

Section 12.—Labour Legislation in Canada in 1938.

A summary of the labour laws in force in Canada at the end of the year 1937 is given in the Canada Year Book for 1938 at pp. 787-796. Legislation enacted during 1938 is published in the Report on Labour Legislation in Canada, 1938, issued by the Department of Labour. A résumé of the principal enactments and regulations follows.

Dominion Legislation.—Regulations of Dec. 14, 1938, under the Canada Shipping Act, give effect to the draft convention of the International Labour Conference for the protection against accidents of workers employed in loading and unloading ships.

In Chapter XXX, Section I, there appears a summary of Dominion legislation enacted in 1938. Under the sub-heading "Labour", the Unemployment and Agricultural Assistance Act, the Shop Cards Registration Act, the National Housing Act, and Municipal Improvements Assistance Act are summarized. The interested reader is referred to those references for details.

The Income War Tax Act was amended to exempt from taxation one-tenth of any lump sum payable by an employer on account of an employee's superannuation scheme for each of the first ten years after the establishment of such a scheme.

Provincial Legislation.—In Quebec, an Act to Facilitate the Exercise of Certain Rights enables a trade union to be sued by summoning one of its officers or by summoning the group collectively. The Act applies to any group of persons associated for carrying out any purpose of an industrial, commercial, or professional nature which does not possess a legal personality and is not a partnership within the meaning of the Civil Code.

Trade Unions.—The Saskatchewan Freedom of Trade Union Association Act, the Industrial Conciliation and Arbitration Act of Alberta, and the Labour and Industrial Relations Act of New Brunswick recognize the right of employees to organize for any lawful purpose and to bargain collectively with their employers. The Alberta statute repeals the Freedom of Trade Union Association Act, 1937. In Alberta and New Brunswick the Acts stipulate that bargaining may be conducted through representatives of employees elected by a majority vote of the employees affected, and in New Brunswick and Saskatchewan through trade union officers. In the three provinces penalties are provided for any employer who seeks to prevent an employee from joining an association. In Saskatchewan and Alberta every trade union must file its constitution and by-laws with the Government and in New Brunswick it may be required to do so. In Quebec identical clauses inserted in the Collective Labour Agreements Act and the Fair Wage Act make liable to a penalty any person who prevents or attempts to prevent an employee from becoming a member of an association or who dismisses or tries to have dismissed any person on the ground that he is or is not a member of an association.

Conciliation.—The above-mentioned Alberta and New Brunswick statutes provide for conciliation in industrial disputes and, if conciliation fails, for investigation and report by a board consisting of one representative of each party and an independent chairman. The question of acceptance of the board's award is to be submitted to a separate vote of employers and employees, the voting to be by secret ballot. In New Brunswick strikes and lockouts are prohibited unless the dispute has been referred to a conciliation board and the parties have voted on its recommendations or unless the matters in dispute have been dealt with by the Fair Wage