

CANADIAN LABOR LAWS AND THE TREATY.

BY
BRYCE M. STEWART

*No. 278 in the 'Studies in History, Economics
and Public Law' of Columbia University.*

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY

NEW YORK
1926

COPYRIGHT, 1926

BY

THE FACULTY OF POLITICAL SCIENCE OF
COLUMBIA UNIVERSITY, NEW YORK

PRINTED IN THE UNITED STATES OF AMERICA

Dhananjayarao Gadgil Library



GIPE-PUNE-007882

ॐ

A. M. S

X: 3: (272) .125

F 6

7882

PREFACE

It may be said that when Canada became a member of the International Labor Organization, Canadian labor legislation entered upon a new phase. The promotion of laws for the protection of the workers against the evils of industrialism, which before had been mainly the concern of the trade unions, became a matter of international obligation. This function at once assumed new dignity and importance. Labor legislation is now receiving attention in Canada as never before, and fortunately so, for it rests with Canadians at large whether their country will rank among the nations as a leader or a laggard in this field. If this outline of the growth of a considerable body of the labor law of Canada affords some background for the prevailing discussion, its main purpose will have been achieved.

The study traces to the end of 1925 the development of the legislation of Canada, Dominion and provincial, within the scope of the nine methods and principles of the Labor Section of the Treaty of Versailles, and endeavors to show in what degree it conforms to this new industrial *jus gentium*. To some readers the chapters on the nine principles of the Labor Section will appear unduly meticulous in their narration of changes in the statutes, but in this they may serve to emphasize the slow process by which competent legislation is attained. They show abundantly that an effective statute is not to be had "all complete like Minerva springing fully armed from the brain of Jupiter," as the *Canadian Manufacturer* said when a Dominion factories act was being considered in 1882. It is hoped, too, that this detailed treatment will relieve students of the subject from the necessity of consulting some hundreds of volumes of statutes.

As to the method of these chapters, each begins with a statement of the principle of the Labor Section with which it deals. This is followed, in order to show what further interpretation has been given the principle, by a summary of the draft conventions and recommendations on the subject adopted by the International Labor Conferences. An outline of the legislation is given next, the legislation of the competent authorities, Dominion or provincial, being treated in the order in which they gave attention to the subject. Each of these chapters concludes with a summarized statement of the development of the legislation. Readers impatient of the detailed treatment are referred to the summaries. Those interested in the text of the labor laws should consult the annual and quinquennial volumes on labor legislation issued by the Department of Labor of Canada since 1915.

It is impossible to mention by name the many who have contributed to this study. Professors Samuel McCune Lindsay and Robert L. Schuyler of Columbia University read the manuscript and made helpful suggestions for its improvement. Mr. Tom Moore, president of the Trades and Labor Congress of Canada, was kind enough to read and criticize Chapter V, and Mr. J. G. O'Donoghue, K.C., solicitor of the Congress, offered criticisms on Chapters II and V. Mr. W. C. Clark, Economist of S. W. Straus & Co., formerly of Queen's University, has contributed a number of valuable suggestions. The author has had the advantage of reading an excellent manuscript on the Canadian labor movement by Dr. H. A. Logan of Randolph-Macon Woman's College and of the use of the valuable library of the Department of Labor at Ottawa. He wishes especially to acknowledge his indebtedness to Mrs. Stewart for countless hours of assistance. In so detailed a study errors are bound to occur, and for these the author alone is responsible.

B. M. S.

CONTENTS

	PAGE
CHAPTER I	
Canada and the International Labor Organization	11
CHAPTER II	
Dominion and Provincial Powers in Labor Legislation	47
CHAPTER III	
The Canadian Labor Movement and Labor Legislation	66
CHAPTER IV	
Labor not a Commodity	113
CHAPTER V	
Freedom of Association for Employers and Employed	116
CHAPTER VI	
A Wage Sufficient for Reasonable Living	195
CHAPTER VII	
A Work-Day of Eight Hours	231
CHAPTER VIII	
A Weekly Rest of at Least Twenty-four Hours	268
CHAPTER IX	
Abolition of Child Labor	302
CHAPTER X	
Equal Pay for Equal Work	386
CHAPTER XI	
Fair Treatment of the Alien	389

CONTENTS

	PAGE
CHAPTER XII	
Enforcement of Labor Laws	411
CHAPTER XIII	
Conclusion	472
BIBLIOGRAPHY	488
TABLE OF CASES CITED	491
INDEX	493

BIBLIOGRAPHY

- Alberta. *Statutes, 1906-25.*
- Andrews, John B. *Labor Problems and Labor Legislation.* New York, American Association for Labor Legislation, 2nd ed., 1922.
- Bourinot, J. G. *Manual of the Constitutional History of Canada.* Toronto, The Copp, Clark Company, 1901.
- British Columbia. *Report of the Royal Commission on Labour.* Victoria, King's Printer, 1914.
- , *Revised Laws, 1871.*
- , *Statutes, 1872-1925.*
- Canada. *Correspondence, Reports of the Ministers of Justice and Orders in Council upon the Subject of Dominion and Provincial Legislation 1867-1895.* Ottawa, Queen's Printer, 1896.
- , Department of Labour. *Labour Gazette.* Monthly, 1900-25. Ottawa, King's Printer.
- , Department of Labour. *Labour Legislation in Canada as existing December 31, 1920.* Ottawa, King's Printer, 1921.
- , Department of Labour. *Labour Legislation in Canada.* Annually, 1921-25. Ottawa, King's Printer.
- , Department of Labour. *Labour Organisation in Canada.* Annually, 1911-25. Ottawa, King's Printer.
- , Department of Labour. *Organisation in Industry, Commerce and the Professions in Canada.* Annually, 1921-25. Ottawa, King's Printer.
- , Dominion of. *Statutes, 1867-1925.*
- , *Proceedings of the Special Committee on Bill No. 21, "An Act respecting Hours of Labour on Public Works."* Ottawa, King's Printer, 1910.
- , *Proposed Agenda and various Memoranda relating to the National Industrial Conference of Dominion and Provincial Governments with representative Employers and Labour Men.* Ottawa, King's Printer, 1919.
- , Province of. *Statutes, 1841-1866.*
- , *Report of the Commissioners appointed to enquire into the working of Mills and Factories of the Dominion, and the labor employed therein.* Sessional Papers (No. 42). Ottawa, Queen's Printer, 1882.
- , *Report of Select Committee to which was referred Bill No. 12, Respecting the Lord's Day.* Ottawa, King's Printer, 1906.

