CHAPTER 14
An Act Respecting Factories, Shops, Offices,
and Elevators

[Assented to 1st April, 1966.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts
as follows:—

1. This Act may be cited as the Factories Act, 1966. [R.S. 1960,
c. 136, s. 1.]

PART I
Factories, Shops, and Offices

Division (1).—Interpretation

2. In this Act, unless the context otherwise requires,
“employer” means a person who in his own behalf, or as the
manager, superintendent, overseer, or agent, has charge of a
factory, shop, or office building and employs persons therein;
“factory” means any building, premises, workshop, structure,
room, or place where
(a) any manufacturing process or assembling in connection
with the manufacturing of any goods or products is carried
on;
(b) thermal, hydraulic, electrical, or other form of
energy or power is used to move or work any machinery or
device in preparing, inspecting, manufacturing, or finishing, or
in any process incidental to the preparing, manufacturing, or
finishing, of any article, substance, material, fabric, or com-
 pound, or is used to aid the manufacturing process carried on
there;
(c) any manual labour is exercised by way of trade or
for purposes of gain in or incidental to the making of any goods,
substance, article, or thing, or any part thereof, or the altering,
repairing, ornamenting, finishing, storing, cleaning, washing,
or adapting for sale of any goods, substance, article, or thing,
and includes a plant used for the maintenance of aircraft, loco-
motives, and vehicles used for transport purposes;
“Inspector” means an Inspector appointed under this Act, and
includes the Chief Inspector;
“office” includes a building or that part of a building occupied and
used for office purposes;
“owner” means the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent, or otherwise to receive the rents, issues, and profits of any premises used as a factory or office so far as such rents, issues, and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon; “shop” means a place 
(a) where goods are handled or exposed or offered for sale; or 
(b) where services are offered for sale. [R.S. 1960, c. 136, s. 2 (1) (am.).]

Division (2).—Application

3. (1) A part of a factory may be taken to be a separate factory.
(2) A place used as a dwelling shall not be deemed to form part of a factory.
(3) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, the place shall not be deemed to form part of that factory, but shall, if otherwise it would be a factory, be deemed to be a separate factory.
(4) A place shall not be excluded from the definition of a factory by reason only that the place is in the open air. [R.S. 1960, c. 136, s. 2 (2–4) (am.).]

4. Where an owner, occupier, or tenant of a building, premises, workshop, structure, room, or place, who has the right of access thereto and control thereof, lets, or hires out, or contracts for, work or labour to be done therein by any other person, and the other person engages or employs therein any person in or for the carrying-out or performing of the work or labour, or any part thereof, every such person shall be considered and taken as being in the service and employment of the owner, occupier, or tenant. [R.S. 1960, c. 136, s. 2 (5).]

Division (3).—Requirements on Opening a Factory

5. (1) No person shall commence to construct or reconstruct a building or commence to alter an existing building that is to be or is used as a factory before 
(a) submitting in duplicate to an Inspector the plans and specifications of the building or proposed alteration; and 
(b) supplying such additional information as an Inspector may require; and 
(c) receiving from an Inspector his approval thereof certifying that the plans and specifications comply with this Act and regulations.
(2) The construction, reconstruction, or alterations may be proceeded with only in accordance with the plans and specifications approved by an Inspector. (New.)

Division (4) — Employment in Factories

6. If a person is found in a factory except
(a) at mealtimes; or
(b) while all the machinery of the factory is stopped; or
(c) for the sole purpose of bringing food to the persons employed in the factory,
the person shall, until the contrary is proved, be deemed for the purpose of this Act to have been then employed in the factory. [R.S. 1960, c. 136, s. 4 (1).]

7. A person who works in a factory, whether for wages or not, either in the manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft or in connection with the article made, or otherwise the subject of the manufacturing process or handicraft therein, shall, save as otherwise provided by this Act, be deemed to be employed in the factory within the meaning of this Act. [R.S. 1960, c. 136, s. 5 (1).]

8. Nothing in this Act shall extend to a mechanic, artisan, or labourer who is not an employee of an employer having charge of a factory, shop, or office and who is working only in repairing either the machinery in or any part of the factory, shop, or office. (New.)

9. For the purpose of this Act, an apprentice is deemed to work for hire. [R.S. 1960, c. 136, s. 5 (2).]

10. In computing the number of employees in any factory, shop, or office for the purpose of any provision of this Act, the maximum number working at any one time on a shift shall be the basis of computation. (New.)

11. The provisions of this Act do not apply where persons are employed at home; that is to say, a private house, room, or place where, though used as a dwelling might, by reason of the work carried on there, be a factory within the meaning of this Act, and in which the only persons employed are members of the same family dwelling there. (New.)

