

CHAPTER 5

An Act to Ensure Equal Pay to Men and Women for
Equal Work

(Assented to the 11th day of April, A.D. 1956)

Be it enacted by the Governor and Assembly as follows:

Short title. **1** This Act may be cited as the Equal Pay Act.

Interpretation. **2** In this Act:

(a) "Commission" means a commission appointed under this Act;

(b) "Director" means the officer of the Department of Labour designated by the Minister to receive and deal with complaints under this Act;

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

(d) "Minister" means Minister of Labour;

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

Female em-
ployee, rate of
pay of.

3 (1) No employer and no person acting on his behalf shall pay 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.

Differences
permitted.

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

4 (1) Any person claiming to be aggrieved ^{Complaints.} because of an alleged violation of any of the provisions of this Act may make a complaint in writing to the Director on a form prescribed by the Director, and the Director may instruct an officer of the Department of Labour or any other person to inquire into the complaint.

(2) The officer or other person shall forthwith ^{Inquiry into.} inquire into the complaint and endeavour to effect a settlement of the matters complained of.

(3) Nothing in this Section restricts the right ^{Proceedings under other sections.} of any aggrieved person to initiate proceedings under any other provisions of this Act before a court, judge or magistrate against any person for an alleged contravention of this Act.

5 (1) If the officer or other person is unable ^{Reference to Commission.} to effect a settlement of the matters complained of, the Minister may refer the matters involved in the complaint to a Commission, consisting of one or more persons, to be appointed by the Minister, for investigation with a view to the settlement of the complaint.

(2) The Minister may provide a Commission ^{Commission staff.} with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties and fix their remuneration.

(3) The Chairman and the other members of a ^{Remuneration of Commissioners.} Commission shall each be paid such remuneration as the Minister determines and his actual and reasonable travelling and living expenses for each day he is absent from his place of residence in connection with the work of the Commission.

6 (1) Immediately following its appointment, ^{Inquiry by Commission.} a Commission shall inquire into the matters referred to it and shall give full opportunity to all parties to

present evidence and make representations and, in the case of any matter involved in a complaint in which settlement is not effected in the meantime, if it finds that the complaint is supported by the evidence, shall recommend to the Minister the course that ought to be taken with respect to the complaint.

Procedure on.

(2) A Commission may determine its own procedure and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it considers fit, whether admissible in a court of law or not.

Witnesses
before
Commission.

(3) A Commission shall have the power of summoning before it any witnesses and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the Commission deems requisite to the full investigation and consideration of the matters referred to it, but the information so obtained from such documents shall not, except as the Commission considers expedient, be made public.

Idem.

(4) A Commission shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

Entry and
examination
by Commission.

(5) A Commission or any person who has been authorized for such purpose in writing by a Commission may, at any time, enter a building, ship, vessel, factory, workshop, place, or premises of any kind wherein work or business is being or has been done or carried on or in which any matter or thing is taking place or has taken place, concerning the matters referred to the Commission, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Commission or any person authorized as aforesaid in the exercise

of a power conferred by this Section or refuse to answer an interrogation made as aforesaid.

(6) If the Commission is composed of more than one person, the recommendations of the majority constitute the recommendations of the Commission. Report of majority of Commission.

(7) After a 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. Directions to Commission by Minister.

7 (1) Upon receipt of the recommendations of a Commission, the Minister shall furnish a copy thereof to each of the persons affected, and if he deems it advisable, shall publish the same in such manner as he considers fit. Copies of Commission's report.

(2) The Minister may issue whatever order he considers necessary to carry the recommendations of the Commission into effect. Minister's order.

(3) Every person in respect of whom an order is made under this Section shall comply with such order. Compliance with.

8 No employer shall discharge or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in the initiation or prosecution of a complaint or other proceeding under this Act. Complainant and witness protected.

9 Every person who violates this Act or who refuses or neglects to do anything required by or under this Act is liable on summary conviction to a penalty of not more than one hundred dollars. Offences and penalties.

10 (1) No prosecution for an offence under this Act shall be instituted without the consent in writing of the Minister. Consent to prosecution.

Irregularities in procedure. (2) No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

Inquiries by Minister. 11 The Minister, where he considers it expedient, may undertake or cause to be undertaken such inquiries and other measures as appear advisable to him to promote the purposes of this Act.

Effective date. 12 This Act shall come into force on and not before the first day of January, 1957.

CHAPTER 6

An Act to Amend and Revise Chapter 100 of the Revised Statutes 1954, the Fire Insurance Policy Act

(Assented to the 11th day of April, A.D. 1956)

Be it enacted by the Governor and Assembly as follows:

Short title. 1 This Act may be cited as the Fire Insurance Act.

Interpretation. 2 In this Act:

(a) "contract" means a contract of insurance against loss of or damage to property in the Province or in transit therefrom or thereto, caused by fire, lightning or explosion, and includes a policy, certificate, interim receipt, renewal receipt or writing evidencing the contract, whether sealed or not and a binding oral agreement;

(b) "insurance" means a contract whereby one party called the "insurer", undertakes for a valuable consideration to indemnify the other,