- , *Report of the Royal Commission on the Relations of Labor and Capital in Canada*. Ottawa, Queen's Printer, 1889.
- , *Report of the Royal Commission to enquire into the Immigration of Italian Labourers to Montreal and Alleged Fraudulent Practices of Employment Agencies*. Ottawa, King's Printer, 1905.
- , *Report of the Royal Commission to enquire into Industrial Relations in Canada*. Ottawa, King's Printer, 1919.
- , *Report upon the Sweating System in Canada*. Sessional Papers (No. 61). Ottawa, Queen's Printer, 1896.
- Canadian Congress Journal*. Monthly, 1922-25. Montreal, Trades and Labor Congress of Canada Publishing Company, Limited.
- Canadian Manufacturer*. Semi-monthly (weekly for short periods), 1882-1910; monthly, 1911-1925. Toronto, Byers Publishing Co.
- Coats, R. H. "The Labour Movement in Canada." *Canada and Its Provinces*, vol. ix. Toronto, T. & A. Constable, 1913.
- Commons, John R. and Andrews, John B. *Principles of Labor Legislation*. New York, rev. ed., Harper and Brothers, 1920.
- and Associates. *History of Labour in the United States*. 2 v. New York, The Macmillan Company, 1921.
- Conner, James McArthur. "Trade Unions in Toronto." *The Municipality of Toronto, A History*, chap. viii. Toronto, Dominion Publishing Co., 1923.
- Hansard*
- Industrial Canada*. Monthly, 1900-25. Toronto, Canadian Manufacturers' Association.
- King, W. L. Mackenzie. *Industry and Humanity*. New York, Houghton Mifflin Company, 1918.
- Lescohier, Don D. *The Knights of St. Crispin*. Madison, University of Wisconsin, 1910.
- Lower Canada. *Statutes*, 1792-1841.
- MacMillan, J. W. "Interprovincial or Interstate Cooperation in Labor Laws." *American Labor Legislation Review*, June, 1925.
- Manitoba. *Statutes*, 1871-1925.
- New Brunswick. *Statutes*, 1786-1925.
- Northwest Territories. *Ordinances*, 1878-1904.
- Nova Scotia. *Statutes*, 1758-1925.
- Ontario. Bureau of Industries. *Annual Reports*, 1881-1916.
- , *Statutes*, 1867-1925.
- Prince Edward Island. *Statutes*, 1773-1925.
- Provincial Workmen's Association. *Minutes of Proceedings of Grand Council*. 1879-1917. (Typewritten copy in Department of Labour Library, Ottawa.)
- Quebec. *Statutes*, 1868-1925.

- Riddell, W. A. "Effective Participation of Canada in the International Labour Organization." *Social Welfare*, March, 1925.
- Saskatchewan. *Statutes*, 1906-25.
- Skelton, O. D. "General Economic History 1867-1912." *Canada and Its Provinces*, vol. ix. Toronto, T. & A. Constable, 1913.
- Stewart, Bryce M. *The Employment Service of Canada*. Kingston, Queen's University, 1919.
- Trades and Labor Congress of Canada. *Proceedings of Annual Meetings*. 1883, 1886-1925.
- Upper Canada. *Statutes*, 1792-1840.
- Webb, Sidney and Beatrice. *The History of Trade Unionism*. London, Longmans, Green and Co., rev. ed., 1920.
- Yukon. *Ordinances*, 1898-1925.

TABLE OF CASES CITED

CANADIAN CASES

	PAGE
Aliens, <i>In re</i> Employment of, 63 Can. S. C. R. 293 (1922)	60, 394-95
Attorney-General for Canada <i>v.</i> Attorney-General for Alberta, [1916] 1 A. C. 588	53
Attorney-General for Ontario <i>v.</i> Hamilton Street Railway Company, C. R. [13] A. C. 201 (1903)	280, 281, 286
Attorney-General for Ontario <i>v.</i> Reciprocal Insurers, [1924] A. C. 328	54
Att'y Gen'l of British Columbia <i>v.</i> Att'y Gen'l of Canada <i>et al.</i> , [1923] 4 D. L. R. 698	395
Board of Commerce Act, 1919, and the Combines and Fair Prices Act, 1919, <i>In re</i> , [1922] 1 A. C. 191	51, 54, 187-88
Brauch <i>v.</i> Roth, 10 O. L. R. 284 (1904)	140-41
Brooks-Bidlake and Whittall Ltd. <i>v.</i> Attorney-General of British Columbia, [1923] 2 D. L. R. 189	395-96
Centre Star Mining Company, Limited <i>v.</i> Rossland Miners Union <i>et al.</i> , 9 B. C. R. 531 (1903)	140
Citizens Insurance Company of Canada <i>v.</i> Parsons. Queen Insurance Company <i>v.</i> Parsons, 7 App. Cas. 96 (1881)	52
City of Montreal <i>v.</i> Montreal Street Railway, [1912] A. C. 333	51
Coal Mines Regulation Act and Amendment Act, 1903, <i>In re</i> , 10 B. C. R. 408 (1904)	399
Coal Mines Regulation Amendment Act, 1890, <i>In re</i> , 5 B. C. R. 306 (1896)	397
Cotter <i>v.</i> Osborne <i>et al.</i> , C. R. [1911] A. C. 137	143-44
Fort Frances Pulp and Power Co. <i>v.</i> Manitoba Free Press Co., [1923] A. C. 695	51
Graham <i>v.</i> Knott <i>et al.</i> , 14 B. C. R. 97 (1908)	143
Hodge <i>v.</i> The Queen, 9 App. Cas. 117 (1883)	52
Hours of Labour, <i>In re</i> Legislative Jurisdiction over, [1925] Can. S. C. R. 505	57-58
Hudson's Bay Company, Limited, and the Minimum Wage Act, <i>In re</i> , [1924] 3 W. W. R. 177	218
John Deere Plow Company, Limited <i>v.</i> Wharton, [1915] A. C. 330 ..	53
Kelly <i>v.</i> City of Winnipeg, 12 M. R. 87 (1898)	212
Krug Furniture Company <i>v.</i> Berlin Union of Amalgamated Wood- workers, 5 O. L. R. 463 (1903)	140
Lefebvre <i>v.</i> Knott, 13 Can. Cr. Cas. 223 (1907)	183
Le Roi Mining Company, Limited <i>v.</i> Rossland Miners Union, No. 38,	

