



EDITORIAL

Mines Regulation in Canada

In this issue is published a comparison of the statutory mining regulations of the provinces of Canada, copied from the November issue of the "Labor Gazette." The comparison has been carefully made, and should be useful for purposes of reference and annotation, as mining laws are constantly being changed and added to.

The provincial laws as they exist today—and ignoring purely local regulations and the so-called "Special Rules," which are a rather important part of all mines' regulation—are compared with a standard of uniformity and excellence, prepared by a Commission on Uniformity of Labor Laws, appointed as a sequel to the Industrial Conference of September 1919.

Insofar as the Commission has confined its recommendations to statutory regulation of mines, considered from the standpoint of the well-being of the workmen, the standard adopted is not out of line with actual practice and the trend of modern thought, but in some respects the functions of the provincial officers, to whose hands the statutory regulation of mines is entrusted, seem to have been encroached upon.

For example, it is suggested that in case of disagreement following upon the report of a dangerous condition by a mine inspector, the matter may be referred to a board of arbitration consisting of a judge, and representatives of the interested parties.

This, to our mind, reveals a misapprehension of the duties and the status of the government inspectors of mines. These officers of the law are considered in most British courts to represent the directly delegated authority of the statute law, and it is not by courtesy or by custom, but by legal right that these men are designated as "His Majesty's Inspectors of Mines." Loose thinking of this kind recently led to a mine inspector in Nova Scotia being placed on trial for manslaughter, the inference being that he shared the responsibility of the mine officials. To our mind, the inspector of mines cannot delegate his authority, nor allow of its

abatement. He has one duty only, and one responsibility only rests upon him, which is to administer the law. The only tribunal of reference he can admit is his superior in office, the Minister of Mines, who represents the court of final appeal.

Another recommendation to which exception is taken is that providing for administration of first-aid and mine-rescue work by the Workmen's Compensation Board of such provinces as have established this authority. If this recommendation were confined to medical aid and the generally recognized scope of first-aid and accident prevention, little exception could be taken to it, but the inclusion of mine-rescue work, (a much misunderstood term) introduces a highly technical branch of the mining engineer's duties that in most well-regulated mine administrations is specifically dealt with by statute. The selection of such appliances as oxygen breathing-apparatus, fire-fighting devices, gas detectors, illuminating devices, signalling apparatus; the direction of rescue work, the supervision of men and materials; the formulation of rules of procedure, the training of men, and many other things that might be mentioned, come within the duties of the mine management and the mines inspectorate, and are certainly foreign to accepted conceptions of the duties of a Workmen's Compensation Board. The concluding paragraph of the Report of the Commission states: "The *administration* of first-aid and mine-rescue work is in no case entirely *within the hands* of the Workmen's Compensation Board."

Unless we entirely misconceive the viewpoint of the provincial departments of mines, and misinterpret both the intent of the workmen's compensation acts and the mines regulation acts of the several provinces, it will never be so.

The uniformity of mines regulation is not undesirable so far as this governs the social status of the mine-workers, but it is neither desirable or possible that uniformity should be attempted—for the mere sake of