WARTIME LABOUR RELATIONS REGULATIONS
P.C. 1003

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of February, 1944,

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS it is deemed to be in the public interest, especially during the war period and more particularly in industries essential to the prosecution of the war, that employers and employees collaborate for the advancement of the enterprises in which they are engaged;

That employers and employees should freely discuss matters of mutual interest with each other;

That differences between employers and employees should be settled by peaceful means; and

That both employers and employees should be free to organize for the conduct of negotiations between them and that a procedure should be established for such negotiations;

AND WHEREAS it is therefore deemed necessary, by reason of the war, for the security, defence, peace, order and welfare of Canada and for the effective prosecution of the war, that regulations be made in respect of such matters.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the regulations hereto attached and they are hereby made and established accordingly.

A. D. P. HEENEY,
Clerk of the Privy Council.

SHORT TITLE

1. These regulations may be cited as the Wartime Labour Relations Regulations.

INTERPRETATION

2. (1) In these regulations unless the context otherwise requires,

(a) “appropriate War Labour Board” means, in connection with any matter the National War Labour Board or the Regional War Labour Board that has jurisdiction in the matter under the Wartime Wages Control Order, 1943;

(b) “Board” means the Wartime Labour Relations Board established by these regulations;

1560—1
(c) "certified bargaining representative" means a bargaining representative endorsed under these regulations;

(d) "collective agreement" means an agreement in writing between an employer or an employers' organization on the one hand and a trade union or an employees' organization on the other hand containing provisions with reference to rates of pay to be paid to employees or hours of work or other conditions of employment;

(e) "Complaint Board" means a Board appointed by the Minister under section fourteen;

(f) "employee" means a person employed by an employer to do skilled or unskilled manual, clerical or technical work, but does not include

(i) a person employed in a confidential capacity or having authority to employ or discharge employees; or

(ii) a person employed in domestic service, agriculture, horticulture, hunting or trapping;

(g) "employees' organization" means a person performing more than one employee and includes

(i) the National Harbours Board; and

(ii) any other body incorporated to act as an agent of His Majesty in right of Canada except any such body whose employees are entitled to a cost-of-living bonus under the order made by the Governor in Council on the twenty-sixth day of August, nineteen hundred and forty-one, for the payment of a cost-of-living bonus to employees of the Government of Canada (P.C. 6702), as amended, but does not include His Majesty or any person or corporation acting for or on behalf or as an agent of His Majesty except as hereinbefore expressly provided;

(h) "employers' organization" means an organization of employers formed to regulate relations between employers and employees;

(i) "employees' organization" means an organization of employees formed to regulate relations between employers and employees;

(j) "lockout" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, done to compel his employees, or to aid another employer to compel his employees, to accept terms of employment;

(k) "Minister" means the Minister of Labour for Canada;

(l) "prescribed" means prescribed by the Board;

(m) "strike" or "to go on strike" includes the cessation of work by a body of employees acting in combination or a concerted refusal or a refusal under a common understanding of a number of employees to continue to work for an employer, done to compel their employer, or to aid another employer to compel his employees, to accept terms of employment;

(n) "trade union" means a provincial, national or international employees' organization, or a local branch chartered by, and in good standing with, such an organization;

(o) a reference to a section by number only is a reference to the section in these regulations bearing that number and a reference to a subsection by number only is a reference to the subsection bearing that number in the section where the reference occurs;

(p) words importing the masculine gender include corporations, trade unions, employees' organizations and employers' organizations as well as females.

2. No employee shall cease to be such within the meaning of these regulations by reason only of his ceasing to work as the result of a lockout, strike or his wrongful dismissal.

APPLICATION

3. (1) These regulations apply in the case of employees

(a) who are employed upon or in connection with a work, undertaking or business that is ordinarily within the legislative authority of Parliament, including, but not to restrict the generality of the foregoing,

(i) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime;

(b) who are employed upon or in connection with a work, undertaking or business that is essential to the efficient prosecution of the war; or

(c) whose relations with their employers in matters covered by these regulations are ordinarily within the legislative jurisdiction of a provincial legislature to regulate and to whom these regulations have been applied by the provincial legislature in respect of their relations with their employers; and

(d) to the employees of all such employees in their relations with such employees and to trade unions, employees' organizations and employers' organizations composed of such employees or employers.