	PAGE
Western Federation of Miners <i>et al.</i> , 8 B. C. R. 370 (1901) . . .	139-40
Local Union No. 1562, United Mine Workers of America, <i>v.</i> Williams and Rees, 59 Can. S. C. R. 240 (1919)	175
Lord's Day Alliance of Canada <i>v.</i> Attorney-General for Manitoba and Attorney-General for Canada, [1925] A. C. 384	283
Metallic Roofing Company of Canada, Limited <i>v.</i> Jose, C. R. [1909] A. C. 1	142, 143, 175
Queen, The, <i>v.</i> Halifax Electric Tramway Co., 30 N. S. R. 469 (1897)	276-77
Queen, The, <i>v.</i> Robertson, 6 Can. S. C. R. 52 (1882)	58
Quong Wing <i>v.</i> The King, 18 D. L. R. 121 (1914)	406
Regina <i>v.</i> Little, 6 B. C. R. 78 (1897)	397
Regina <i>v.</i> Wing Chong, 1 B. C. R., pt. ii, 150 (1885)	391
Rex <i>v.</i> McGuire, 16 O. L. R. 522 (1908)	171
Rex <i>v.</i> Russell, [1920] 1 W. W. R. 624	153-54, 156, 166-67
Robinson <i>v.</i> Adams, 56 O. L. R. 217 (1924)	163-65
Rother <i>v.</i> International Ladies Garment Workers Union <i>et al.</i> , 60 C. S. 105 (1921)	161
Russell <i>v.</i> Amalgamated Society of Carpenters and Joiners, [1912] A. C. 421	177
Russell <i>v.</i> The Queen, 7 App. Cas. 829 (1882)	50
Starr <i>v.</i> Chase <i>et al.</i> , [1924] 4 D. L. R. 55	176-78
Tai Sing <i>v.</i> Maguire, 1 B. C. R., pt. 1, 101 (1878)	391
Toronto Electric Com'rs <i>v.</i> Snider <i>et al.</i> , [1925] 2 D. L. R. 5 (Industrial Disputes Investigation Act case)	50, 51, 52, 53-55, 59, 171
Union Colliery Company of British Columbia <i>v.</i> Bryden, [1899] A. C. 580	397
Vulcan Iron Works <i>v.</i> Winnipeg Lodge No. 174, 21 Man. R. 473 (1911)	144-45, 146
Yee Chun <i>v.</i> City of Regina, [1925] 3 W. W. R. 714	406-7

BRITISH CASES

Giblan <i>v.</i> National Amalgamated Labourers' Union of Great Britain and Ireland, [1903] 2 K. B. 600	167
Lyons <i>v.</i> Wilkins, [1896] 1 Ch. D. 811	167
Quinn <i>v.</i> Leatham, [1901] A. C. 495	167
Taff Vale Railway <i>v.</i> Amalgamated Society of Railway Servants, 70 L. J. K. B. 905 (1901)	137

UNITED STATES CASES

American Steel Foundries <i>v.</i> Tri-City Central Trades Council, 257 U. S. 184 (1921)	165, 193
Truax <i>v.</i> Corrigan, 42 S. C. 124 (1921)	165, 191

