

assure hon. members that this is a high-hazard occupation. I have paid for many months of my education by working in the shipyard, and many of my chums were severely injured during the time I worked with them. I remember one young man, who was a brilliant student, working in the shipyards of North Vancouver. He was a fine concert violinist. I talked to him one morning and that afternoon he was unconscious and crippled for life. This happened to many of my chums.

I say in all sincerity that there is no doubt whatsoever that ship repair workers who are in a high-hazard occupation deserve all the protection which the law can accord them. We are not in disagreement on this point. The concern about these workers is shared by members on the government side. However, there are difficulties here which I am sure were not apparent to the hon. member when he brought this measure to the House in all sincerity, and I know he brought it in with a determination to help these workers. The intention of the hon. member's bill is to expand the present definition of "federal work, undertaking or business" under section 2(c) of the safety code to include "ship repair workers, long-shoremen and all port workers when working on domestic or foreign registered vessels while in Canadian ports".

Regardless of the commendable motives of the bill, as was pointed out earlier by one of my colleagues on this side of the House, it contains an essential defect. The defect is of a constitutional nature. Shipbuilding and ship repairing, as opposed to shipping, are generally not within the legislative authority of Parliament. The amendment, therefore, appears to be clearly ultra vires of Parliament. And for those hon. members who suspect that this is an excuse being offered by government members because of their unwillingness to take what would be unconstitutional action, I quote from the ultimate authority, Laskin in "Canadian Constitutional Law", third edition, 1969, which fairly sets out Parliament's authority in the field of labour relations. I quote from page 434 as follows:

In the field of employer-employee and labour management relations, the division of authority between parliament and provincial legislature is based on an initial conclusion that in so far as such relations have an independent constitutional value they are within provincial competence; and, secondly, in

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so far as they are merely a facet of particular industries or enterprises their regulation is within the legislative authority of that body which has power to regulate the particular industry or enterprise.

Then a number of precedents are cited. I think this is a particularly relevant quotation from Laskin. Further on it says:

It followed from the Privy Council's position and from its view of the scope of the trade and commerce power that Parliament could not enact general regulatory labour relations measures even with respect to industries or enterprises having interprovincial ramifications. Regulatory control on a federal level could be exerted only in respect of activities which were within federal authority by specific enumerations, e.g., interprovincial railways, telegraph and telephone operations and shipping.

So the dilemma exists here that while the hon. member's proposal is good and sound, and undoubtedly action should be taken to determine the adequacy of present coverage for ship repair workers and no delay should be countenanced in arriving at this determination, the fact remains that Parliament has confined the application of its labour legislation to industries and enterprises which are clearly within its jurisdiction on the basis of such decisions as referred to by Laskin, the constitutional authority.

As far as the present proposal is concerned, shipbuilding and ship repairing only come under federal jurisdiction when companies which by way of their shipping activity are subject to the Canada Labour (Safety) Code utilize their own ships' crews and employees for repair and maintenance of their ships.

The Acting Speaker (Mr. Richard): Order, please. The hour provided for the consideration of private members' business has now expired. It being five o'clock, this House stands adjourned until next Monday at 2 p.m., pursuant to Standing Order.

I hope hon. members will have an enjoyable weekend and will be safety conscious, especially in crossing the streets of Ottawa and climbing the snowbanks.

At five o'clock the House adjourned, without question put, pursuant to Standing Order.