

# Law Reform Commission of British Columbia

## Annual Report

1994/95



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"The Commission is to take and keep under review all the law of the Province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law...."

*Law Reform Commission Act*  
Statutes of British Columbia 1969

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including:

LRC-42 136 [Minor Report on the Labour Regulation Act]

# 136

BRITISH COLUMBIA

APPENDIX F

**Minor Report on the *Labour Regulation Act***

20 April 1994

The Honourable Colin Gabelmann  
Attorney General of British Columbia  
Rm. 232, Parliament Buildings  
Victoria, B.C.  
V8V 1X4

Dear Mr. Attorney:

**Re: Minor Report on the *Labour Regulation Act* (LRC 136)**

One of the duties of the Law Reform Commission is to keep the statute law of the Province under continual review and to recommend the repeal of obsolete and unnecessary enactments. In this regard, our attention has been drawn to the *Labour Regulation Act*, R.S.B.C. 1979, c. 213. A copy of the Act is attached for your convenient reference.

This statute was originally enacted in 1907, before much of our modern labour relations and employment standards legislation was in place. It was one of a number of *Labour Regulation Acts* passed at the turn of the century. It restricts the hours of labour at a coke oven, smelter, concentrator or mineral separation plant to eight hours in any 24-hour period, and sets fines for violation at the historic levels of not less than \$20 nor more than \$100. An unusually antiquated feature is that the fine may be imposed on an employee working longer than the standard eight hours, as well as on the employer.

Hours of work in provincially regulated industries are now governed by Part 3 of the *Employment Standards Act*, S.B.C. 1980, c. 10. While section 29 of that Act also prescribes an 8-hour day (or 40-hour week) as the standard, the *Labour Regulation Act* is not on all fours with the scheme of the newer statute. The *Employment Standards Act* is more comprehensive and more flexible in providing for overtime pay and for variations under a collective agreement or an authorization given by the Director of Employment Standards. This was recognized by an amendment passed in 1981, making section 1(1) of the *Labour Regulation Act* subject to Part 3 of the *Employment Standards Act*. That such an amendment was made, however, begs the question as to whether there is any need to retain the *Labour Regulation Act* at all.

The Commission raised the matter with a legal adviser to the Director of Employment Standards, who communicated with the Director regarding it. The answer we have received is that the *Labour Regulation Act* has been entirely superseded.

Accordingly, the Commission recommends that the *Labour Regulation Act*, R.S.B.C. 1979, c. 214, be repealed. The Commission adopted this recommendation at a meeting on 12 April 1994.

This letter is to be taken as a Minor Report (No. 136) of the Law Reform Commission.

Yours sincerely,

Arthur L. Close, Q.C.  
Chair