INDEX

- Aberdeen, Lady, 438
- Agricultural workers: right of association, convention, 26, action on convention by Canada, 43, Nova Scotia, 43, Saskatchewan, 43; living-in-conditions, recommendation, 27; maternity protection, recommendation, 27; social insurance, recommendation, 27, no action on recommendation, 43; technical education, recommendation, 27, legislation bearing on, 44, action on recommendation by Canada, 44, Nova Scotia, 44, Saskatchewan, 44; unemployment, recommendation, 27, action on recommendation by Nova Scotia, 44, Saskatchewan, 44
- Alberta. *See* Alien workers, Child labor, Enforcement labor laws, Fair wages, Hours of work, Minimum wage, Rest days
- Alien Labor Act, 91
- Alien languages, use of fourteen prohibited, 151
- Alien organizations, declared unlawful, 152
- Alien workers, equitable treatment of, 389-410, 475; Labor Section on, 20; recommendation, 23, no action on recommendation, 41
- , workmen's compensation for accidents; convention, 32, 33; recommendation, 32, 33-34; legislation bearing on, 45
- , exclusion from employment on public works: British Columbia, 392-96
- , exclusion from employment on railways: Hon. Alexander Mackenzie on, 390; in British Columbia, 396; Ontario, 396
- , exclusion from employment in mines: British Columbia, 396-400; Northwest Territories, 400-401; Saskatchewan, 401; summary, 409
- , differential treatment in workmen's compensation: Alberta, 404-5; British Columbia, 405; Manitoba, 402-3; New Brunswick, 401; Nova Scotia, 403; Ontario, 404; Quebec, 402; Yukon, 404
- , prohibition employment white women by Orientals: British Columbia, 408; Manitoba, 407; Ontario, 407; Saskatchewan, 405-7; summary, 410
- American Federation of Labor, 481
- Amusement places, child labor in, 343-53
- Anthrax: recommendation, 24; action on recommendation by Canada, 40
- Anti-loafing order, 105
- Arbitration, 86, 95
- Association, freedom of: Labor Section on, 20; for agricultural workers, 26, 43; the employed, 116-79; employers, 178-89; public employees, 172
- Association, unlawful: 1919 law on, 152
- Bakeshops: hours, 249-61; night work, convention on, 32, 33; rest days, 294-95
- Barber shops: hours, Saskatchewan, 257; rest days, 294-95
- Barrooms, child labor in, 354-55
- Berne Convention: recommendation, 24; action on recommendation, Canada, 40-41
- Blacklisting, 181
- Blake, Hon. Edward, 69, 127, 129, 131
- Board of Commerce, established, 186; legal decision on, 51-52, 54; act repealed, 188

- Borden, Sir Robert, 19, 47
 Bourinot, J. G., 60
 British Columbia. *See* Alien workers, Child labor, Chinese, Commission on Labor, Enforcement labor laws, Fair wages, Hours of work, Minimum wage, Rest days, Women workers
 British North America Act, 47-65
 Brown, George, 67
- Canada, Dominion of. *See* Agricultural workers, Anthrax, Berne Convention, Child labor, Commission on Industrial Relations, Commission on Relations of Labor and Capital, Enforcement labor laws, Fair wages, Hours of work, Rest days, Sweating, Trade Unions Act, Unemployment
- Canada, Province of, law on conspiracy, 119-20
 Canadian Bar Association, 63
Canadian Congress Journal, 72, 111
 Canadian Federation of Labor, 99, 142
 Canadian Labor Union, 68, 69, 70, 91
Canadian Manufacturer: on labor legislation, 80-81; sweating, 87; conviction bricklayers for conspiracy in 1889, 132; Dominion factories act, 482; Knights of Labor, 484-85
 Canadian Manufacturers' Association: on alien labor, 91; eight-hour day, 96, 234-236, 239, 246; opposes conventions, 111; on combines legislation, 184-85, 187; minimum wage, 197-98; Alberta factory act, 248; Lord's Day Act, 271-72; factories inspection in Ontario, 434
 Cartwright, Sir Richard, 80
 Catholic unions, National: beginnings of, 99; on incorporation of trade unions, 178
 Chauffeurs, hours of work, Ontario, 264
 Child labor, 302-85, 474-75: Labor Section on, 20; in agriculture, convention, 25-26, action on convention by Nova Scotia, 43, Saskatchewan, 43; recommendation on night work in agriculture, 26, protection against lead poisoning, recommendation, 23, no action on, 41; protection against white lead in painting, convention, 26, no action on, 43; reported on by commissions, 78, 79; committee of Ontario Legislature on, 318, 435
 —, industrial undertakings: convention on age admission, 22; action on, British Columbia, 38, 39; Manitoba, 39; Nova Scotia, 39; Saskatchewan, 39; convention on night work in, 22; action on, British Columbia, 355-56
 —, at sea: convention on age admission, 24, 25; action on, 42; convention on medical examination, 25; action on, Canada, 42, 356
 —, mines, 303-12: Alberta, 311-12; British Columbia, 305-7; Northwest Territories, 310; Nova Scotia, 303-5; Ontario, 308-9; Quebec, 309-10; Saskatchewan, 312; Yukon, 310-11
 —, factories, 312-38: Alberta, 337-38; British Columbia, 334-35; Manitoba, 329-31; New Brunswick, 333-34; Nova Scotia, 331-33; Ontario, 312-21; Quebec, 322-29; Saskatchewan, 336-37
 —, shops, 338-43: Alberta, 343; British Columbia, 342-43; Manitoba, 340-41; Ontario, 338-40; Nova Scotia, 342
 —, street trades, 343-53: Alberta, 350-52; British Columbia, 353; Manitoba, 345-48; New Brunswick, 353; Nova Scotia, 353; Ontario, 343-45; Quebec, 352; Saskatchewan, 348-50
 —, barrooms and breweries, 354-55: Alberta, 354; Manitoba, 355; New Brunswick, 355; Northwest Territories, 354; Nova Scotia, 354; Quebec, 354; Saskatchewan, 355; Yukon, 354
 —, school attendance regulations, 356-75: Alberta, 371-72; British Columbia, 359-60; Manitoba, 373-75; New Brunswick, 367-68; Northwest Territories, 365-66; Nova Scotia, 362-65; Ontario, 356-59; Prince Edward Island,

