

by/6 FPV/GR

Km 214.

OTTAWA, June 2nd 1936

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1936MEMORANDUM FORTHE PRIME MINISTER.

It is suggested that the following answer be made to Mr. Woodsworth's question respecting holidays:

The Government is advised that under the Constitution the jurisdiction of Parliament to legislate generally in respect of holidays, does not enable Parliament to impose upon employers liability to pay wages to persons employed on a day labour basis at an hourly rate of payment, in respect of holidays observed as such by the employees. The legislative power possessed by Parliament to permit or require a day to be observed as a holiday does not include the power to legislate respecting the terms of contracts of employment on that day. Legislation so requiring wages to be paid would relate essentially to property and civil rights in the province, falling exclusively within the jurisdiction of the provincial legislatures, and any such legislation passed by Parliament would constitute a colourable attempt to invade the provincial field of legislative power.

In explanation I may say that the view in this department has been that (apart from the power to legislate respecting holidays on Dominion undertakings