

Because it imposes conditions on the rights of the employer and employee to enter into an employment contract, 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, physical conditions of workplaces, apprenticeship and training, wage payment and wage collection, labour-management relations and worker compensation.

7.2.1 Federal labour legislation

Industrial relations. The mediation and conciliation service of Labour Canada administers the industrial relations provisions of the Canada Labour Code relating to application of formal conciliation procedures, including appointment of conciliation officers and commissioners and establishment of conciliation boards. The service also provides mediation services to parties in post-conciliation negotiations, including strike and lockout situations. If there is a dispute or difference between employer and employees in an industry, the labour minister may refer the matter to an industrial inquiry commission for investigation. On behalf of the minister, the service 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. It handles other violations of the code requiring ministerial consent for prosecution. 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 in the labour code governing acquisition and termination of bargaining rights, successor rights and obligations, disposition of applications relating to technological change and to illegal strikes and lockouts, complaints of unfair practices, and granting of access to employer premises.

Labour standards. The code sets minimum standards of employment for employers and employees in industries under the legislative authority of Parliament.

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 labour minister is satisfied that exceptional circumstances justify it, he may issue a permit allowing an employee to exceed the maximum hours. The Governor-in-Council may make regulations varying standard and maximum hours for classes of employees in any industrial establishment where code standards would be unduly prejudicial to employees or seriously detrimental to operation of the establishment. An inquiry must be held before such regulations are made.

The minimum wage was \$2.90 an hour for all persons 17 years of age and over and \$2.65 an hour for persons under 17 as of April 1, 1976. The Governor-in-Council may issue orders from time to time changing the minimum rate.

Employees are entitled to two weeks vacation with pay each year, three weeks after six consecutive years with the same employer and a holiday with pay on each of the nine general holidays or substitutes for them.

An employer must give advance notice to the labour minister and the union, with a copy to the employment and immigration commission, when dismissing 50 or more employees during a four-week period. The length of notice varies according to the number of employees being dismissed: 50-100 employees, eight weeks; 101-300 employees, 12 weeks; more than 300 employees, 16 weeks. In addition, the employer and the trade union must provide the employment and immigration commission with whatever information it requests to assist the employees. The requirement to give notice may be waived for an industrial establishment or a specified class of employees by an order of the labour minister, subject to any terms or conditions he may determine.

Under the code provisions respecting individual termination of employment (except dismissal for just cause) every employee with three consecutive months service