

8.1.3.3 Provincial labour legislation

Industrial relations. All provinces have legislation similar in principle to Part V of the Canada Labour Code, designed to establish harmonious relations between employers and employees and to facilitate the settlement of industrial disputes. These laws guarantee freedom of association and the right to organize, establish machinery (labour relations boards or other administrative systems) for the certification of a trade union as the exclusive bargaining agent of an appropriate unit of employees, and require an employer to bargain with the certified trade union representing his employees.

Alberta, Ontario and New Brunswick have special provisions for accrediting employer organizations in the construction industry; in British Columbia accreditation provisions are not limited to the construction industry. Most of the laws require the parties to comply with the conciliation or mediation procedures laid down in the legislation before a strike or lockout may legally take place; every collective agreement must provide machinery for settling disputes arising out of the agreement, and prohibit strikes and lockouts while an agreement is in effect. All of them prohibit defined unfair labour practices and prescribe penalties. In some provinces, certain groups such as public servants, policemen, firemen, teachers and hospital workers are governed by special legislation.

Hours of work. Hours are limited in Alberta and British Columbia to eight a day and 44 a week, and in Ontario to eight a day and 48 a week. The Ontario Act requires, with some exceptions, that one and a half times the regular rate be paid for work done, under permit, beyond the 48-hour limit. The Manitoba and Saskatchewan Acts do not limit daily and weekly hours but require the payment of one and a half times the regular rate if work is continued after eight and 44 hours in Manitoba and eight and 40 in Saskatchewan. Some exceptions are provided for in all five Acts.

Minimum wages. All jurisdictions have enacted minimum wage legislation to ensure adequate living standards for workers. These laws vest authority in a minimum-wage-fixing board or the Lieutenant-Governor in Council to establish minimum wages for employees. In most provinces, minimum wage orders now cover almost all employment except farm labour and domestic service; however, farm labourers are covered in Newfoundland and certain farm-related occupations are covered in Ontario. Minimum rates set by the orders apply throughout the province and, except in Prince Edward Island, are the same for both sexes. Most jurisdictions also set special minimum rates for young workers.

As at January 1, 1973, the provincial and territorial minimum hourly wage rates for experienced adult workers were as follows: Newfoundland \$1.40, Prince Edward Island \$1.25 (men) and \$1.10 (women), Nova Scotia \$1.55, New Brunswick \$1.50, Quebec and Ontario \$1.65, Manitoba, Saskatchewan and Alberta \$1.75, British Columbia \$2.00, Yukon Territory \$1.75 and Northwest Territories \$1.50. The federal rate was \$1.90.

Regulation of wages and hours in certain industries. Apart from general hours-of-work laws, other statutes regulate working hours in some industries. Industrial standards legislation is in effect in Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan and Alberta. These laws provide that a schedule of wage rates and hours of work agreed on by a representative group of employees and employers in an industry or trade may, with government approval, be given statutory effect by Order in Council. Such wage rates and hours then become the minimum terms of employment for the entire industry or trade in the area. An advisory committee, usually equally representative of employers and employees, is established to assist in enforcing a schedule. This type of legislation is used fairly extensively in the building trades, the clothing industries, barbering, and a few other industries. In Newfoundland, Nova Scotia and New Brunswick, schedules have been issued only for certain construction trades in some areas. In Ontario, schedules for the garment trades and the fur industry apply throughout the province and a substantial number of schedules apply to various construction trades and to barbering in specified areas.

Under the Quebec Collective Agreement Decrees Act, certain terms of a collective agreement, including those dealing with hours and wages, may be made binding on all employers and employees in the industry concerned in a defined area, provided the parties to the agreement represent a sufficient proportion of the industry. The standards made binding