

Canada which, in substance, provided for a system of compulsory unemployment insurance throughout Canada, has been held by the Judicial Committee of the Privy Council to be ultra vires of the parliament of Canada;

And whereas, if a uniform and effective system of compulsory unemployment insurance is to be adopted throughout Canada, it will be necessary to amend the British North America Act, 1867, to enable the parliament of Canada to enact the necessary legislation;

A humble Address be presented to His Majesty the King, in the following words:

*To the King's Most Excellent Majesty:*

Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in parliament assembled, humbly approach your majesty praying that you may graciously be pleased to cause a measure to be laid before the parliament of the United Kingdom to amend the British North America Act, 1867, and that such measure be expressed as follows:

An act to amend the British North America Act, 1867, relating to unemployment insurance.

Whereas the Senate and Commons of Canada in parliament assembled have submitted an address to His Majesty praying that his majesty may graciously be pleased to cause a measure to be laid before the parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

1. Section ninety-one of the British North America Act, 1867, is amended by adding thereto as class 2A the following:

"2A. Unemployment insurance."

and inserting such class in the enumeration of the classes of Subjects set forth in section ninety-one aforesaid, immediately after class two.

2. This act may be cited as the British North America Act, 1940, and the British North America Acts, 1867 to 1930, the British North America Act, 1907, and this act may be cited together as the British North America Acts, 1867 to 1940.

He said: Mr. Speaker, I need not refer to the desirability or even necessity of any scheme of unemployment insurance being national in its scope, because this parliament in 1935 recognized that fact by enacting legislation providing for a system of compulsory unemployment insurance. Since then many provinces and public bodies have signified their views in this matter, and more particularly before the royal commission on dominion-provincial relations, where in their briefs the provinces of Manitoba, Nova Scotia, Prince Edward Island, Saskatchewan and British Columbia specially mentioned the subject.

Various other public bodies such as the Edmonton Chamber of Commerce, the Canadian Manufacturers Association, the Trades and Labour Congress of Canada and similar associations have signified not only that they favoured such an insurance scheme but that in order to be effective it should be national in scope.

The privy council has ruled that this parliament at present does not possess the necessary jurisdiction to enact a national unemployment insurance scheme. I shall read only the concluding words of the decision of the privy council on their reference to it of the unemployment insurance act which passed this parliament in 1935:

If on the true view of the legislation it is found that in reality in pith and substance the legislation invades civil rights within the province or in respect of other classes of subjects otherwise encroaches upon the provincial field, the legislation will be invalid. To hold otherwise would afford the dominion an easy passage into the provincial domain. In the present case their lordships agree with the majority of the supreme court in holding that in pith and substance this act is an insurance act affecting the civil rights of employers and employed in each province, and as such is invalid.

I have referred to the royal commission on dominion-provincial relations. In its report the commission says, at page 39:

It is not surprising, therefore, that it has been generally recognized that if unemployment insurance is to be successful in Canada it must be on a national basis. The national employment commission emphasized that "there are great, indeed decisive, advantages in a national, in contrast to a provincial, system" of unemployment insurance. The Commission des Assurances Sociales de Québec, as early as 1933, pointed out that, although it is possible for member states in a federation to have schemes of their own, "nevertheless elementary prudence urges us to give a federal character to insurance against unemployment." In a memorandum submitted to the executive council of the province of Quebec in February, 1939, by the Confederation des Travailleurs Catholiques du Canada, Inc., the following paragraph appears: "La C.T.C.C. tient à redire au gouvernement fédéral qu'elle est en faveur d'un système d'assurance-chômage à base contributoire...notamment, en faveur d'une assurance-chômage contributoire, établie sur le plan national, suivant les recommandations de la Commission des Assurances sociales."

After careful examination we are convinced that a system of unemployment insurance can be established which will in no way interfere with the provisions of the Quebec civil code concerning labour contracts and contracts of hiring. In our public hearings representations from most provinces and from many public bodies supported the view that unemployment insurance should be within the jurisdiction of the dominion parliament. We have no hesitation in so recommending.