Division (5) — Administration

12. For the purposes of this Act and the regulations, an Inspector has power to do all or any of the following things:—
(a) To enter, inspect, and examine at all reasonable times, by day or night, any place that he has reasonable cause to believe to be a factory, shop, or office:

(b) To require the production of any register, certificate, notice, or document required by this Act or by regulation to be kept, and to inspect, examine, and copy the same:

(c) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with:

(d) To examine verbally, either alone or, at his discretion, in the presence of any other person, every person whom he finds in a factory, or whom he has reasonable cause to believe to be, or to have been, within the then last two preceding months, employed in a factory, and to require the person to be so examined and to sign a declaration of the truth of the matters respecting which he is examined:

(e) Whenever he deems it necessary, to take with him into any premises a legally qualified medical practitioner, Medical Health Officer, or Public Health Inspector:

(f) Alone, or in conjunction with such other person or persons possessing special or expert technical knowledge or skill, as the Inspector designates, to make such examinations, tests, and inquiries, and take such samples as are necessary to ascertain whether this Act and the regulations are being complied with:

(g) To administer an oath and to summon any person to give evidence in connection with any investigation, inquiry, or examination:

(h) To exercise such other powers as may be necessary for carrying this Act and the regulations into effect. [R.S. 1960, c. 136, s. 24 (am.).]

13. The employer and his agents and servants shall furnish the means required by an Inspector necessary for entry, inspection, examination, inquiry, or the exercise of his powers under this Act. [R.S. 1960, c. 136, s. 25 (am.).]

14. Every person who

(a) wilfully delays an Inspector in the exercise of any power under section 12 or 13; or

(b) fails to comply with a requisition or summons of an Inspector in pursuance of either of those sections; or

(c) fails to produce any certificate or other document which he is required by the Act or regulations to produce; or

(d) conceals or prevents, or attempts to conceal or prevent, any employee from appearing before or being examined by an Inspector shall be deemed to obstruct an Inspector in the execution of his duties under this Act. [R.S. 1960, c. 136, s. 26 (am.).]
15. (1) Before an Inspector enters any room or place actually used as a dwelling as well as for a factory, he shall, unless such entry is made with the consent of the occupier, obtain from a Justice a warrant referred to in subsection (2).

(2) The Justice, if satisfied by information on oath or statutory declaration that there is reasonable cause to suppose that any provision of this Act or the regulations is contravened in any such room or place, shall grant a warrant under his hand authorizing the Inspector named therein, at any time not exceeding one month from the date thereof,
   (a) to enter the room or place named in the warrant; and
   (b) to exercise therein the powers of inspection and examination conferred by this Act;
and the provisions of this Act with respect to obstruction of the Inspector are applicable. [R.S. 1960, c. 136, s. 26 (am.).]

16. An Inspector shall be furnished with a certificate of his appointment under the hand of the Minister of Labour, and shall, if requested, produce the certificate upon entering any premises. [R.S. 1960, c. 136, s. 29 (am.).]

17. An Inspector is not competent to give testimony in any civil cause, matter, or proceeding
   (a) relative to anything which he has seen or done, or with regard to any information he has obtained, opinion he has formed, or investigation he has made for the purpose of this Act; or
   (b) as an expert witness with regard to any subject or matter whatsoever. [R.S. 1960, c. 136, s. 30 (am.).]

18. Where two or more employers occupy or use the same room or premises as a factory, shop, or office and employ in the aggregate four persons or more, no one of such employers employing so many as four, each of the several employers is responsible for providing proper and sufficient washrooms and other requirements as set forth in this Act, which requirements apply to each and every such employer as if they were partners. [R.S. 1960, c. 136, s. 12 (am.).]

19. Every person shall, within one month after he begins to occupy a factory, transmit to an Inspector, in such form as the Inspector may require, a notice containing
   (a) the name of the factory;
   (b) the location of the factory;
   (c) the mailing address of the factory;
   (d) the nature of the work to be carried on therein;
   (e) the number of workers employed therein;
   (f) the nature and the amount of the motive power therein; and
   (g) the name of the person or firm under which the business of the factory is to be carried on. [R.S. 1960, c. 136, s. 32 (am.).]
20. Every employer shall, during working-hours, keep the factory, shop, or office and all passages and sanitary conveniences used in connection therewith and under his control properly lighted and heated so that they are not injurious to the health, safety, and comfort of the employees, and the owner of every building used as a factory, shop, or office shall at all times keep the building or the parts thereof under his control or used in common by the tenants or occupants of the building properly lighted and heated so as not to be injurious to the health, safety, or comfort of persons employed in the building or using or having access thereto.

(New.)

21. (1) Where, in the opinion of an Inspector, any place, matter, or thing, or any part or parts thereof, in a factory, shop, or office is a source of danger to the health or safety of persons employed therein or of persons having access thereto, he shall give notice in writing to the employer or owner directing him, within the time specified in the notice, to take the measures prescribed therein

(a) for guarding the place, matter, or thing; or

(b) to protect the safety or health of any person against danger therefrom.