2. For the purposes of this section, the employees employed in a work, undertaking or business described in Schedule A to these regulations, and no others, shall be deemed to be employed in connection with a work, undertaking or business that is essential to the efficient prosecution of the war.

3. Schedule A to these regulations may be amended, either by the addition or deletion of a class of employees, by an order made by the Governor General in Council.

4. (1) Every employee shall have the right to be a member of a trade union or employees' organization and to participate in the lawful activities thereof.

(2) Every employer shall have the right to be a member of an employers' organization and to participate in the lawful activities thereof.

(3) Where bargaining representatives have been certified under section eight, the bargaining representatives or the employees' employer may, in accordance with the procedure hereinafter set out, enter into negotiations with a view to the completion of a collective agreement between the employer concerned, on the one hand, and the trade union or employees' organization on the other hand.

CERTIFICATION OF BARGAINING REPRESENTATIVES

5. (1) The employees of any employer may elect bargaining representatives by a majority vote of the employees affected.

(2) If the majority of the employees affected are members of one trade union, that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected; for the purpose of this section, an employee shall be deemed to be a member of the trade union if he has in writing requested the trade union to elect or appoint bargaining representatives on his behalf.

(3) Where more than one employer and their employees desire to negotiate a collective agreement, the employees of such employers may elect bargaining representatives by a majority vote of the employees affected of each employer, or, if the majority of the employees affected of each employer are members of one trade union that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected.

1959—1
(4) If in accordance with established trade union practice the majority of a group of employees who belong to a craft by reason of which they are distinguishable from the employees as a whole, are separately organized into a trade union pertaining to the craft, such trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of the employees belonging to that craft. Where any group claims and is entitled to the rights conferred by this subsection, the employees comprising the craft shall not be entitled to vote for any of the purposes of collective bargaining with that employer, except when the collective bargaining is in respect only of the craft to which they belong; nor shall they in any manner be taken into account in the computation of a majority in respect of any matter regarding which they are not entitled to vote.

(5) Two or more trade unions may, by agreement, join in electing bargaining representatives on terms consistent with those regulations.

6. When bargaining representatives have been elected or appointed, application may be made to the Board by or on behalf of such representatives for their certification as the bargaining representatives of the employees affected.

7. Upon such application the Board shall by an examination of records, by a vote or otherwise, satisfy itself that an election or appointment of bargaining representatives was regularly and properly made, and in the case of a trade union, that the trade union acted with the authority of the majority of the employees affected as prescribed by subsection two of section five, and that the unit of employees concerned is one which is appropriate for collective bargaining; and if the Board is not so satisfied, it shall reject the application.

8. (1) Where the Board is satisfied that the bargaining representatives have been duly elected or appointed, it shall certify them as bargaining representatives and shall specify the unit of employees on whose behalf the representatives so certified are authorized to act, and a collective agreement negotiated by such representatives shall be binding on every employee in the specified unit of employees.

(2) When bargaining representatives have been certified by the Board, the Board shall notify the applicants and the employer concerned of the certification.

9. At any time after the expiry of ten months of the term of a collective agreement, whether entered into before or after the effective date of these regulations, the employees affected may elect new bargaining representatives in the manner provided in section five and application may be made to the Board by or on behalf of such bargaining representatives for their certification. Upon receipt of such application the Board shall deal with the same as in the case of an initial application for certification under the regulations. If an application the Board certifies new bargaining representatives, they shall be substituted for the previous bargaining representatives of the employees affected as a party to the agreement in question, and as such may give notice of the termination thereof as provided for in the agreement or under these regulations.

