CHAPTER 26

An Act to ensure Fair Remuneration to Female Employees

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-

- (a) "Director" means Director of the Fair Employment Practices Branch of the Department of Labour;
- (b) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on:
- (c) "Minister" means Minister of Labour;
- (d) "pay" means remuneration in any form.
- 2.—(1) No employer and no person acting on his behalf Equal pay shall discriminate between his male and female employees work. 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 Saving-male employee based on any factor other than sex shall not constitute a failure to comply with this section.
- **3.**—(1) The Minister may on the recommendation of the Concillation officer. Director designate a conciliation officer to inquire into the appoint complaint of any person that she has been discriminated ment. against contrary to section 2.
- (2) Every such complaint shall be in writing on the form form of prescribed by the Director and shall be mailed or delivered to him at his office

Conciliation officer, duties;

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

report.

(4) The conciliation officer shall report the results of his inquiry and endeavours to the Director.

Commission, appoint-ment:

4.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Director appoint a commission composed of one or more persons and shall forthwith communicate the names of the members of the commission to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

powers; Rev. Stat.,

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

c. 194.

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Director the course that ought to be taken with respect to the complaint.

Majority recommendations to prevail.

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

Clarification of recommendations.

(5) After a commission has made its recommendations, the Director may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Director until they have been so clarified or amplified.

Minister's order.

(6) The Minister on the recommendation of the Director may issue whatever order he deems necessary to carry the recommendations of the commission into effect, and the order shall be final and shall be complied with in accordance with its terms.

Remuneration. (7) Each member of a commission shall be remunerated for his services at the same rate as a commissioner under *The Labour Relations Act.*

Offence and penalty.

5.—(1) Every person who fails to comply with any provision of this Act or with any order made under this Act

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

- (2) The penalties recovered for offences against this Act Disposishall be paid to the Treasurer of Ontario and shall form part penalties. of the Consolidated Revenue Fund.
- **6.** No prosecution for an offence under this Act shall be Consent to instituted except with the consent in writing of the Minister prosecution on the recommendation of the Director.
- 7.—(1) This Act shall come into force on the 1st day of Commence-January, 1952.
- (2) Nothing in this Act shall affect written contracts of Applica-employment and collective bargaining agreements that were made before the 1st day of March, 1951, but if any such contract or agreement is in force on the 1st day of September, 1952, this Act shall apply thereto on and after that day.
- 8. This Act may be cited as The Female Employees Fair short title. Remuneration Act, 1951.