

*Criminal Code—Trade Unions*

ing resolution is rather typical of a number that have come to me. The chairman of the Toronto and district joint board of A.A. lodges, after certain of their officials had been dismissed because of their having joined a labour union, passed this resolution:

That the Toronto and district joint board of A.A. lodges, representing 2,500 steelworkers in the city of Toronto, most strongly urge upon the federal government the enactment of Bill 62—

That was the number by which the bill was known last year.

—thereby safeguarding our democratic rights as Canadian citizens and providing penalties for employers who would violate these rights.

This right to organize is being claimed not only by industrial workers but by members of professional organizations. I will read certain excerpts from a letter which I have received from the president of the Newspaper Guild of Montreal.

The Montreal Newspaper Guild was chartered in April, 1937, as a local of the American Newspaper Guild, an international union chartered by the American Federation of Labor. The American Newspaper Guild last June at its convention voted to affiliate with the Committee for Industrial Organization, and this decision of the convention was subsequently sustained by a referendum vote of the international membership. The other Canadian local of the guild was chartered in Toronto in the fall of 1936.

A little later:

On June 23, a number of members of the editorial staff of the Gazette were warned by the managing editor that they were jeopardizing their jobs by joining or retaining membership in the guild. Later that day I was discharged by the managing editor, who told me he had not been empowered to give me a reason for my dismissal. . . . I had been employed by the Gazette for nine and a half years, and at the time of my discharge was assistant telegraph editor. I was then and still am president of the guild and represented the organization at the A.N.G.'s convention in June at St. Louis, Missouri.

It seems to me intolerable that men who attempt to join a labour organization or a professional organization should be intimidated and dismissed for no other reason than that they are members of those organizations. That is the reason for the introduction of the bill.

While it is true that matters of property and civil rights in the provinces—and I emphasize that phrase—come under provincial jurisdiction, I would point out that this is not a matter of a merely local or private nature. It is much wider than that, and hence it seems to me it might very well come under federal jurisdiction. I might point out, for example, that the solemnization of marriage

[Mr. Woodsworth.]

in the province is provincial but marriage and divorce are federal—British North America Act, section 91, item 26. The criminal law is federal, and there would seem to be no real reason why the refusal of an employer to grant what seems to us to be the legitimate rights of the workers should not be made a crime. Within the last few minutes we have undertaken to prevent employers from forcing men to work on the Lord's day. Why should not this much more important question be given favourable consideration?

The criminal code has a number of sections dealing with restraint of trade, the breaking of contracts, and so on. Trade unions were once considered illegal. Now they are especially exempted under section 498, subsection 2. Well, it would seem to me as a layman that if it is proper to put this sort of thing in the criminal code at one time, and later to make special exemptions, the whole subject is one which naturally might come within federal jurisdiction under the criminal code. I suggest to the Minister of Justice (Mr. Lapointe) that it is quite proper that my amendment should find a place in the criminal code.

As one looks over the legislation of Canada and of most countries, one finds that there is one law for the employer and another law for the employee. The minister shakes his head.

Mr. LAPOINTE (Quebec East): Surely it is not a crime for an employee to refuse to work for a certain employer?

Mr. WOODSWORTH: There is a very great difference, as I shall proceed to point out. In many respects the employers are protected. This is the parallel: The employers have the right to organize and they are protected by charters; we ask simply that the employees should be given the right to organize—the right already enjoyed by the employers.

Mr. LAPOINTE (Quebec East): They have it.

Mr. WOODSWORTH: Oh, no. As we go back over British history we find that the nobles once ruled, and the laws in those days reflected very largely the interests of the nobles. The commons gradually gained power, and we find changes taking place in the law. Gradually there was the extension of the franchise. In the old days the franchise was very much limited, limited to employers, to men of substance, men of a certain class. Later on the franchise was extended so that the employees, the poor people and finally all people obtained it. It was only within