

APPENDIX No. 4

HOUSE OF COMMONS,
COMMITTEE ROOM No. 62,

WEDNESDAY, January 26, 1910.

The Special Committee on Bill No. 21, respecting the hours of labour on public works, met at eleven o'clock, a.m., the chairman, Hon. Mr. King, presiding.

The CHAIRMAN.—At our last meeting Prof. Skelton gave a comprehensive review of the legislation by the federal government of the United States respecting hours of labour on government contracts, and had pretty well concluded that part of his review. There were some questions asked him by members of the committee to which he was to direct special attention and give us further information to-day. He might, perhaps, take up those points first and then continue a summary of the legislation passed by the several States.

SCOPE OF EXISTING FEDERAL LAW IN UNITED STATES.

Prof. SKELTON.—It was requested at the last hearing that a more detailed statement be given of the scope of the existing United States federal law. It will be recalled that this law passed in 1892, as extended by later declarations, applies to the following main classes:—

1. Labourers and mechanics in the direct employment of the United States or District of Columbia; now including men employed in navy yards, arsenals, ordnance factories, in printing bureaus, on construction of buildings, breakwaters, piers, fortifications, on irrigation works, and on Panama canal (except unskilled aliens). For letter-carriers an 8-hour day or 56-hour week is prescribed. It has been ruled that messengers and janitors are not included. 26 Op. Atty. Gen. p. 623.

2. Labourers and mechanics employed by any contractor or sub-contractor upon any of the public works of the United States or District of Columbia. There are no explicit exceptions, save in the provision for emergency. As stated at the last hearing, the ruling of the courts is now strict on this point and makes it clear that difficulties in obtaining labour, or delay in obtaining material cannot be held to be emergency. Of Circulars of War Department, No. 33 and No. 62, July 30 and December 26, 1906: 'The law is considered to cover any extraordinary emergencies which cannot be foreseen, such as might be necessary for saving life or property of the United States, and not causes which depend for their emergency solely upon economical methods of work or importance of rapid construction Mere economical considerations do not affect the question at all. It is to be assumed that in making the requirement Congress knew that under many conditions the law would impose great expense on the government.

The question of scope is thus in the main a question of the definition of the term 'Public Works.' It has been held by the Supreme Court that the phrase 'any of the public works' is narrower than 'any public work' would be, and that it implies that 'the objects of labour referred to have some kind of permanent existence and structural unity, and are severally capable of being regarded as complete wholes.' (27 Sup. Ct. Rep. 600.) It has been held further that 'public works' implies that the title to the property is from the start vested in the government and does not merely pass to it on acceptance as fulfilling specifications laid down in a contract. (55 Fed. Rep. 952.) Again, in practice it has been construed to apply only to work done on the premises where the construction was in progress.

RECOMMENDATION OF COMMITTEE ON LABOUR *re* BILL OF 1897.

The Committee on Labour of the House of Representatives in recommending the passage of Bill No. 3078, in 1897, declared:—