

(b) a 13-week period is not sufficiently long to provide for the period in which fluctuations take place, an employer may average over a longer period than 13 weeks if he establishes to the satisfaction of the Minister that a longer period is necessary.

(2) Where the hours of work of a class of employees are calculated as an average for a period in excess of 13 weeks

(a) the standard hours of work of an employee within the class shall not exceed that number of hours that equals the product of the number of weeks in the averaging period that is satisfactory to the Minister multiplied by 40; and

(b) the total hours that may be worked by an employee within the class shall not exceed the number of hours that equals the product of the number of weeks in the averaging period that is satisfactory to the Minister multiplied by 48.

(3) Where an averaging period has been calculated under this section for a class of employees,

(a) the overtime rate prescribed by section 8 of the Act shall be paid for all hours worked in excess of the standard hours prescribed in paragraph (a) of subsection (2) of this section, but hours for which a premium rate of at least one and one-half times the regular rate has been paid shall not be counted in computing the hours for which the overtime rate is to be paid at the end of the averaging period; and

(b) Rules III to VI in section 4 apply in respect of those employees.

6. The employer shall notify the Director that he has adopted an averaging period under section 4 of these Regulations for his industrial establishment, indicating the classes of employees to whom it applies, the number of employees in each class at the time of notification and the periods for which the employer is averaging.

#### *Weekly Rest.*

7. Where hours to be worked in excess of maximum hours of work prescribed by or under section 6 of the Act are permitted under section 9 of the Act, the Minister may specify in the permit that the hours of work in the week need not be scheduled as required by section 7 of the Act during the period of the permit and the Minister may prescribe in the permit alternative periods of rest to be observed.

8. During an averaging period, hours of work may be scheduled and actually worked without regard to section 7 of the Act.

#### *Special Employees.*

9. (1) An employer may employ a person under the age of 17 years in any office, plant, service, transportation, communication, construction, maintenance, repair or other occupation in a federal work, undertaking or business if

(a) he is not required, under the law of the province in which he is ordinarily resident, to be in attendance at school; and