(2) Where an Inspector gives a direction under subsection (1),

(a) the use of the place, matter, or thing, or any part or parts thereof, may be discontinued until the direction of the Inspector has been complied with; and

(b) the Inspector may affix to the place, matter, or thing, or any part or parts thereof, a copy of the direction, and no person shall remove the direction until authorized by him.

(3) Any factory, shop, office, or office building in which the employer or owner

(a) fails to comply with an Inspector's direction; or

(b) permits or fails to prevent any place, matter, or thing, or any part or parts thereof, to be used in contravention of this section is deemed to be operated so that the safety of the persons employed therein is endangered. (New.)

22. No person shall operate a factory, shop, or office wherein there exists any condition that endangers the health or safety of persons employed therein, and this section applies whether or not there is a contravention of another section of this Act. [R.S. 1960, c. 136, s. 14 (am.).]

23. Where an explosion occurs in a factory, whether any person is injured thereby or not, the employer shall, within twenty-four hours after the explosion, advise an Inspector in writing of the explosion. [R.S. 1960, c. 136, s. 18 (am.).]
24. (1) In a factory, shop, or office where ten or more female employees are employed, the employer shall provide a restroom or other space affording reasonable privacy, together with one or more couches or cots, and chairs, satisfactory to the Inspector.

(2) An Inspector may exempt an employer, either in whole or in part, from the application of subsection (1).

(3) Where the employer fails or neglects to comply with this section, the factory, shop, or office is deemed to be operated in contravention of section 22. (New.)

25. (1) The owner of every building used as a factory, shop, or office shall provide separate washrooms for male and female employees with separate approaches thereto, and signs clearly indicating for which sex the washrooms are provided.

(2) The owner of every building used as a factory shall ensure that each washroom therein is equipped with

(a) one water-closet and one urinal for every twenty-five male employees or fraction thereof, and one water-closet for every nine female employees or fraction thereof, except where the maximum number of employees on any shift is less than six, when one water-closet only is required; and

(b) one washbasin or washing facilities satisfactory to the Inspector, connected to a source of hot and cold water, for every fifteen employees or fraction thereof.

(3) The owner of every building used as a shop or office shall ensure each washroom therein is equipped with

(a) one water-closet for nine employees or fraction thereof, two water-closets for ten to twenty-four employees, and thereafter one water-closet for each additional twenty-five employees, except that when more than one water-closet is required in a washroom for male employees, urinals may be substituted for half the required number; and

(b) washbasins in accordance with the requirements of the current National Building Code of Canada.

(4) The owner of every building used as a factory, shop, or office is responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition.

(5) The owner of every building used as a factory, shop, or office shall provide a supply of safe drinking-water for each tenant or occupier. [R.S. 1960, c. 136, s. 10 (am.).]

26. (1) Every employer in charge of a factory or shop shall

(a) keep the factory or shop in a clean and sanitary condition and free from any effluvia arising from refuse of any kind;

(b) provide for removal, at least daily, of all accumulations of dirt and refuse from the floors, work-tables, passages, and stairways:
(c) keep all windows and skylights, as far as practicable, clean on both the inner and outer surfaces and free from obstructions;

(d) ensure that toilet-rooms, washrooms, water-closets, urinals, and other sanitary conveniences are kept in good repair and in a sanitary condition;

(e) provide for the securing and the maintaining of a reasonable temperature in each workroom, without causing conditions injurious to the health or comfort of persons employed therein;

(f) allow at least three hundred cubic feet of room space for each employee employed therein;

(g) provide and maintain for the use of the employees a convenient and sufficient supply of

(i) individual clean towels;

(ii) soap;

(iii) toilet paper; and

(iv) in each toilet-room used by females a suitable covered receptacle;

(h) provide adequate means for the proper draining of floors so that the health of persons employed therein will not be endangered;

(i) provide safe drinking-water

(i) through a fountain with a guarded faucet or similar faucet if the supply is from a water-cooler with drain; or

(ii) through a tap, in which case there shall be a sufficient supply of individual drinking-cups, which drinking faucet or tap shall be at least eight feet distant from any closet or urinal; and

(j) provide suitable accommodation for

(i) clothing not worn by employees during working-hours; and

(ii) work clothes which must be dried or be cleaned or be kept separate from street clothes due to the presence of poisonous, infectious, or irritating materials.

(2) (a) In every room in which a substantial portion of the work is done, a temperature of not less than sixty-five degrees on the Fahrenheit scale measured at five feet from the floor, unless otherwise authorized by an Inspector, is deemed to be a reasonable temperature.

(b) An Inspector may, by written notice to the employer, prescribe a standard of reasonable temperature for any room in a building with respect to both the minimum and maximum temperatures, having regard to the health and comfort of the employees.

