

### 8.1.3 Federal and provincial labour legislation

#### 8.1.3.1 Jurisdictions

The Canada Labour Code (RSC 1970, c.L-1) applies only to federal undertakings and any other operations that Parliament declares are for the general advantage of Canada or two or more of its provinces. The code consolidated previous legislation regulating employment practices and labour standards in the federal jurisdiction.

Because it imposes conditions on the rights of the employer and employee to enter into a contract of employment, labour legislation is, generally speaking, law in relation to civil rights, and provincial legislatures are authorized to make laws in relation both to local works and to property and civil rights. Power to enact labour legislation has therefore become largely a provincial prerogative, under which a large body of legislation has been enacted affecting working hours, minimum wages, the physical conditions of workplaces, apprenticeship and training, wage payment and wage collection, labour-management relations and workmen's compensation.

#### 8.1.3.2 Federal labour legislation

**Industrial relations.** The Mediation and Conciliation Branch of the Department of Labour administers the provisions of Part V of the Canada Labour Code (Industrial Relations) relating to the application of formal conciliation procedures (i.e. the appointment of conciliation officers, conciliation commissioners and the establishment of conciliation boards). The branch also provides mediation services to parties in post-conciliation negotiations, including strike and lockout situations. If a dispute or difference between any employer and employees exists in an industry, the Minister of Labour may refer the matter to an Industrial Inquiry Commission for investigation. On behalf of the minister, the branch administers the code's provisions relating to certain types of complaints which must receive ministerial consent before they can be referred to the Canada Labour Relations Board. Other violations of the code referring ministerial consent to prosecution are also handled by the branch.

When requested, the minister may appoint single arbitrators or arbitration board chairmen if parties or nominees are unable to agree on the selection.

The Canada Labour Relations Board administers provisions contained in Part V of the Canada Labour Code governing the acquisition and termination of bargaining rights; successor rights and obligations; the disposition of applications relating to technological change, and to illegal strikes and lockouts; complaints of unfair practices; and granting of access to employers' premises.

**Fair employment practices.** Part I of the Canada Labour Code (Fair Employment Practices) prohibits discrimination in employment on the grounds of race, colour, religion or national origin in any federal work, undertaking or business. It covers discrimination by employers, by trade unions in regard to membership or employment, by employers who use employment agencies that discriminate, and in the use of any form of application for employment, advertisement, written or oral inquiry that expresses directly or indirectly any limitation, specification or preference as to race, colour, religion or national origin.

**Labour standards.** Part III of the Canada Labour Code (Labour Standards) provides minimum standards of employment applicable to employers and employees in industries that are under the legislative authority of the Parliament of Canada.

The code sets both standard and maximum hours of work. The overtime rate (one and a half times the regular rate) must be paid after eight hours in a day and 40 hours in a week, to a maximum of 48 hours in a week. Hours may be averaged when an employee's schedule of hours varies from day to day or week to week because of the nature of the work. If the Minister of Labour is satisfied that