NEGOTIATION OF COLLECTIVE AGREEMENT

10. (1) When bargaining representatives have been certified under these regulations they may give the employer concerned, or the employer concerned may give the bargaining representatives, ten clear days' notice requiring that he or they, as the case may be, enter into negotiations with a view to the completion of a collective agreement.

(2) The parties shall negotiate in good faith with one another and make every reasonable effort to conclude a collective agreement.

(3) At the request of the bargaining representatives they may be accompanied during the negotiations by officers or agents of the trade union or employees' organization concerned.

(4) No collective agreement containing wage provisions shall be executed insofar as it involves any change in existing wage rates or other wage provisions until the appropriate War Labour Board has approved any such change, but it may nevertheless be executed as to the other provisions before such approval is received.

(5) Every party to a collective agreement and every employee upon whom a collective agreement is made binding by these regulations shall do everything he is, by the collective agreement, required to do and shall abstain from doing anything he is, by the collective agreement, required not to do.

11. If negotiations for an agreement have continued for thirty days and either party to the negotiations believes that an agreement will not be completed in a reasonable time, it may so advise the Board indicating the difficulties encountered and may ask the Board to intervene with a view to the completion of an agreement.

12. (1) Upon receipt of advice under section eleven, the Board shall refer the matter to the Minister, who shall, within three days instruct a conciliation officer to confer with the parties and attempt to effect an agreement.

(2) A conciliation officer who has been instructed to confer with the parties under subsection one of this section shall, within fourteen days of receiving his instructions, or within such longer period as the Minister may allow, report to the Minister setting out in full:—

(a) the matters, if any, on which the parties cannot agree and his recommendations with regard thereto;

(b) the terms, if any, upon which the parties have agreed; and

(c) whether, in his view, an agreement might be facilitated by appointment of a Conciliation Board.

13. (1) If a conciliation officer who has been instructed to confer with the parties recommends the appointment of a Conciliation Board, the Minister shall forthwith appoint a Conciliation Board consisting of three members appointed by the Minister after consultation with the parties as required by section thirty.

(2) A Conciliation Board appointed under this section shall, upon its appointment, endeavour to effect an agreement between the parties on the matters on which they have not agreed and, in any event, shall report the result of its endeavours and its findings and recommendations to the Minister within fourteen days of the appointment of the chairman thereof, or within such longer period as may be agreed upon by the parties or as may be allowed by the Minister.

14. If a Conciliation Board's report to the Minister shows that it has been unable to effect an agreement between the parties, the Minister shall cause a copy thereof to be sent forthwith to the parties and to the Board, and he may publish it in such manner as he thinks fit.

DURATION AND RENEWAL OF AGREEMENTS

15. No collective agreement shall be made for a term of less than one year, but where the term of an agreement is more than one year, the agreement shall contain or be deemed to contain a provision for the termination thereof at any time after one year on two months' notice by either party thereto.

16. Either party to a collective agreement may, on ten clear days' notice, require the other party to enter into negotiations for the renewal of the agreement within the period of two months prior to the expiry date, and both parties shall thereupon enter into such negotiations in good faith and make every reasonable effort to secure such a renewal.

GRIEVANCE PROCEDURE

17. Where an employee alleges that there has been a misinterpretation or a violation of a collective agreement, the employee shall submit the same for consideration and final settlement in accordance with the procedure established by the collective agreement, if any, or the procedure established by the Board for such case; and the employee and his employer shall do such things as are required of them by the procedure and such things as are required of them by the terms of the settlement.

18. (1) Every collective agreement made after these regulations come into force shall contain a provision establishing a procedure for final settlement, without stoppage of work, on the application of either party, of differences concerning its interpretation or violation.

(2) Where a collective agreement does not provide an appropriate procedure for consideration and settlement of disputes concerning its interpretation or violation thereof, the Board shall, upon application, by order, establish such a procedure.
UNFAIR PRACTICES

19. (1) No employer shall dominate or interfere with the formation or administration of a trade union or employees’ organization or contribute financial or other support to it; but an employer may, notwithstanding the foregoing, permit an employee or representative of a trade union or an employees’ organization to confer with him during working hours or to attend to the business of the organization or union during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect thereof.

