

Section 12.—Labour Legislation in Canada.

Owing to the division of legislative powers in Canada between the Dominion and the provinces under the British North America Act, labour legislation has been enacted by both the Dominion Parliament and the provincial legislatures, but most laws for the protection of workers are provincial.

Laws for the health and safety of persons employed in mines, factories, shops, and other places of business, other than transportation and communication services extending beyond the bounds of any province, and laws concerning trade unions, hours of work, wages, and workmen's compensation fall, in the main, under the head of "property and civil rights" or that of "local works and undertakings" and thus have been enacted by the provinces.

Dominion Legislation.—The Dominion Parliament has passed legislation relating to its own employees, to persons employed on Dominion public works and on works subsidized by the Dominion and to workmen employed in connection with railways and shipping. There are Dominion laws concerning trade unions, protecting trade union labels, for the prevention and settlement of industrial disputes and regulating picketing. The Lord's Day Act passed in 1906 prohibits Sunday labour except in works "of necessity and mercy". Regulations have been made to protect workers engaged in handling imported hides and skins from anthrax and there are laws prohibiting the importation and manufacture of matches made of white phosphorus and safeguarding persons handling explosives. The Alien Labour Act prohibits the bringing into Canada under contract of labour from any country placing a similar restriction on labour from Canada.

The Trade Unions Act permits the registration of trade unions with the Dominion Government. The agreements and trusts of registered unions, with certain exceptions, are enforceable and such unions may sue and be sued with respect to property in their own names.

Under the Criminal Code, trade unions are not liable to prosecution on the ground of conspiracy in restraint of trade and no prosecution may be maintained against any person for refusing to work with or for any employer or workman or for doing any act or causing any act to be done for the purpose of a trade combination unless such act is an offence punishable by statute. As regards picketing, it is declared an offence to beset or watch a house or place of business, if done wrongfully and without lawful authority, in order to compel any person to abstain from doing anything which he has a lawful right to do or to do anything from which he has a lawful right to abstain, but by an amendment of 1934 it is stipulated that "attending at or near or approaching to such house or other place as aforesaid, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section".

Any person is liable to a fine not exceeding \$5,000 or to two years' imprisonment or to both, who violates any law by paying a wage less than the legal minimum, by falsifying an employment record or by putting the wages of more than one employee in the same envelope in order to evade any law or who employs a child or minor in violation of any law.

Under the Fair Wages and Hours of Labour Act, 1935, persons employed on Dominion public works, either directly by the Government or by a contractor, or on work subsidized by the Government, must be paid fair and reasonable wages and their hours of work limited to eight a day and 44 a week, except when otherwise provided by the Governor in Council. Except in the case of work which is inter-