

*Labour Conditions*

government can really hope to design it in the labour standards field, and at the same time remain within the jurisdiction allocated to it under our constitution. I believe it is particularly commendable that the bill relates to this wide area so far as the number of employees affected is concerned.

I have made inquiries over a period of time as to how many employees would be affected by this legislation, as well as other private members bills dealing with the same area. The number of employees to whom this legislation refers run anywhere from 400,000 to 500,000. Of that total number, the closest estimate I have been able to obtain of the number of people who will directly benefit from the legislation, is 50,000. In other words, these are people who are working under conditions which are below the level set out in this bill. I think we can say that this legislation, as example setting legislation in the federal field, does at the same time embrace quite a number of people who are going to benefit substantially from it. It is a good exercise indeed to multiply some of these figures. If the measure affects roughly 400,000 to 500,000 people who come within the jurisdiction claimed by the bill, and you multiply that by 3.9, which is the average family according to the last census, we can see that the measure will affect a great number of Canadians. Certainly if you say that roughly 50,000 people are going to benefit directly and substantially by the implementation of this legislation, and you multiply that figure by 3.9, then I think one is justified in saying that the bill is commendable for the really tangible assistance it is going to provide for many people now working within federal jurisdiction.

Another aspect of the legislation in connection with jurisdiction, I think, is the constitutional jurisdiction claimed by the legislation. From a reading of clause 3 of the bill we can see that it includes all those areas that fall within federal jurisdiction, so I do not believe it could be wider in scope. There are certain main words which I feel should be emphasized in connection with the application clause for this measure. They are:

This act applies to and in respect of employees who are employed upon or in connection with the operation of any work, undertaking or business that is within the legislative authority of the parliament of Canada excluding any work, undertaking or business of a local or private nature in the Yukon territory or Northwest Territories—

Then, the clause gives a list of undertakings included, but without restricting the

generality of the foregoing statement. I do not believe I have seen any federal legislation which has claimed any wider jurisdiction in relation to the labour field. I think it is particularly commendable on that score. I would hope that this measure takes into account an element put forward in the private bill of the hon. member for Winnipeg North Centre (Mr. Knowles), Bill No. C-36, in clause 2 of which "employer" was defined as

—any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who either—

And the definition continues in considerable more detail. The words I am interested in are "contractor" and "subcontractor", and I would hope that clause 3 of the minister's bill will take into account many employees working under contract or, if you like, under subcontract. I hope the minister and his department will arrange to enforce this legislation with respect to all such contractors and subcontractors.

One excellent case, commonly known as the stevedoring case, which went to the supreme court in 1955, dealt with this matter. It involved a section in the Industrial Relations and Disputes Investigation Act, which claimed just about equivalent jurisdiction as does this bill, although in that particular case the legislation did not in the true sense deal with labour standards but rather with procedures in labour relations.

In that case the application of a particular section of the Industrial Relations and Disputes Investigation Act came before the supreme court, and the question involved certain employees of the Eastern Canadian Stevedoring Company in Toronto. The court held that the act applied to the company's employees in Toronto, employment of stevedores being an essential part of navigation or shipping, which are specific items covered in this bill. I believe that type of decision certainly would embrace contractors and subcontractors whose work can be regarded as an essential part of any work or operation that falls within federal jurisdiction.

We all know that at various times this business of contracting and subcontracting has been used as a device to defeat government labour legislation, but I hope the wording in this bill is such that it will limit that type of activity to an absolute minimum.

Another matter connected with this bill that should be emphasized, and to which I referred last night, is the tangible effects it