

1952

CHAPTER 104

An Act to ensure Fair Remuneration to Female Employees.

[Assented to April 4, 1952.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title **1.** This Act may be cited as *The Equal Pay Act, 1952*.

Interpretation **2.** In this Act the expression:

"director" 1. "director" means the Director of the Wages and Hours Branch of the Department of Labour;

"establishment" 2. "establishment" means a place of business or the place where an undertaking or a part thereof is carried on;

"inspector" 3. "inspector" means an inspector of the Wages and Hours Branch of the Department of Labour;

"minister" 4. "minister" means the Minister of Labour;

"pay" 5. "pay" means remuneration in any form.

Equal pay for equal work **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 work of comparable character 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 shall not constitute a failure to comply with this section.

Complaint of discrimination—form of, and delivery to director **4.** The complaint of any person that she has been discriminated against contrary to section 3 shall be in writing on the form prescribed by the director and shall be mailed or delivered to the director at his office.

Inquiry by
inspector and
report to
director

5.—(1) The minister may on the recommendation of the director designate an inspector to inquire into the complaint.

(2) The inspector so designated shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(3) The inspector shall report the results of his inquiry and endeavours to the director.

Appointment
of board to
inquire into
complaint

6. If the inspector is unable to effect a settlement of the matter complained of, the minister may on the recommendation of the director appoint a board composed of one or more persons and shall forthwith communicate the names of the members of the board to the parties and thereupon it shall be presumed conclusively that the board 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 board or to review, prohibit or restrain any of its proceedings.

Powers of
board

7. The board or, if there is more than one member of the board, the member designated by the minister as the chairman thereof shall have all the powers conferred upon commissioners by sections 3 and 4 of *The Public Inquiries Act*.

Duties of
board

8. The board 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

9. If the board is composed of more than one person the recommendations of the majority shall be the recommendations of the board.

Clarification
of recom-
mendations

10. After a board 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.

1952 EQUAL PAY TO FEMALE EMPLOYEES Cap. 104

Minister's
order

11. The minister on the recommendation of the director may issue whatever order the minister deems necessary to carry the recommendations of the board into effect, and the order shall be final and shall be complied with in accordance with its terms.

Offence and
penalty

12. 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 liable on summary conviction to a fine not exceeding \$100.

Consent to
prosecution

13. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the minister.

Remuneration
of board

14. Each member of a board appointed under this Act shall be paid such compensation for his services and expenses as may be determined by the Lieutenant Governor in Council.

Coming into
force

15. This Act shall come into force on a day to be fixed by proclamation of the Lieutenant Governor.