(2) No employer or employees’ organization, and no person acting on behalf of same shall

(a) refuse to employ any person because the person is a member of a trade union or an employees’ organization;

(b) impose any condition in the contract of employment seeking to restrain an employee from exercising his rights under these regulations; or

(c) seek by intimidation, by dismissal or threat of dismissal, by any other kind of threat, by the imposition of a pecuniary or other penalty, or by any other means whatsoever, to compel an employee to abstain from becoming or continuing to be a member or officer or representative of a trade union or an employees’ organization, or from exercising his lawful rights;

but nothing in these regulations shall be interpreted to affect, otherwise than as expressly stated, the right of an employer to suspend, transfer, lay off, or discharge employees for appropriate and sufficient cause.

20. (1) No person shall, with a view to compelling or influencing a person to join a trade union or employees’ organization, use coercion or intimidation of any kind, but this subsection shall not be construed to prohibit the inclusion of any provision in a collective agreement.

(2) Except with the consent of the employer, no trade union or employees’ organization, and no person authorized by the union or employees’ organization to act on its behalf, shall attempt, at the employer’s place of employment during his working hours, to persuade an employee to join the trade union or employees’ organization.

(3) No trade union or employees’ organization and no person acting on its behalf shall support, encourage, condone or engage in a “slowdown” or other activity designed to restrict or limit production; but this provision shall not be interpreted to limit a trade union’s legal right to strike and a thing required by a provision in a collective agreement for the safety or health of the employees shall be deemed not to be a “slowdown” or designed to restrict or limit production.

(4) No trade union or employees’ organization, and no person acting on its behalf, shall participate in, or in any way interfere with, the formation or administration of an employees’ organization.

STRIKES AND LOCKOUTS

21. (1) No employee shall go on strike until

(a) bargaining representatives have been elected or appointed for the employees affected; and

(b) an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(2) Where an application has been made under these regulations for the certification of bargaining representatives, the employer of the employees affected shall not declare or cause a lockout of the employees until an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(3) No employer who is a party to a collective agreement shall declare or cause a lockout and no employee bound thereby shall go on strike during the term of the collective agreement.

(4) Where a dispute has arisen by reason of a change in the existing terms of employment proposed by the employer, the employer shall not, without the consent of the employees affected, make such change effective until a period of two months has elapsed from the date when the employer notified the employees of such proposed change.

(5) Nothing in these regulations shall be interpreted to prohibit the suspension or discontinuance of an industry or of the working of any persons therein for a cause not constituting a lockout or a strike.

INFORMATION

22. (1) Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Board.

(2) The Board may require any employers’ organization or trade union or local branch thereof, or an employees’ organization affected by any application for certification of bargaining representatives, or affected by an existing collective agreement, to file with the Board:

(a) a statutory declaration stating the names and addresses of its officers; or

(b) a copy of its constitution and by-laws.

(3) Every employers’ organization, trade union and employees’ organization shall furnish to its members within three months of the end of its fiscal year a statement of its income and expenditures, and if required by the Board shall file a copy thereof with the Board for its information.

ADMINISTRATION

Wartime Labour Relations Board

23. There shall be a Board which shall be known as the Wartime Labour Relations Board and shall consist of a chairman, vice-chairman, and not more than eight other members.

24. (1) The members of the Board shall be appointed by the Governor in Council and shall hold office during pleasure.

(2) The head office of the Board shall be in Ottawa.

(3) A majority of the members of the Board shall constitute a quorum and in the absence of the chairman the vice-chairman shall act as chairman.

(4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.

(5) The Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.

(6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.

(7) The Board shall determine its own procedure but shall in every case give an opportunity to all interested parties to present evidence and make representations.

(8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Privy Council and shall file in the office of the said Clerk an oath of office in the following form:

“I do solemnly swear that I will faithfully, truly and impartially to the best of my judgment, skill and ability, execute and perform the office of member of the Wartime Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God.”

