

9-10 EDWARD VII., A. 1910

York, a law which was declared unconstitutional in 1901, following which the constitution was amended so as to permit its re-enactment. It is now upheld as constitutional. (*See Exhibit B. (5).*)

*By the Chairman:*

Q. They did not uphold the law but they amended the constitution?—A. They amended the constitution.

Q. And they were somewhat thorough, were they not?—A. A campaign had to be carried on throughout the whole state. For the constitution to be amended in New York State it is necessary that the legislature shall pass by a majority a resolution in two successive sessions approving of the proposed measure. It has then to go to the public to be voted on.

*By Mr. Staples:*

Q. Are we to understand that the Bill before us for consideration is practically the New York law?—A. Practically the New York law.

*By Mr. Smith:*

Q. Have you a copy of that law?—A. Yes, I have it here. It is about two or three times as long as the Canadian Bill.

The CHAIRMAN.—You may read it.

Prof. SKELTON.—I will read it and if you have your own copies of the Canadian Bill, you will see the differences. The first two or three sentences seem preliminary, but are essential. (Reads):

The term employee when used in this chapter, means mechanic, working man or labourer who works for another for hire. (*Exhibit B. (5) S. 2.*)

‘Eight hours shall constitute a legal day’s work for all classes of employees in this state except those engaged in farm and domestic service unless otherwise provided by law. This section does not prevent an agreement for overwork at an increased compensation except upon work by or for the state or a municipal corporation, or by contractors or sub-contractors therewith. Each contract which the state or municipal corporation is a party which may involve the employment of labourers, workmen or mechanics shall contain a stipulation that no labourer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. The wages to be paid for a legal day’s work as hereinbefore defined to all classes of such labourers, workmen or mechanics upon all such public works, or upon any material to be used upon or in connection therewith shall not be less than the prevailing rate for a day’s work in the same trade or occupation in the locality within the state where such public work on, about or in connection with which such labour is performed in its final or completed form is to be situated, erected or used. Each such contract hereafter made shall contain a stipulation that each such labourer, workman or mechanic, employed by such contractor, sub-contractor or other person on, about or upon such public work, shall receive such wages herein provided for.’ (*See Exhibit B. (5) S. 3.*)

The CHAIRMAN.—That is covered now by our fair wages clause. That is why I suppose we left it out of our Bill.

Prof. SKELTON.—I am not sure whether your fair wages clause stipulates whether the wage shall be the prevailing day wage.

The CHAIRMAN.—It says the current rate of wages.

· PROF. SKELTON.