

APPENDIX No. 4

clause exactly like the one contained in this Bill, concurred in the interpretations I have just given, or rather I am concurring in their interpretation of the meaning of this clause, as to what workmen would be affected.

By the Chairman:

Q. What committee was that?—A. The committee of the United States Senate appointed in 1902. They guarded against this far-reaching application of the law by inserting, as in line seven of this Bill, after the word ‘Mechanic,’ the words, ‘Doing any part of the work contemplated by the contract,’ that is, making it clear that it should apply only to workmen on government work; and in line eleven, after the words, ‘calendar day,’ by inserting the words, ‘upon such work,’ making it clear it was government work alone, to which the eight-hour restriction would apply.

By an Hon. Member:

Q. Have you considered the question as to what effect the eight-hour day on government work has had on other work?—A. I have tried to follow it up. It is rather a difficult matter to know just how far the lessening of hours in the trades affected is due to the example set by the government, and how much is due to Trades Union organization. As a matter of fact, the law is enforced more fully in those states where the trade unions are strongest, and in fact, is found only in states where the trades unions are strong. So that it is difficult to say how much is due to the example of the government, and how much to trade union pressure.

By Mr. Verville:

Q. Then the Trades Union organization is a factor?—A. Oh, certainly. There is another minor point which I think I had better mention before proceeding: that is, a slight difference in the punctuation of the Bill before the committee, and the New York statute, on which it is modelled. The New York statute reads as follows:

“But no labourer, workman, or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do a part of the work contemplated by the contract, shall be permitted or required to work more than eight hours on any one calendar day.”

In the Bill before us, in line 7, the comma has been omitted after the work ‘contractor,’ and an ‘or’ inserted; while in line eight, a comma has been inserted after ‘sub-contractor.’ The effect of this change is to put ‘other person doing or contracting to do the work’ in opposition with ‘no labourer, workman or mechanic,’ and equally subject to the stipulation which follows, equally forbidden, that is, to work more than eight hours per day. By what is perhaps a strained interpretation, the Bill as it stands to-day might be taken to mean that no principal engaged on any part of a contract could himself legally work more than eight hours a day. I do not imagine there was any intention on the part of the framers of the Bill, of making any change from the New York measure.

I shall next take up briefly the recent legislation proposed in the United States Federal Congress. The existing federal eight-hour law, as has been pointed out, was passed in 1892—the law providing for an eight-hour day on public works—after many years discussion as to the exact scope of the previous abortive measure of 1868, which had not been strictly enforced or understood.

By the Chairman:

Q. Can you give us any idea when that discussion commenced?—A. It was largely departmental, and turned on the question how the law was to be interpreted. In 1869 and in 1872 executive orders were issued by the President trying to make the matter clear, and several Acts were passed giving back-pay to men who had been worked more than eight hours, but the matter was not finally settled until 1892.