

## CHAPTER 7

## FEMALE EMPLOYEES FAIR REMUNERATION ACT

Assented to March 25th, 1961.

Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

## 1. In this Act

(a) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on;

(b) "Minister" means the Minister of Labour; and

(c) "pay" means remuneration in any form.

2. (1) Notwithstanding the Civil Service Act, this Act binds the Crown in right of the Province.

(2) The provisions of this Act supersede the provisions of any written contract of employment or collective agreement which are inconsistent with the provisions of this Act, in so far as they are so inconsistent.

3. (1) No employer and no person acting on his behalf shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment.

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex does not constitute a failure to comply with this section.

4. Any person claiming to be aggrieved because of an alleged violation of this Act may make a complaint in writing to the Minister.

5. (1) The Minister may appoint a conciliation officer to inquire into any complaint made under this Act.

(2) When the conciliation officer is unable to effect a settlement of the matter complained of, the Minister

- (a) may appoint a commission consisting of one or more persons to investigate the complaint,
  - (b) may designate one of the members to be Chairman of the commission, and
  - (c) shall forthwith communicate the names of the members of the commission to the parties.
- (3) After the commission has made its recommendations the Minister may direct it to clarify or amplify its recommendations and they shall be deemed not to have been received by the Minister until they have been so clarified or amplified.
- (4) Upon receipt of the recommendations of the commission, the Minister may issue whatever order he deems necessary to carry into effect the recommendations of the commission.
- (5) Every person in respect of whom an order is made under subsection (4) shall comply therewith.
6. The conciliation officer appointed under section 5
  - (a) shall, forthwith after he is appointed, inquire into the complaint and endeavor to effect a settlement of the matter complained of, and
  - (b) shall report the results of his inquiries and endeavors to the Minister.
7. (1) The commission appointed under section 5
  - (a) shall have the powers of a commissioner appointed under the Inquiries Act,
  - (b) shall investigate the matter referred to it,
  - (c) shall give full opportunity to all parties to present evidence and make submissions, and
  - (d) shall recommend to the Minister the course that ought to be taken in respect of the complaint.
- (2) If the commission is composed of more than one person, the recommendations of the majority constitute the recommendations of the commission.

8. The Provincial Secretary-Treasurer shall pay each member of a commission appointed under section 5, his expenses and such remuneration for his services as the Lieutenant-Governor in Council from time to time prescribes.

9. Every person who fails to comply with this Act or with any order made under this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding \$100.

10. The Lieutenant-Governor in Council may from time to time prescribe such remuneration as he sees fit for the services of each member of a commission appointed under section 5.

11. This Act comes into force on September 1, 1961.