(c) If, owing to the nature of the manufacturing process being carried on in the factory, excessive heat is created therein, or in any part thereof, the owner shall cause to be installed, maintained, and operated such special means or appliances as the Inspector may direct to reduce such excessive heat.
(3) (a) Every employer shall provide every workroom in a factory with proper and sufficient means of ventilation, natural or mechanical, or both, as may be necessary to maintain the same at all times during working-hours.

(b) Every employer shall equip all machinery creating dust or impurities in quantities tending to injure the health of employees with proper hoods and pipes connected to an exhaust fan of sufficient capacity and power to remove the dusts and impurities, and the fan shall be kept running constantly while the machinery is in use. Where an Inspector decides that the apparatus is unnecessary for the health and welfare of the employees, or that other means of protection may be provided to safeguard the health and welfare of the employees against injurious dusts or impurities, the Inspector may exempt the machinery from the application of this subsection or prescribe other requirements that will effectuate the intent of this section.

(c) If dust, gases, fumes, vapours, fibres, or other impurities are generated or released in the course of an operation carried on in any workroom of a factory in quantities tending to injure the health of the employees, the employer shall provide suction devices at their point of origin, where practicable, to remove the impurities from the workroom by means of proper hoods connected to conduits and exhaust fans, and the fans shall be kept running constantly while the impurities are being generated or released.

(d) Every employer shall provide exhaust systems handling gases, vapours, fumes, or any substance, and discharging to the outer air, with air-cleaning devices to remove air contaminants prior to the discharge to the outer air, unless otherwise approved by an Inspector.

(4) Every employer shall make effective provisions for securing and maintaining sufficient and suitable natural or artificial lighting in every part of a factory in or to which employees are working or have access.

(5) Every employer shall cause the walls and ceilings of every workroom, lunchroom, restroom, and washroom to be kept adequately painted, unless an Inspector otherwise directs, and an Inspector may direct the employer to paint any such room at any time. [R.S. 1960, c. 136, s. 7 (and new).]

27. (1) Every employer in charge of an office shall

(a) keep the office in a clean and sanitary condition, properly ventilated, heated, and lighted, so that it is not injurious to the health or comfort of the persons employed therein;

(b) not allow overcrowding of persons employed in the office while work is being carried on therein;

(c) provide and maintain for the use of the employees in the office a convenient and sufficient supply of

(i) individual clean towels;

(ii) soap;
(iii) toilet paper; and
(iv) in each toilet room used by females a suitable covered receptacle; and

(d) provide a satisfactory supply of safe drinking-water.

(2) Where in an office building the water-closets, urinals, or other conveniences are not situate in that part of the building occupied by and under the control of an employer, the owner shall keep them in good repair and in sanitary condition.

(3) Where in an office building the water-closets, urinals, or other conveniences are situate in that part of the building occupied by and under the control of a separate employer, that separate employer shall keep them in good repair and in sanitary condition.

(4) The owner of every office building shall keep all parts thereof that are under his control and used in common by occupants thereof in a condition of cleanliness and sanitation that will not be injurious to the health of persons employed in or using or having access to the building.

(28) Every owner and employer shall comply with all regulations made under this Act that apply to him or to his factory, shop, or office, or building.

(29) In every factory wherein the health of the employees, in the opinion of an Inspector, is likely to be endangered by the presence of poisonous, irritating, or infectious materials or gases or by extremes of temperature or humidity, the employer shall, forthwith upon being required to do so by the Inspector in writing, provide such showers and washbasins, in addition to those required under section 25, supplied with sufficient hot and cold water, as the Inspector may order.

(30) (1) An employer shall not allow any employee to take meals in any room where any manufacturing process is carried on.

(2) An employer shall provide a suitable room in or adjoining the factory, together with the necessary equipment, for the purpose of a lunchroom.

(3) No person shall take or be allowed to take food into any room in a factory where paint, varnish, dye, white lead, arsenic, ionizing radiation, or other poisonous substance is exposed, or where deleterious fumes, dust, or gases are known to be present. [R.S. 1960, c. 136, s. 6 (am.).]

(31) (1) Where, in the opinion of an Inspector, the whole or a substantial portion of the work upon which female employees are engaged in a factory can be efficiently performed while such employees are seated, the employer shall, forthwith upon being required to do so by the Inspector in writing, provide such seats as may be directed by the Inspector.

(2) Every employer shall provide a resilient material, satisfactory to the Inspector, for female employees employed in work that necessitates constant standing on cement or hard-surfaced floors. (New.)
The Lieutenant-Governor in Council may make regulations for the protection of persons engaged in any industrial process involving the use or manufacture of any poisons, or of any dangerous or harmful substances, or of their preparations or compounds,

(a) prescribing the conditions under which such poisons or substances may be used or manufactured and the labelling of the containers;

(b) respecting the posting of printed forms setting forth the dangers and safety precautions;

(c) requiring manufacturers, distributors, and others to provide accurate information regarding the percentage of poisonous, dangerous, or harmful constituents;

(d) providing for the periodic medical examination by qualified physicians of employees engaged in such industrial processes and the reports to be made of such examinations;

(e) respecting the payment of fees for the medical examinations;

(f) respecting the reporting by employers, doctors, and others of cases of affection from dangerous or harmful substances or industrial poisoning; and

(g) generally governing such matters as may be deemed advisable for the protection of such persons. (New.)