25. (1) If a question arises under these regulations as to whether:

(a) a person is an employer or employee;

(b) the unit of employees appropriate for collective bargaining is the employer unit, craft unit, plant unit or a subdivision thereof;

(c) an organization of employees or employers is a trade union, employees’ organization or employers’ organization;
(d) an agreement is a collective agreement;
(e) an employer, or certified bargaining representatives of employees, is negotiating in the Board shall decide the question and its decision shall be final and conclusive for all the purposes of these regulations.
(2) If a question set out in subsection one arises in any legal proceedings, the Justice or the Magistrate, Judge or Court before whom it arises shall, if the question has not been decided by the Board, refer the question to the Board and thereupon proceedings until the Board’s decision is received.
(3) Any document purporting to contain or to be a copy of any regulation, direction, order of the Board and purporting to be signed by a member of the Board or by an officer thereof shall be accepted by any court as evidence of the regulation, direction, order therein contained or of which it purports to be a copy.
26. (1) The Board may, by order, delegate to any person, board or association all or any part of its jurisdiction relating to any particular matter.
(2) The Board may, by order, revoke any delegation made under this section and thereupon the jurisdiction so delegated shall revest in the Board.
27. (1) The Board may, with the approval of the Minister, make such regulations as may be necessary to enable it to discharge the duties imposed upon it by these regulations and to provide for the supervision and control of its officers, clerks and employees.
(2) The Board may prescribe anything, which, under these regulations, is to be prescribed.
(3) The Board, with the approval of the Minister, may appoint an executive committee to exercise its powers subject to such directions or conditions as the Board may specify.
28. (1) The members of the Board shall be paid such salaries as may be fixed by the Governor in Council and such expenses as may be incurred by them in the discharge of their duties.
(2) The Board may appoint an officer to be the Chief Executive Officer of the Board who shall be paid such salary as may be fixed by the Governor in Council.
(3) The Department of Labour shall furnish such technical and clerical assistance to the Board as may be possible, and the Board may, with the approval of the Governor in Council, employ such other officers and employees as may be necessary for the conduct of its business and may fix their remuneration.

CONCILIATION OFFICERS AND BOARDS

29. When he instructs a conciliation officer under section twelve, the Minister shall forthwith notify the parties thereof.
30. (1) Before appointing a Conciliation Board under section thirteen, the Minister shall by notice require each of the parties to the negotiations to recommend one person to be a member of the Conciliation Board within seven days of receipt of the notice; and the Minister shall, at the expiration of the said period, appoint two members, in his opinion, representative of the different points of view involved, after considering the recommendations, if any, received within the said period.
(2) The two members of the Conciliation Board appointed pursuant to subsection one shall, within five days of the day on which the last of them is appointed, recommend a third person to be a member and chairman of the Conciliation Board; and the Minister shall, on the expiration of the said period, appoint a person to be a third member and chairman of the Conciliation Board after considering the recommendation if received within the said period.
(3) No person
(a) who has any pecuniary interest in the matters referred to the Board; or
(b) who is acting, or has, within a period of six months preceding the date of his appointment, acted in the capacity of solicitor, legal adviser, counsel or paid agent of either of the parties;
shall act as a member of a Conciliation Board.