- 360-61; Quebec, 375; Saskatchewan, 369-71; Yukon, 366
- Chinese: taxation of, British Columbia, 390-91; immigration to British Columbia, 391-92; other laws against, British Columbia, 392. *See also* Alien workers
- Clayton Act, 113, 114-15, 165, 191
- Coal-miners, minimum wage for, in British Columbia, 223
- Coats, R. H., 66, 139, 483
- Combination Act, of Nova Scotia: 1816, 116-17; 1864, 118
- Combinations, trade, select committee on, 83. *See also* Combines
- Combines and Fair Prices Act: 186, repealed, 188
- Combines Investigation Act: of 1910, 185; repealed, 186; 1923, 188
- Combines legislation: of 1889, 133, 182; amendments, 183; clause in customs tariff, 183-84; exclusion of unions from, 472
- Commission on Chinese and Japanese immigration, 94
- , eight-hour day, Nova Scotia, 235-36, 238
- , Industrial Relations, 1919: on principles Labor Section, 11; recommends National Industrial Conference, 63, report of, 108; on employers' organizations, 181; favors minimum wage, 196-7; on eight-hour day, 231
- , Labor, British Columbia: on Asiatics, 408; enforcement factory act, 444; scaffolding inspectors, 455; government regulation of camps, 463; electrical inspection, 464
- , Relations of Labor and Capital in Canada, 1889: favors Dominion factory act, 48-49, 50; on child labor, 79-80, 303; causes amendment Quebec factory act, 323; on inspection and overloading vessels, 458-60
- , to enquire into mills and factories, on child labor, 78, 357
- , to enquire into sweating system: favors Dominion factory act, 50; on home work, 87; on Ontario and Quebec factory acts, 433
- Commodity, labor as: Labor Section on, 20
- Commons and Andrews: conspiracy in United States, 190-91; Clayton Act, 191; minimum wage in United States, 230
- Conciliation, 86, 95
- Conspiracy, 70, 116-65, 189-94
- Conspiracy and Protection of Property Act (British), 126, 127, 129, 192
- Contract, breach of: law of 1877, 129-30
- Conventions. *See* International Labor Conference
- Criminal Code, amendments proposed by Trades and Labor Congress, 141, 157-58
- Criminal Law Amendment Act, 1872: terms of, 124; report of House of Commons committee on, 126; amendments of 1875 and 1876, 127-28
- Crothers, Hon. T. W., 94
- Damage suits, 116-65, 139, 140, 193-94
- Eight-hour day. *See* Hours of work
- Emigration. *See* Immigration and emigration
- Employers' Association: Toronto, 179-80, Manitoba, 180
- Employers' associations: Industrial Relations Commission on, 181; restrictions on, 181-82
- Employment agencies: private forbidden, 100; public established, 101
- Employment Offices Coordination Act, 39, 42, 101
- Employment Service Council of Canada, 40, 63, 101
- Employment Service of Canada, 39, 101
- Enforcement labor laws, 411-471, 475-76: Labor Section on, 20; women's part in, 413
- , mines, 414-29, 467, 468: Alberta, 428-29; British Columbia, 418-23; Manitoba, 427; Northwest Territories, 427; Nova Scotia, 414-18; Ontario, 423-25; Quebec, 426-7; Saskatchewan, 429; Yukon, 428

- , factories, 430-47, 467-69: recommendations on, 23-24, 27-32; action on, 45, 471; Alberta, 446-47; British Columbia, 443-45; Manitoba, 439-41; New Brunswick, 442-43; Nova Scotia, 441-42; Ontario, 430-36; Quebec, 436-39; Saskatchewan, 445-46
- , stores, workshops and bakeries, 447-52, 469: Alberta, 452; British Columbia, 450-51; Manitoba, 449-50; New Brunswick, 452; Nova Scotia, 451; Ontario, 447-49; Quebec, 450; Saskatchewan, 452
- , building construction, 452-55, 469: Alberta, 455; British Columbia, 455; Manitoba, 452-53; Ontario, 454-55; Quebec, 453-54; Saskatchewan, 455
- , shipping: Canada, 456-60, 470
- , construction works, 460-63, 470: Canada, 460-61; British Columbia, 462-63; Manitoba, 463; New Brunswick, 463; Nova Scotia, 463; Ontario, 461; Quebec, 462; Saskatchewan, 462
- , electrical construction, 463-66, 470: Alberta, 465; British Columbia, 463-64; Manitoba, 466; Nova Scotia, 466; Ontario, 465; Saskatchewan, 465
- , explosives, 466-67: Canada, 466; Alberta, 466; British Columbia, 466; Manitoba, 467; New Brunswick, 467; Nova Scotia, 467; Ontario, 467; Quebec, 467; Saskatchewan, 467; Yukon, 467
- Equal pay, 386-88; Labor Section on, 20; no legal recognition, 475; War Labor policy on, 387
- Factories. *See* Child Labor, Enforcement labor laws, Hours of Work, Rest days
- Factory legislation: proposed Dominion acts, 48-49, 50, 81; proposed Ontario act, 48
- Fair wage on government contracts, 195-215, 229, 472-73; Labor Section on, 20; origin in Great Britain, 195; Trades and Labor Congress on 196, 199, 201, 202, 203; Dominion legislation, 199-207; Alberta, 214; British Columbia, 208-9; Manitoba, 212-13; New Brunswick, 214-15; Nova Scotia, 214; Ontario, 209-11; Quebec, 215; Saskatchewan, 211-12; Yukon, 215
- Fire departments: hours, 264; rest days, 297-98
- Fishing industry: recommendation on hours, 24-25, 42; Dominion jurisdiction over, 47, 58
- Foreign workers. *See* Alien workers
- Great Britain. *See* Conspiracy and Protection of Property Act, Fair wages, Molestation of Workmen Act, Trade Disputes Act, Trade Union Act
- General strike, Winnipeg, 106, 153, 486-87
- Health services, 41-42
- Holidays. *See* Rest days
- Hotels and restaurants: hours, 263-64; rest days, 295-96
- Hours of work, 231-67, 473
- , factories: Alberta, 248-49
- , laundries: British Columbia, 249
- , shops and bakeries, 249-61: Alberta, 259-61; British Columbia, 256-57; Manitoba, 251-52; New Brunswick, 258-59; Northwest Territories, 253-54; Nova Scotia, 254-55; Ontario, 249-51; Quebec, 252-53; Saskatchewan, 257-58
- , railways and street railways: Canada, 261; Nova Scotia, 262-63; Ontario, 261-62
- , public works: Manitoba, 263
- , hotels: Quebec, 263-64
- , fire departments: Alberta, 264; British Columbia, 264; Ontario, 264
- , chauffeurs: Ontario, 264
- Hours of work, eight-hour day: Labor Section on, 20; jurisdiction in legislation, 56, 57-58; on Dominion work, 96, 233; considered in Parliament, 233-39; proposed in Ontario, 236, 237
- , inland navigation: recommendation, 24, no action, 42