Division (7).—Homework

33. (1) In this Division, unless the context otherwise requires,

“employer” means a person who, in his trade or business in personal or household articles, gives employment to a homeworker;

“employment” means the performance for wages of any work or service in the manufacture, preparation, improvement, repair, alteration, assembly, or completion of any personal or household article or any part thereof;

“homeworker” means a person who for wages, in his home or elsewhere in premises not occupied by his employer, engages in employment in respect of personal or household articles;

“personal or household article” means any garment, suit, clothing, wearing-apparel, or other article of personal dress or attire, and any article of domestic household use, including all materials and substances therefor;

“wages” includes any compensation for labour or services, measured by time, piece, or otherwise.

(2) (a) Every employer and every homeworker shall obtain a permit from an Inspector.

(b) No employer or homeworker shall give or be engaged in employment without a permit from an Inspector.

(3) Every employer and every homeworker shall apply in writing to an Inspector for a permit in the form approved by the Inspector.
(4) *(a)* Every permit issued by an Inspector shall specify the purpose and the scope of authority granted thereby, which may be enlarged at any time by endorsement thereon by the Inspector.

*(b)* No employer or homeworker shall give or be engaged in employment

(i) beyond the purpose and scope of authority of the permit; and

(ii) at a wage less than that established by the Board of Industrial Relations.

(5) *(a)* No employer’s permit shall be issued unless the Inspector is satisfied that the employer is likely to comply with the provisions of this Act, the *Male Minimum Wage Act*, the *Female Minimum Wage Act*, and the *Hours of Work Act*.

*(b)* No homeworker’s permit shall be issued unless the Inspector is satisfied that the homeworker is fit for the purposes of employment, having regard to his health and his home or other premises.

(6) Every employer shall keep a register in a form satisfactory to the Inspector containing

*(a)* the name, address, and permit number of every homeworker to whom he gives employment;

*(b)* particulars of the employment;

*(c)* the dates and times of the homeworker’s employment;

*(d)* the wages paid therefor.

(7) The Inspector may at any time enter the premises of an employer to inspect

*(a)* the register required to be kept under subsection (6); and

*(b)* any personal or household article therein

(i) to be given to; or

(ii) which has been returned by a homeworker.

(8) The Inspector may at any reasonable hour enter the home or other premises of a homeworker to inspect

*(a)* the same and the sanitation thereof; and

*(b)* any personal or household article therein given to him for employment.

(9) *(a)* The Inspector may at any time seize and impound any personal or household article in the possession of any employer or homeworker, or in the possession of any other person in his trade or business, if the article, in the opinion of the Inspector, may affect or be injurious to the public health by reason of some insanitary condition or communicable disease having existed in the home or other premises of a homeworker while the article was in his employment.

*(b)* Every article impounded under clause *(a)* shall forthwith be delivered by the Inspector to the local Medical Health Officer or Sanitary Inspector for disinfection or destruction.
Disinfection or destruction of impounded articles.

(c) The Medical Health Officer or Sanitary Inspector to whom any impounded personal or household article is delivered by the Inspector shall cause the same to be disinfected; and if, in the opinion of the Medical Health Officer, disinfection may not be sufficient to protect the public health, he may direct that the article be destroyed.

(d) Any personal or household article which has been impounded and disinfected shall be returned to the person from whose possession it was taken upon payment of the costs of impounding and disinfection.

(e) If any personal or household article is directed by the Medical Health Officer to be destroyed, no claim for compensation for the destruction or loss of the article shall be made.

(10) No person shall knowingly sell, expose for sale, or otherwise deal in any personal or household article in respect of which there has been a contravention of this section.

(11) The Inspector may at any time cancel

(a) an employer's or homeworker's permit issued hereunder for any contravention of this section, or any regulation or order made with respect thereto; and

(b) a homeworker's permit if, in his opinion, the health of the homeworker or the state of sanitation of his home or other premises used by him is likely to be injurious to the public health. [R.S. 1960, c. 136, ss. 52-60 (am.).]

Division (8).—Miscellaneous

34. (1) Every employer shall post and keep posted at the entrance of each factory and in such other parts thereof as the Inspector directs, so that all employees may have ready access to and see the same,

(a) such provisions of this Act and any regulations made thereunder as the Inspector deems necessary;

(b) the address of the Chief Inspector;

(c) every other notice or document required by this Act to be posted in the factory. [R.S. 1960, c. 136, s. 33 (am.).]

35. (1) Every employer who sublets any contract or gives out any materials to be made, altered, repaired, or finished, at any place other than at a factory registered under this Act, shall keep a register of all such work given out, together with the location of the premises where the work is performed.

