

### 4.3 An Overview of Canadian Labour Law

Canadian labour policy is covered by a wide range of labour laws. The major fields are industrial relations, employment standards, occupational health and safety, and workers' compensation. Yet it is an over-simplification to speak of Canadian labour law or policies. In Canada, the provinces have extensive constitutional responsibilities for labour legislation. The jurisdiction of the federal and provincial governments arise from the Constitution Act, 1987, Sections 91 and 92. Judicial interpretation of these sections gives provincial legislatures major jurisdiction, while the federal government is responsible for labour affairs with respect to a much more limited range of industries, such as air transport and the banks. The complexity of Canadian labour law is further exacerbated by the many differences among the provinces' labour laws. The provinces are far from having harmonized labour standards.<sup>27</sup>

The following gives some appreciation of the range of issues dealt with in each of the labour-related fields.

- Industrial relations are concerned with the acquisition of bargaining rights by trade unions, the conditions for exercising the right to strike, strike replacements and reinstatement of striking employees, and union security.
- Employment standards are concerned with minimum wages, hours of work and overtime pay, general holidays with pay, annual paid vacations, maternity pay and equal pay.
- Occupational health and safety obligations, rights and standards refer to the right to refuse dangerous work, regulations for health and safety committees, and the right to know of physical or health safety hazards.
- Workers' compensation addresses compensation for workers or their dependents in respect of occupational accidents or diseases.<sup>28</sup>

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<sup>27</sup> Government of Canada, Employment Standards Legislation in Canada, Minister of Supply and Services Canada, 1991.

<sup>28</sup> Labour Canada, "Comparison of Labour Legislation Of General Application In Canada, the United States and Mexico", 1991.