(4) When the Conciliation Board has been appointed, the Minister shall forthwith deliver to it a statement of the matters referred to it.
(5) Upon a person ceasing to be a member of a Conciliation Board before it has completed its work, the Minister shall appoint a member in his place in the same manner as the person who ceased to be a member was appointed.
31. (1) A Conciliation Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.
(2) A Conciliation Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible in evidence in a court of law or not.
(3) Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:
“I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of member of the Conciliation Board appointed to ………….. and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God.”
(4) The chairman may fix the time and place of sittings of a Conciliation Board after consultation with the other members of the Board; and he shall notify the parties as to the time and place so fixed.
(5) A Conciliation Board may determine its own procedure, but shall give full opportunity to all parties to present evidence and make representations.
(6) The chairman and one other member of a Conciliation Board shall be a quorum but, in the absence of a member, the others shall not proceed unless he has been given reasonable notice of the sitting.
(7) The decision of a majority of the members present at a sitting of a Conciliation Board shall be the decision of the Conciliation Board and in the event of a tie, the chairman shall have a casting vote.
(8) The report of the majority of its members shall be that of the Conciliation Board.
(9) After a Conciliation Board has made its report, the Minister may direct the Conciliation Board to reconsider and amplify or clarify any part thereof.
(10) After a Conciliation Board has made its report, the Minister shall send a copy thereof to the employer or employers’ organization and to the trade union or employees’ organization.
32. The Minister may provide a Conciliation Board with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties.
33. Every person who is summoned by a Conciliation Board or a member thereof and duly attends as a witness shall be entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted, and in any event, he shall be entitled to not less than four dollars per day.
34. (1) A Conciliation Board, or a member thereof, and, on being authorized in writing by the Conciliation Board, any other person, may, without any other warrant than this section, at any time, enter a building, mine, mine-workings, ship, vessel, factory, workshop, place, or premises of any kind wherein or in respect of which an industry is carried on, or work is being or has been done or commenced, or any matter or thing is taking place or has taken place, concerning the matters referred to the Conciliation Board, 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 herebefore mentioned; and no person shall hinder or obstruct the Board 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.
35. (1) The members of Conciliation Board shall be remunerated for their services as follows:
To a member other than the chairman, an allowance of five dollars a day for not more than three days during which he is engaged in considering the recommendation of a person to be the third member of the Board:

To each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day he is present when the Board sits and for each day necessarily spent travelling from his place of residence to a meeting of the Board and returning therefrom.

(2) Each member of a Conciliation Board is entitled to his actual necessary travelling expenses for each day that he spends in travelling from his place of residence to a meeting of the Board and returning therefrom.

(3) All expenses of a Conciliation Board, including expenses for transportation incurred by the members thereof or by persons engaged, under its orders, in making investigations under these regulations, salaries of employees and agents, and fees and mileage to witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board and forwarded by the chairman to the Minister.

(4) The chairman shall forward to the Minister a detailed certified statement of the sessions of the Board, and of the members present at each sitting.

GENERAL

36. (1) The Minister may appoint or constitute administrative officers or agencies in any province and delegate to them such of his powers under these regulations as in his opinion is necessary for their proper administration.

(2) The Minister may with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the administration within that province of these regulations or any part thereof and such agreement may provide:

(a) the manner in which the Minister shall exercise the powers conferred on him by subsection one in respect of matters in that province;
(b) for the transfer to the government of the province or some person or persons specified by the government of the province, of all or any part of the jurisdiction in respect of matters within that province conferred on the Board by these regulations, and for a procedure whereby an appeal may be had to the National Board from a decision made in the exercise of the jurisdiction so conferred; and
(c) for reimbursement of the province in respect of expenses so incurred.

37. (1) The Minister may determine the salaries, fees and expenses to be paid to persons performing services under these regulations except where otherwise provided.

(2) The administrative expenses of the Board, other than the salaries and usual travelling expenses of departmental employees, shall be paid out of the War Appropriation.

ENFORCEMENT

38. Every person, trade union or employers’ or employees’ organization to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to these regulations shall obey such order or do or abstain from doing such thing as required.

39. For the purpose of these regulations and of any proceedings taken thereunder, any notice or other communication sent through His Majesty’s mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

40. Every employer who declares or causes a lockout contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than five hundred dollars for each day or part of a day that the lockout exists.

41. (1) Every employee who goes on strike contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than twenty dollars for each day or part of a day that he is on strike.

(2) Every trade union and every other employees’ organization that authorizes a strike contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than two hundred dollars for each day or part of a day that the strike continues.

42. Every person, trade union, employees’ organization or employers’ organization who contravenes any of the provisions of these regulations is guilty of an offence, and unless some penalty is expressly provided by these regulations for such contravention, liable on summary conviction, if an individual, to a penalty of not more than one hundred dollars, and if a corporation, employers’ organization, employees’ organization or trade union, to a penalty of not more than five hundred dollars.