(2) The register shall be subject to the inspection of the Inspector at all times. [R.S. 1960, c. 136, s. 37 (am.).]

36. (1) A notice, order, requisition, summons, or document required or authorized to be served or sent for the purposes of this Act may be served and sent

(a) by delivering the same to or at any residence of the person on or to whom it is to be served or sent; or
(b) where that person is an employer within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the factory of which he is employer; or
(c) by mailing it as a letter.

(2) A notice, order, requisition, summons, or document served or sent by mail shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it is sufficient to prove that it was properly addressed and mailed; and where it is required to be served on or sent to an employer, it shall be deemed to be properly addressed if addressed to him at the factory in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer. [R.S. 1960, c. 136, s. 36.]

37. The Lieutenant-Governor in Council may make regulations
(a) for the protection of the health, safety, and welfare of persons employed in any factory, shop, or office building;
(b) prescribing the nature of the drawings and specifications to be submitted under this Act;
(c) prescribing forms and notices for use under this Act;
(d) prescribing standards with respect to heating, ventilation, illumination, sanitation, lunchroom facilities, and other factors affecting the health, safety, and comfort of the employees; and
(e) generally such other matters as may be necessary or advisable to the effectual working of the provisions of this Act. (New.)

38. Such Inspectors, officers, clerks, and employees as are required for the purpose of carrying out this Act may be appointed pursuant to the provisions of the Civil Service Act, all of whom shall hold office during pleasure. [R.S. 1960, c. 136, s. 23.]

39. The Chief Inspector shall each year make a report to the Minister of Labour for the year ended on the previous thirty-first day of December, and that report shall be included in the Annual Report of the Department of Labour. [R.S. 1960, c. 136, s. 31 (am.).]

Division (9).—Prosecutions

40. A person who fails to perform a duty imposed by or contravenes a provision of this Act, the regulations, or an order or direction of an Inspector is guilty of an offence. (New.)

41. (1) If a factory, shop, or office building is not kept in conformity with this Act, the Justice, upon finding that an employer is guilty of an offence, shall, in addition to the imposition of punishment under the Summary Convictions Act, order the employer or owner, within whatever time may be limited by the order, to make whatever changes are necessary to bring the factory, shop, or office building into conformity with this Act.
(2) If, after the expiration of the time limited by an order made under subsection (1), the order is not complied with, the employer or owner is liable to a fine not exceeding ten dollars for every day that such non-compliance continues. [R.S. 1960, c. 136, s. 43 (am.).]

42. (1) Where the employer is charged with an offence under this Act, he may, upon information duly laid by him, have any other person whom he alleges to be the actual offender brought before the Justice at the time appointed for hearing the charge.

(2) If, after the commission of the offence has been proved, the employer proves to the satisfaction of the Justice that

(a) he has used due diligence to enforce the execution of this Act; and

(b) that the other person had committed the offence in question without his knowledge, consent, or connivance,

the other person may be summarily convicted of such offence, in which case the employer is exempt from any penalty or punishment. [R.S. 1960, c. 136, s. 44 (am.).]

43. (1) Where the Inspector is satisfied

(a) that an employer has used all due diligence to enforce the execution of this Act;

(b) of the identity of the other person by whom an offence was committed; and

(c) that it was committed without the knowledge, consent, or connivance of the employer and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to have been the actual offender in the first instance, without first proceeding against the employer.

(2) Where the actual offender other than the employer is convicted, the employer is exempt from any penalty or punishment. [R.S. 1960, c. 136, s. 45 (am.).]

44. Where an offence, for which an employer is liable under this Act to a fine, has in fact been committed by some agent, servant, working-man, or other person, such agent, servant, working-man, or other person is liable to the same fine, penalty, or punishment for the offence as if he were the employer. [R.S. 1960, c. 136, s. 46.]

45. (1) An information with respect to an alleged offence under or in contravention of this Act shall be laid

(a) within two months after the alleged offence has come to the knowledge of the Inspector; or,

(b) where the offence is punishable at discretion by imprisonment, within three months after the alleged offence has come to the knowledge of the Inspector; or,
(c) where the Inspector has given notice to the offender to remedy the matter alleged to be an offence against this Act, within three months after the expiry of the time given by such notice.

(2) In an information with respect to an alleged offence under or in contravention of this Act, it is sufficient

(a) to allege that a factory, shop, or office building is a factory, shop, or office building within the meaning of this Act; and

(b) to state the name of the ostensible employer or the firm name by which the employer is usually known. [R.S. 1960, c. 136, ss. 47, 48 (am.).]

46. On the trial of a complaint, proceeding, matter, or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, is competent and compellable to give evidence in or with respect to such complaint, proceeding, matter, or question. [R.S. 1960, c. 136, s. 49.]