- , fishing industry: recommendation, 24-25, no action, 42
- , industrial undertakings: convention, 21-22; British Columbia, 36, 239-40; Ontario, 36-37
- , mines and smelters; Alberta, 245; British Columbia, 240-44; Northwest Territories, 244-45; Nova Scotia, 247; Ontario, 245-47; Yukon, 247
- , public works: Yukon, 263
- Immigration: Trades and Labor Congress on Oriental, 85, 89; Italian to Montreal, 92. *See also* Chinese immigration
- Immigration and emigration: recommendation on, 27; legislation bearing on, 45
- Industrial Canada.* *See* Canadian Manufacturers' Association
- Industrial Conditions Act, Manitoba, 109, 151
- Industrial disputes, arbitration and conciliation in, 86, 95
- Industrial Disputes Investigation Act: enactment, 95; restriction of right to strike, 168, 171; amendment of 1918, 168; amendment of 1920, 169; legal decision, 51, 52, 53-55, 59, 171; amendment of 1925, 55-56, 171; Trades and Labor Congress on, 170-71
- Industrial undertakings. *See* Child labor, Hours of work
- Industrial Workers of the World, 105
- Injunctions in labor disputes: after Taff Vale decision, 139-40, 143, 144, 145; during the war, 106, 147; labor opposes, 148, 150; after the war, 160-61, 163-64; failure Manitoba anti-injunction bill, 161; Middleton on, 164; use of summarized, 485-86
- Inland navigation: recommendation on hours, 24, 42; Dominion jurisdiction over, 47, 58
- Inspection. *See* Enforcement labor laws
- International Labor Conference: provision for in Peace Treaty, 13, 15; first conference, 21-24; second, 24-25; third, 25-27; fourth, 27; fifth, 27-32; sixth, 32-33; seventh, 33-34
- , conventions and recommendations: provision for in Peace Treaty, 15-17; members' responsibility, 16-17, 34-35; Canada's responsibility, 35, 61; action on in Canada, 34-46, 476-77; difficulties of action, 477-79. *See also* Agricultural workers, Alien workers, Anthrax, Association, freedom of, Bakeshops, Berne Convention, Child labor, Enforcement labor laws, Hours of work, Rest days, Seamen, Unemployment, Workmen's compensation, Women workers
- International Labor Office, 13
- International Labor Organization: governing body, 14; Canada's representation, 46
- Intimidation: law enacted, 1869, 120-21; amended, 1887, 132-33; Senate on, 139
- Japanese: laws against, British Columbia, 392. *See also* Alien workers, Immigration
- Japanese Treaty Act, 395
- Jurisdiction, Dominion and provincial, 47-65, 478
- King, W. L. Mackenzie: quoted, 66; investigates fraudulent practices in immigration, 92; investigates government clothing contracts, 94; on Combines Investigation Act, 188; interest in fair-wage principle, 204; chairman committee on eight-hour bill, 235
- Knights of Labor: appear in Canada, 72; constitution, 72-74; relations with Trades and Labor Congress, 74; relations with Provincial Workmen's Association, 97; reorganized, 99
- Labor legislation: interprovincial conferences, 35, 64; Dominion and provincial powers in, 47-65, 478; approach to American practice, 486; uniformity in Dominion and provincial laws, 63; due mainly to certain organizations, 479; development summarized,

- 479-81; British influence on, 481, 486; faith of Canadian unions in, 481; objectives of unions, 481-82; compared with United States, 483; employers' attitude on, 484-85
- Labor Party: Trades and Labor Congress declines to lead, 480-81; endorses Canadian Labor Party, 480
- Labor Section: quoted, 12, 19, 34; methods and principles, 19-20; Canada's obligation under, 56, 57; Canada's position on summarized, 472-76
- Laundries. *See* Hours of work
- Laurier, Sir Wilfrid, 93
- Lead poisoning, protection against. *See* Child labor, Women workers
- League of Nations, Covenant of, 11
- Lescotier, Don D., 66
- Lockouts, legal decision on, 183
- Locomotive Engineers, International Brotherhood of, held in restraint of trade, 176-78
- Lord's Day Alliance, 95, 270, 283, 482
- Lord's Day Act, 43, 270-71, 272-75, 279-80, 298-99, 473
- Lord's Day, committee on bill respecting, 270-271
- Macdonald, Sir John A., 67, 68, 486
- Mackenzie, Hon. Alexander, 69, 70, 390
- MacMillan, J. W., 61
- Male Minimum Wage Act, British Columbia, 197, 223
- Manitoba. *See* Alien workers, Child labor, Enforcement labor laws, Fair Wages, Hours of work, Industrial Conditions Act, Injunctions, Minimum Wage, Rest days, Women workers
- Master and Servant Acts, 68
- Maternity protection. *See* Women workers
- Meighen, Hon. Arthur, 158
- Mines. *See* Alien workers, Child labor, Enforcement labor laws, Hours of work, Rest days
- Minimum wage, 216-30, 473: Labor Section on, 20; enactment provincial laws, 100; origin of, 196; Trades and Labor Congress on, 196; Industrial Relations Commission on, 196-97
- , legislation: Alberta, 197, 216-19; Canadian Manufacturers' Association on, 197-98; British Columbia, 220-24; Manitoba, 219-20; Nova Scotia, 226-28; Ontario, 228-29; Quebec, 225-26; Saskatchewan, 224-25
- Molestation, 69
- Molestation of Workmen Act (British), 124, 189
- Moore, Tom: elected to governing body, International Labor Organization, 112; president Trades and Labor Congress, 151; protests restriction on right to strike, 170
- Mulock, Sir William, 84
- National Council Women, 482
- National Industrial Conference, 63, 108-9
- National Policy, and labor legislation, 81
- National Trades and Labor Congress, 99
- New Brunswick. *See* Alien workers, Child labor, Enforcement labor laws, Fair wages, Hours of work, Rest days
- Night work. *See* Bakeshops, Child labor, Women workers
- Nine Hours League, 67
- Nine Hours Movement, 232
- Northwest Territories. *See* Alien workers, Child labor, Enforcement labor laws, Hours of work, Rest days
- Nova Scotia: regulation of wages in 1777, 116-17. *See also* Agricultural workers, Alien workers, Child labor, Combination acts, Commission on eight-hour day, Enforcement labor laws, Fair wages, Hours of work, Minimum wage, Rest days, Unemployment, Wages, Women workers
- Nuisance, common: sections in Criminal Code, 134-35; J. G. O'Donoghue on, 157
- O'Donoghue, D. J., 89, 232
- O'Donoghue, J. G., 89, 148, 154-157, 165, 166, 199
- Old-age pensions, Trades and Labor Congress favors, 112
- One Big Union, 106

