "Part 9 of".

Woodworker Lien Act Amendment

122. Section 2 (2) of the *Woodworker Lien Act*, R.S.B.C. 1979, c. 436, is amended by striking out "Part 6,".

Workers Compensation Act Amendment

123. Section 52 of the *Workers Compensation Act*, R.S.B.C. 1979, c. 437, is amended by adding the following:

(1.1) The exception in subsection (1) does not apply in respect of a lien for wages that is, by section 15 (3) of the *Employment Standards Act*, postponed to a mortgage or debenture

Commencement

124. This Act comes into force on proclamation.