

A STUDY PREPARED FOR THE
ROYAL COMMISSION ON DOMINION-PROVINCIAL RELATIONS
BY
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Labour Legislation

EDITORIAL FOREWORD

Dr. A. E. Grauer, Director of the Department of Social Science at the University of Toronto, was retained by the Royal Commission on Dominion-Provincial Relations to prepare a summary of labour legislation and social services in Canada. He was asked to include a brief historical account, a clear statement of the present position, an analysis of the efficiency and adequacy of the existing provisions, and a detailed treatment of certain related phases of public finance and jurisdiction. The method of presentation and any expressions of opinion are solely the responsibility of the author, and not of the Commission.

The following study deals with labour legislation in Canada. A large portion of this work is necessarily devoted to a detailed review of the diverse provincial legislation, for except in certain limited fields such as inter-provincial and foreign trade, and Dominion Government employees, jurisdiction is reserved to the provinces. When this allocation of jurisdiction was made at Confederation conditions were, of course, very different from those prevailing today, and it was only as industrialization developed, and brought with it new social problems and new economic vulnerability that certain weaknesses in the original jurisdictional plan became evident. The wide variations in Canadian standards are shown to have frequently penalized both labour and business, and to have caused regional friction and unnecessary loss. Perhaps more important, the apparent impossibility of securing united national action, even when no significant differences of opinion or of prevailing standards exist, has prevented our dealing effectively with the labour

and related social problems which are of outstanding importance today. It has grown increasingly apparent that just as the effects of unsatisfactory labour conditions can no longer be isolated in the local community, neither can the underlying causes and abuses be attacked effectively in an unplanned and unco-ordinated piecemeal fashion. This suggests one of (a) national jurisdiction and action, or (b) concurrent national and provincial powers, with the expectation that these will be used to establish national minimum standards which individual provinces may exceed, or (c) machinery for effective provincial co-operation.

The contents of the study include chapters on minimum age, hours of work, wage regulation, trade union, factory inspection, employment service, arbitration and conciliation provisions, apprenticeship, technical education, and workmen's compensation legislation. Under each head Dr. Grauer cites provincial legislation, any Dominion legislation, and uses the relevant International Labour Office Convention as a convenient standard for appraising Canadian legislation. He also compares Canadian performance with that in other countries. A summary (pages 174-182) presents the author's conclusions.

The first draft of this study was completed in August, 1938, and after having been circulated to the Dominion and provincial governments for comment, was revised where necessary and put in its present form in the spring of 1939.

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