- Ontario. *See* Alien workers, Child labor, Enforcement labor laws, Fair wages, Hours of work, Minimum wage, Rest days
- Ontario Bureau of Industries, report quoted, 68, 72
- Ontario Manufacturers' Association, favors Dominion factory act, 49
- Oriental workers. *See* Alien workers
- Orientalists. *See* Chinese, Japanese
- Ottawa Trades Council, 71
- Peace Conference, 12
- Peace Treaty. *See* Labor Section
- Permanent Court of International Justice, 17-19
- Picketing, peaceful, 116-65, 189-94
- Prince Edward Island. *See* Child labor, Rest days
- Provincial Workmen's Association: establishment and growth, 72, 75, 89; influence on legislation, 75, 88, 91, 97; proceedings quoted, 78; in politics, 78; on eight-hour day, 96; on alien labor, 97; relations with Knights of Labor, 97
- Quebec. *See* Alien workers, Child labor laws, Enforcement labor laws, Fair wages, Hours of work, Minimum wage, Rest days
- Quebec Ship Laborers Benevolent Association, 82, 83
- Railway brotherhoods, 97
- Railways. *See* Alien workers, Fair wages, Hours of work, Rest days
- Recommendations. *See* International Labor Conference
- Reconstruction and Development Committee, 107
- Reconstruction period, memorandum of suggestions for, 109
- Rest days, 268-301, 473: Labor Section on, 20
- , commercial establishments: recommendation, 26; action, 43
- , industrial undertakings: convention, 26, 32, 33; action on, 43
- , Sunday observance laws, 269-84; Canada, 269-75; Alberta, 284; British Columbia, 281-82; Manitoba, 283-84; New Brunswick, 277-78; Northwest Territories, 284; Nova Scotia, 275-77; Ontario, 280-81; Prince Edward Island, 277; Quebec, 278-81; Saskatchewan, 284; Yukon, 284
- , railway employees, 284-90: Canada, 284-85; Alberta, 289; British Columbia, 290; Manitoba, 287-88; Nova Scotia, 288-89; Ontario, 285-87; Saskatchewan, 290
- , shop employees, 291-94: Alberta, 293; British Columbia, 291-92; Manitoba, 294; New Brunswick, 292-93; Ontario, 294; Saskatchewan, 293
- , bakeshops and barbershops: British Columbia, 295; Ontario, 294-95
- , hotels and restaurants: Ontario, 296; Quebec, 295-96
- , fire departments: Alberta, 297-298; British Columbia, 297; Ontario, 297
- Restaurants. *See* Hotels and restaurants
- Riddell, Dr. W. A., 46, 62
- Robertson, Hon. G. D., 56, 110
- Rowntree, B. Seeborn, 78
- Saskatchewan. *See* Agricultural workers, Alien workers, Barber shops, Child labor, Enforcement labor laws, Fair wages, Hours of work, Minimum wage, Rest days, Unemployment, Women workers
- School attendance regulations, 356-75
- Seamen: employment facilities for, convention, 25, action, 42; national seamen's codes, recommendation, 25, no action, 42; unemployment indemnity, convention, 25, action, 42; unemployment insurance, recommendation, 25, no action, 42
- Sedition: section on in Criminal Code, 134; worker tried for, 153; Judge Metcalfe on in Winnipeg strike case, 154-55; J. G. O'Donoghue on, 155; attitude of government on, 158
- Senate, The, on trade-union legislation, 84, 98, 114, 138, 139, 141