47. All fines and penalties imposed under this Act shall be paid to the Minister of Finance and belong to Her Majesty in right of British Columbia for the public use of the Province. [R.S. 1960, c. 136, s. 50 (am.).]

PART II

ELEVATING DEVICES

Division (1).—Interpretation

48. In this part, unless the context otherwise requires,

"approved" means approved by the Inspector;

"Chief Inspector" means the Chief Inspector appointed for the purposes of this Act;

"department" means the Department of Labour;

"elevating device" means a vertical or inclined lift used for raising or lowering passengers or materials, except those devices excluded by the regulations;

"licence" means a licence granted under this Act;

"major alteration" means any change or addition to an elevating device other than ordinary repairs or replacements;

"operator" means any person whose regular employment is that of operating an elevator or who operates an elevator as part of his regular employment;

"owner" means the person in charge of an elevating device as owner, tenant, agent, or otherwise;

"regulations" means the regulations made under this Act. (New.)
division.

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FACTORIES

Chap. 14

Division (2).—Application

49. (1) This Part applies to all elevating devices except those devices excluded by the regulations.

(2) The Chief Inspector may from time to time give notice in writing to the owner of any apparatus in the nature of an elevating device or of any device excluded by the regulations from the application of this Act that the statutory provisions or regulations, or both, specified in the notice shall apply to such apparatus or elevator, and thereupon such provisions shall so apply unless withdrawn by subsequent notice in writing. (New.)

Division (3).—Licences

50. (1) No owner, by himself or by an agent or employee, shall operate an elevating device, or cause or permit it to be operated by any person, unless the owner holds a valid and subsisting licence in respect thereof issued pursuant to this Act and the regulations.

(2) A licence for an elevating device shall set forth the maximum carrying capacity of the elevator as rated pursuant to section 51, and no person shall operate an elevator, or cause or permit it to be operated, with a load in excess of such maximum carrying capacity.

(3) The Inspector may grant a licence to the owner of any elevating device, and may suspend, revoke, or transfer any such licence in accordance with this Act and the regulations.

(4) The licence shall designate the elevating device and the type of service for which it is licensed.

(5) The licence shall expire on the thirty-first day of December of the year for which it is issued, unless sooner suspended or revoked.

(6) The licence shall be kept by the owner in the machine-room of the elevating device or adjacent thereto, unless the Inspector designates otherwise.

(7) The licence and machine shall have a number corresponding to the registration of the elevating device with the Department records.

(8) Where a licence is suspended or revoked, the Inspector may require such things to be done as he deems necessary to ensure it will not be operated contrary to this Act and the regulations. (New.)

Division (4).—Administration

51. An Inspector shall rate the maximum carrying capacity of every elevating device in respect of weight or number of passengers carried at its original design capacity, with due reduction for poor construction, age, deterioration, and like considerations. (New.)

52. For the purposes of this Act, an Inspector may

(a) at any reasonable time by day or night enter any building or upon any property in or upon which he has reason to believe an elevating device has been or is being installed or is being
operated, for the purpose of inspecting the elevating device and the operation thereof and of determining whether the provisions of this Act and the regulations have been and are being complied with;

(b) by notice in writing signed by him require the attendance of any person before him at a time and place to be named in the notice and examine such person on oath or otherwise regarding any matter pertaining to the inspection, construction, installation, testing, operation, maintenance, or repair of any elevating device or any accident arising out of the use or operation thereof;

(c) require the owner or any person in charge of any elevating device or any contractor installing, altering, repairing, maintaining, servicing, or testing any elevator to furnish within a specified time a written statement giving such information as the Inspector may deem necessary respecting the elevating device, the operation or repair thereof, and the operators or other persons employed in connection therewith;

(d) require any person designated in clause (c), either forthwith or within such time as the Inspector may prescribe, to make the elevating device available for inspection, for testing, or for any other purpose the Inspector deems necessary;

(e) require any person designated in clause (c) to place a man or men at his disposal to assist in making an inspection or for any other purpose which the Inspector deems necessary;

(f) give instructions orally or in writing to any person designated in clause (c) respecting the construction, installation, testing, operation, maintenance, or repair of the elevating device, and require that the instructions shall be carried out either forthwith or within a specified time;

(g) instruct any person designated in clause (c) to cease forthwith the operation, installation, alteration, or repair of any elevating device which the Inspector has reason to believe is being operated, installed, altered, or repaired in an unsafe or improper manner, or in a manner which is not in accordance with this Act and the regulations, and the Inspector's instructions shall forthwith be carried out, and further operation, installation, alteration, or repair of the elevator shall not proceed without permission in writing from the Inspector;

(h) condemn any elevating device which in his opinion may no longer be operated safely or is obsolete;

(i) require the owner or any person in charge of an elevating device, either forthwith or within such time as the Inspector may prescribe, to replace any person engaged in the operation thereof who in the opinion of the Inspector is negligent or incapable of operating the elevator in a safe and proper manner,
or who is operating the elevator without being in possession of
an operator’s licence where required by the regulations. (New.)

