

Mr. GRAY: He said we could not enforce it.

Mr. MACKENZIE (Vancouver): The hon. member for West Lambton (Mr. Gray) says that the minister said that we could not enforce it. Why present such legislation to this parliament and make a mockery of parliament? The government is leading the public to believe that legislation is being passed which will be effective in remedying certain grievances. Every hon. member, no matter to what party he belongs, is desirous that the grievances which have been brought to light should be remedied. I believe every hon. member of this committee has a sufficient appreciation of the functions of parliament and the duty of every hon. member is to repudiate absolutely this practice of swallowing four, five and six clauses which the minister himself tells us are absolutely unconstitutional and of doubtful legal validity. What are we here for? The legal advisers of the crown tell us that these three sections are useless; I believe the minister knew that but because of an agitation within the ranks of the party the government is making a mockery of the public of Canada. The public is being deceived. I would much rather pass something which was sincere and which would give results than this mockery and insult to the intelligence of the people of Canada.

Mr. KENNEDY (Winnipeg): I should like to make a few observations in connection with this section. It provides that everyone is guilty of an indictable offence who (a) employs a person at a rate of wage less than the minimum wage rate fixed by law or any competent public authority; (b) permits an employee to work beyond the maximum hours fixed by law or any competent public authority; (c) falsifies any employment record required to be kept by law or any competent public authority; (d) punches a time clock with intent to deceive. All these clauses deal with different phases of the one matter, that is, deliberately cheating an employee in one way or another by an overt act. I shall not take the time to quote the evidence given, but it was to the effect that many employees were paid a wage less than the minimum wage fixed by law. There may be a minimum wage law in a province which says that a girl shall receive \$10.50 per week. An employer may know that and by cajolery or other means he hires a girl for less, say at \$7 per week. He is stealing \$3.50 per week from that girl.

Again, an employer may permit an employee to work beyond the maximum hours fixed by law. This would be another evasion.

He may pay an employee the minimum wage of \$10.50 per week and then insist on the employee working overtime. The evidence shows that employees were sometimes asked to work until the early hours of the morning. This is another evasion of the law; he is stealing the time of the employee. A minimum wage act may require an employer to keep accurate records in connection with his employees. The evidence showed that in many cases these records were falsified. This was another means of cheating the employee and evading the law. Then the evidence disclosed that in some cases a superintendent of a factory, with the full knowledge and consent of the head of the factory, would punch the time clock for all the employees at the hour of quitting but the employees would continue to work sometimes for an hour, an hour and a half or perhaps return again at night. This was stealing their time.

It would be a criminal offence for one of these girl employees to go into a store and take a loaf of bread. It would be a criminal offence and she could be sent to gaol for taking a muffler or any other article of wearing apparel. We have the jurisdiction to pass laws to deal with such matters and to put such people in gaol, but when it comes to a question of making it a criminal offence for a man in authority to steal the time of his employees, at once the constitutional question is raised. With great passion the hon. member for Vancouver Centre (Mr. Mackenzie) tells us that this is a miserable exhibition. I want to say to him that if there has been any miserable exhibition in this house, it is that of always invoking the constitutional question.

Mr. MACKENZIE (Vancouver): Your own minister invoked it.

Mr. KENNEDY (Winnipeg): The Minister of Justice (Mr. Guthrie) did not say that they were not valid; he said they were of doubtful value. I suggest to hon. members that instead of raising the constitutional question they approach this matter from the other angle and remember that we are endeavouring to improve conditions for the workers. I ask the hon. member for Vancouver Centre to remember that the letter killeth but the spirit giveth life. We have endeavoured to carry out the spirit of the recommendations of the commission and have introduced them to the house.

Progress reported.

At six o'clock the house adjourned without question put, pursuant to standing order, until Friday, May 31.