- Shearer, Dr. J. G., 270
 Sherman Anti-Trust Act, 191
 Shiplaborer's union of Quebec, 132
 Shipping Federation, British Columbia, 180
 Ships. *See* Child labor, Enforcement labor laws
 Shons. *See* Child labor, Enforcement labor laws, Hours of work, Rest days
 Skelton, O. D.: economic history Canada quoted, 70, 71, 78; investigates eight-hour day, 235
 Smelters. *See* Mines
 Smith, Ralph, 92, 96, 137, 234
 Social Service Council of Canada, 482
 Street railways. *See* Railways
 Street trades. *See* Child labor
 Strike, right to, 165-73
 Strike, sympathetic: legal decision on, 154, 166-67; attitude of government on, 160, 167; J. G. O'Donoghue on, 166
 Studholme, Allan, 237
 Sunday. *See* Rest days
 Sweating: Trades and Labor Congress on, 87, 94; Dominion regulations, 94. *See also* Commission to enquire into
 Taff Vale decision, 99, 137, 138, 146
 Taft, Chief Justice, 191, 193
 Technical education: commissions on, 96; act passed, 101
 Threats, 69
 Tilley, Sir Leonard, 48
 Toronto *Globe*: on Nine Hours Movement, 232; on child labor, 315
 Toronto Trades Assembly, 67, 70, 74, 77, 89
 Toronto Trades and Labor Council. *See* Toronto Trades Assembly
 Trade Disputes Act (British), 142, 148, 166, 190
 Trade Union Act (British): of 1871, 67, 190, 192; of 1913, 110
 Trade Unions Act: terms of, 68, 122; effort to annul section 22, 84; registration feature disregarded, 173
 Trades unions, Canadian: early unions, 66, 69, 85, 89; in politics, 71, 77, 78, 110; membership of, 100; contributions to candidates' expenses prohibited, 110; held under English criminal law, 121-22; table of legislation on, 135-36; exempted from combines legislation, 136, 186; damage suits against, 139, 140; hostile action against in Senate, 141-42; incorporation of, 173-79; legal status of, 193. *See also* Canadian Labor Union, Knights of Labor, Ottawa Trades Council, Provincial Workmen's Association, Toronto Trades Assembly, Trades and Labor Congress
 Trades and Labor Congress: establishment, 72, 74; favors Dominion factory act, 49; relations with Knights of Labor, 74, 89; influence, 84; exemption from combines legislation, 84, 98, 113-14; opposes immigration, 85, 89, 91, 93, 94; protests against sweating, 87, 94; political attitude, 88; membership, 89; Platform Principles, 89-90, 111; protests against alien contract labor, 92; opposes employment agencies, 93; favors Sunday observance laws, 95, 269-70; favors old-age pensions, 112; seeks definition law on picketing, 136; and provincial legislation legalizing, 137; and Criminal Code amendment on, 141; seeks Dominion law on trade disputes, 148-50; seeks amendments to Criminal Code, 157-58; asks repeal Industrial Disputes Investigation Act, 170; but later seeks extension, 56, 171; change in attitude on incorporation of trade unions, 173-75; seeks legislation against blacklisting, 181; seeks minimum wage, 196; seeks adoption and enforcement fair-wage principle, 196, 199, 201, 202, 203; seeks eight-hour day, 232-33, 237-38; opposes child labor, 303, 321, 324, 328, 339-40; favors equal pay, 386-88, 413; urges women inspectors, 413; praises British Columbia coal-mines legislation, 421; protests administration factory acts in Ontario, 432, 433, and Quebec, 438

- Trades and labor councils, 89. *See also* Ottawa, Toronto, Winnipeg Councils
- Unemployment: convention, 23; action on by Canada, 39; recommendation, 24, 27; action on by Nova Scotia, 40, 44; Saskatchewan, 40, 44
- Unions. *See* Trade unions
- United Mine Workers, 97
- United States: law of conspiracy, 190-91. *See also* Clayton Act, Labor legislation, Minimum wage, Workmen's compensation
- Upper Canada: adopts criminal law of England, 119; act to punish conspiracy, 119-20
- Versailles, Treaty of. *See* Labor Section
- Verville, Alphonse, 96, 234, 236
- Violence, threats and molestation, 69
- Wages, regulation of: Nova Scotia, 116-17. *See also* Fair wages, Minimum wages
- War Labor Policy, 101-4, 238
- Watters, J. C., 148
- Weekly rest. *See* Rest days
- White lead in painting: convention, 26; no action, 43
- Wilson, Woodrow, inaugural address quoted, 472
- Winnipeg Strike, 106, 153, 486-87
- Winnipeg Trades and Labor Council, 85-86
- Women workers: protection against lead poisoning, recommendation, 23; no action, 41; maternity protection, convention, 24; action by British Columbia, 37, Manitoba, 37-38; night work, convention, 24, and recommendation, 26; action by British Columbia, 38; Nova Scotia, 38; Saskatchewan, 38; protection against white lead in painting, convention, 26; no action, 43; maternity protection for agricultural workers, recommendation, 27. *See also* Enforcement labor laws
- Woodsworth, J. S., 110
- Workers' spare time: recommendation, 32; legislation bearing on, 45
- Workmen's compensation: convention, 34; recommendation, 34; legislation bearing on, 45-46, 480; early provincial legislation, 86; later provincial laws, 100; Dominion law, 64; in United States, 64
- Workmen's Compensation Boards, Association of, 63
- Works, public. *See* Fair wages, Hours of work, Rest days
- Yukon. *See* Alien workers, Child labor, Enforcement labor laws, Fair wages, Hours of work, Rest days

CHECKED
2003-04

VITA

BRYCE MORRISON STEWART, date of birth, November 24, 1883. Queen's University 1907-11, M. A. degree; Westminster Hall (Presbyterian Theological College), Vancouver, British Columbia, summer sessions of 1909-11; Columbia University 1911-12, 1913-14; Seminars with Professors J. T. Shotwell and J. Harvey Robinson. Articles in the Annual Economic Survey of the *Toronto Globe*, *Social Welfare* (Toronto), the *Monetary Times* (Toronto) *Proceedings of the Canadian Political Science Association* (1913), *Queen's University Quarterly*, the *American Labor Monthly*, *Annals of American Academy of Political and Social Science*, the *American Labor Legislation Review*, the *International Labour Review*, *Proceedings of the Society of Industrial Engineers* (1925), and the Pollak Foundation volume on *Population Problems in the United States and Canada*.