53. When an elevating device is being inspected, the owner or person
in charge thereof or any contractor installing, altering, repairing, main-
taining, servicing, or testing the elevating device shall point out to the
Inspector any defect of which he has knowledge or which he believes to
exist in the elevating device; and if at any other time such person learns
of any defect which might render the elevating device unsafe to operate,
he shall forthwith notify the Inspector. (New.)

54. Where in the opinion of the Inspector an elevating device is in an
unsafe condition or is being operated in a dangerous manner or by a
person who is not the holder of an operator’s licence where required by
the regulations, or where instructions given by an Inspector under clause
(f) of section 52 are not being complied with, or where repairs, altera-
tions, or replacements set forth in an inspection report are not made
within the prescribed time or, where no time has been prescribed, within
a reasonable time,

(a) the Chief Inspector may suspend or cancel the licence issued in
respect of the elevating device; or

(b) the Inspector may, on the instructions of the Chief Inspector,
seal the elevating device and prohibit its use. (New.)

Division (5).—Safety

55. No person shall, without written permission of the Chief Inspect-
or, repair any elevating device which has been condemned by an In-
spector or operate it or cause it to be operated. (New.)

56. No person shall, without written permission of the Chief Inspect-
or, sell, exchange, or reinstall in a new location any elevating device
which has been previously used, whether or not such elevating device
has been condemned by an Inspector, but this section shall not apply in
respect of an elevating device which is sold along with the building or
premises in which it is located. (New.)

57. No person shall install or cause to be installed an elevating device
which has previously been used outside the Province, unless the design
and construction thereof conform in every respect with this Act and the
regulations, and unless permission in writing has been obtained from the
Chief Inspector. (New.)

58. Where an elevating device has been out of service for one year or
more, whether or not the use thereof was discontinued voluntarily by the
owner, no person shall operate such elevating device, or cause or permit
it to be operated, without first applying to the Inspector for a special
inspection of the elevating device and receiving written permission for its operation from an Inspector. (New.)

59. No person making inspections on behalf of an insurance company or an owner shall classify any elevating device or part thereof as being in a safe or good condition which has been otherwise classified by an Inspector without first obtaining permission in writing from the Chief Inspector. (New.)

Division (6).—Regulations

60. The Lieutenant-Governor in Council may make regulations
(a) prescribing conditions respecting the design, registration of designs, construction, installation, testing, operation, maintenance, repair, and inspection of elevating devices, and governing the classification of elevating devices and all equipment used in connection therewith;
(b) prescribing the conditions under which a licence for an elevating device shall be issued;
(c) fixing the minimum age of operators, providing for and requiring the licensing of operators, and prescribing the conditions under which operators' licences shall be issued;
(d) governing the duration, transfer, suspension, cancellation, withdrawal, and posting of licences;
(e) prescribing the fees to be paid for licences and for the examination or registration of designs and the fees or other charges, or both, to be paid for inspections of elevating devices at the time of installation, reconstruction, alteration, or repair, for special inspections, and for copies of inspection reports furnished to persons other than owners;
(f) excluding any elevating device or class of elevating device from the application of this Act;
(g) prohibiting or restricting the use of any type or class of elevating device, either generally or for a particular purpose;
(h) adopting and constituting as regulations with respect to any of the matters mentioned in clauses (a), (b), (c), (d), and (e)
(i) any relevant codes, rules, or standards; or
(ii) such codes, rules, or standards with the exception of any specified provisions thereof; or
(iii) any specified provisions of such codes, rules, or standards; and
(iv) any amendments to such codes, rules, or standards, with or without modification either in place of or in addition to any regulations made under clauses (a), (b), (c), (d), and (e) or any of them. (New.)
61. A person who

(a) fails to comply with or violates any of the provisions of this Act or the regulations for which failure or violation no penalty is otherwise provided; or

(b) makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister, the Department, or an Inspector; or

(c) interferes with or obstructs an Inspector in the exercise of any power or the performance of any duty conferred or imposed upon him by this Act; or

(d) fails to comply with any notice, requirement, or instructions given or made by the Minister or an Inspector pursuant to this Act; or

(e) operates an elevating device of which he is owner, or causes or permits it to be operated, without having in his possession a valid and subsisting licence in respect of the elevating device or causes or permits it to be operated by a person who is not the holder of a valid and subsisting operator's licence where required by the regulations; or

(f) fails to pay any fee or other charge prescribed by the regulations

is guilty of an offence and may be prosecuted under this Act by being brought before a Court of summary jurisdiction. (New.)

62. All regulations made under the Factories Act, chapter 136 of the Revised Statutes of British Columbia, 1960, shall continue in effect until varied or cancelled by the Lieutenant-Governor in Council.

63. The Factories Act, being chapter 136 of the Revised Statutes of British Columbia, 1960, is repealed.