friend refers to the Trades and Labour Congress. I have in my hand a circular sent to all the provincial legislatures by the Trades and Labour Congress of Canada just last year, asking those legislatures which have not yet enacted some legislation to do it. This is what they said, when they sent to the legislatures a draft, almost similar to the bill presented by the hon. member.

(2) It is submitted that the provisions of the proposed bill fall within the exclusive—

I am not talking; it is the Trades and Labour Congress that is talking.

—legislative competence of the provincial legislatures. In support of this submission, it will be convenient to indicate briefly—

Then they give all the reasons for it. The provinces have acted in that field. There is the Alberta Freedom of Trade Union Association Act. I am pleased to refer to this statute of Alberta, assented to in 1937. It follows the lines of the draft bill proposed by the Trades and Labour Congress, and makes it unlawful for employers to dismiss employees because they are members of or want to remain members of a trade union. It makes the employers liable to a penalty fixed by the act.

The Nova Scotia Trade Union Act, 1937, declares it lawful for employees to form or to join a trade union, and makes it unlawful for employers to prevent them from doing so. In this instance a penalty is fixed by the statute. It is in their field of jurisdiction.

The Industrial Conciliation and Arbitration Act of British Columbia, 1937, recognizes the right of employers and employees to organize for any lawful purposes. There again they make it unlawful to prevent employees from joining a trade union or association, and a penalty is fixed.

The Strikes and Lockouts Prevention Act, 1937, of Manitoba is again, I am sure, the result of the work of the Trades and Labour Congress of Canada, which has asked those legislatures to act in that way. Manitoba has acted.

Even the province of Quebec has acted, through the Fair Wage Act, 1937, of Quebec. There again we find a penalty for those who try to restrict the freedom of the working man.

In Saskatchewan there is a bill respecting the right of employees to organize. That bill received its first reading on January 28, 1938, and it is still before the legislature. Following the decisions of the court in relation to the power of the dominion to enact insurance legislation, it was sought to effect the same result by inserting a section in the criminal code, as the hon. member wants to do in this instance, by which it was to be made an indictable offence for any person to solicit or accept any insurance risk, except on behalf of a company or association licensed under the Insurance Act of 1917. That was challenged before the courts by the reciprocal insurers. I shall read to the hon. member the words of Mr. Justice Duff, who sat as a member of the board in the hearing of that case.

Mr. BENNETT: It is somewhat cut down since that.

Mr. LAPOINTE (Quebec East): Yes possibly, but I am reading it.

. . . their lordships think it is no longer open to dispute that the parliament of Canada cannot, by purporting to create penal sanctions under section 91, head 27, appropriate to itself exclusively a field of jurisdiction in which, apart from such a procedure, it could exert no legal authority, and that if, when examined as a whole, legislation in form criminal is found, in aspects and for purposes exclusively within the provincial sphere, to deal with matters committed to the provinces, it cannot be upheld as valid.

In the recent reference to the privy council with respect to section 498A of the criminal code, their lordships said:

The only limitation on the plenary power of the dominion to determine what shall or shall not be criminal is the condition that parliament shall not, in the guise of enacting criminal legislation in truth and in substance, encroach on any of the classes of subjects enumerated in section 92. It is no objection that it does in fact affect them. In a genuine attempt to amend the criminal law it may obviously affect previous existing civil rights.

And further:

In the present case there seems to be no reason for supposing that the dominion are using the criminal law as a pretence or pretext or that the legislation is in pith and substance in any way interfering with civil rights in the province.

They declare the section valid. A similar view in every respect has been expressed by the privy council in other cases. For instance, we have only to refer to the Proprietary Articles Trade Association v. The Attorney General of Canada, reported at 1931 appeal cases, page 324.

In the present bill I think it is obvious from the section, together with the explanatory note, that the proposed legislation is in the guise of criminal legislation for the purpose, in truth and substance, of encroaching upon property and civil rights. The hon. member says there is a law for the employees and another for the employers. That is not so. There is nothing which prevents employees from refusing to work for any man, company or corporation. It is their freedom.