

SECTION 5 OF THE EMPLOYMENT STANDARDS ACT
WITH AMENDMENTS INDICATED

- 5.(1) The board, subject to the approval of the Lieutenant Governor in Council, shall by order
- (a) fix one minimum wage for all employees ~~or fix minimum wage rates for employees or classes of employees in different employments or different classes of employment;~~
 - (b) fix the minimum wage upon an hourly, daily, weekly, monthly or other basis;
 - (c) specify when and under what conditions deductions may be made from the wages of an employee, and what notification the employee should be given thereof prior to such deduction;
 - (d) fix the maximum amount, if any, that may be deducted from the wages of an employee where the employer furnishes to the employee, board, lodging, uniforms, laundry or other services, and prescribe the notification required to be given to the employee prior to such deduction, and may exempt any employee or group of employees from the operation of any order made under clause (c) or (d).
- 5.(2) The board shall meet at least once a year to review ~~the Minimum Wage Order~~ any order made under subsection (1) that is in force.
- 5.(3) ~~In advising the Lieutenant Governor in Council, the board shall take into account~~ Before making an order under subsection (1), the board shall consider the social and economic effects of the minimum wage rates in the province and shall consider among other matters
- (a) any cost of living increase since any previous order affecting the cost to an employee of purchasing the necessities of life, including housing, food, clothing, transportation and health care and supplies; and
 - (b) economic conditions within the province ~~and the concept of reasonable return on private investment.~~
- 5.(3.1) The board shall, before making an order under subsection (1), consult with the public in respect of any existing and any proposed minimum wage.
- ~~5.(4) An employer shall post and keep posted in a conspicuous place in the work establishment, a copy of all applicable minimum wage orders.~~
- 5.(5) Additional notice of any order made under this section shall be given by employers to employees in such manner as the board may direct.
- 5.(6) Every order of the board shall be published in the Gazette and shall name a date, at least fourteen days subsequent to the date of publication, on which it comes into force.
- 5.(7) Every order of the board is binding upon the employer and employees effective from the date of its coming into force and no order is subject to variation through individual agreement except with the authorization of the board.