43. Every person is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, and not less than five hundred dollars or to imprisonment for a term not exceeding five years and not less than six months, or to both such fine and such imprisonment, who corruptly:

(a) makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration, directly or indirectly, to a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, for the purpose of influencing such person in the performance of his duties; or
(b) being a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, accept or agree to accept or allows to be accepted by any person under his control or for his benefit any such offer, proposal, gift, loan, promise, compensation or consideration.

44. (1) Every person is a party to and guilty of an offence under these regulations who:

(a) actually commits it;
(b) does an act for the purpose of aiding any person to commit the offence;
(c) abets any person in commission of the offence; or
(d) counsels or procures any person to commit the offence.

(2) If an employers’ organization, corporation, trade union or employees’ organization is guilty of an offence under these regulations, any officer of the employers’ organization, corporation, trade union or employees’ organization who assented to the commission of the offence is a party to and guilty of the offence.

45. No prosecution for an offence under these regulations shall be instituted except by or with the consent of the Board, evidenced by a certificate signed by or on behalf of the chairman of the Board, and in exercising its discretion as to whether any such consent should be granted, the Board may take into consideration disciplinary measures that have been taken by an employers’ organization or a trade union or employees’ organization against the accused.

46. The Minister may, notwithstanding any other provision in these regulations, instruct a conciliation officer to investigate any situation which in his opinion may be detrimental to the effective utilization of labour in the war effort.

MISCELLANEOUS

47. No proceeding under these regulations shall be deemed invalid by reason of any defect of form or any technical irregularity.

48. (1) The Industrial Disputes Investigation Act shall, except as to matters pending when these regulations come into force, be of no effect while this order is in force.

(2) The following Orders in Council are hereby revoked:

(a) The Order in Council made on the seventh day of November, nineteen hundred and thirty-nine, extending the application of the Industrial Disputes Investigation Act (P.C. 3495) as amended; and
(b) The Order in Council made on the first day of December, nineteen hundred and forty-two, permitting employees of Crown companies to be members of trade unions (P.C. 16802).
(3) The following Orders in Council extending or varying the wartime application of the Industrial Disputes Investigation Act are hereby suspended to the extent that they are inconsistent with these regulations but shall otherwise remain in effect:

(a) The Order in Council made on the sixth day of June, nineteen hundred and forty-one (P.C. 4020) as amended; and

(b) The Order in Council made on the sixteenth day of September, nineteen hundred and forty-one (P.C. 7307) as amended.

49. These regulations shall come into force on a day to be fixed by the Governor in Council.

SCHEDULE A

1. A work or undertaking engaged in mining or smelting operations;

2. A work, undertaking or business engaged in manufacturing or assembling aircraft parts;

3. A work, undertaking or business engaged in manufacturing or assembling tanks or universal carriers;

4. A work, undertaking or business engaged in manufacturing or assembling automobile or truck parts;

5. A work, undertaking or business engaged in smelting or refining aluminum;

6. A work, undertaking or business engaged in refining or producing oil or petroleum products;

7. A work, undertaking or business engaged in producing or processing natural or synthetic rubber;

8. A work, undertaking or business engaged in manufacturing chemicals for war purposes;

9. A work, undertaking or business engaged in producing or manufacturing steel for war industry or war purposes;

10. A work, undertaking or business engaged in building or construction or demolition projects under a contract or subcontract, intended for the use of His Majesty in right of Canada, including the construction, erection, repair, improvement or extension of buildings, aerodromes, harbours, dockyards, roads, defence fortifications, or other naval, military or air force works;

11. A work, undertaking or business engaged in shipbuilding, including shipbuilding accessories;

12. A work, undertaking or business engaged in the production of machinery, arms, shells, ammunition, explosives, implements of war, or naval, military or air stores;

13. A work, undertaking or business engaged in transportation or communication;

14. Public Service utilities, including gas, electric, water and power works, telegraph and telephone lines.