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GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN

DEPARTMENT OF AGRICULTURE

SASKATCHEWAN
LEGISLATION AFFECTING WAGE
EARNERS

*PUBLISHED BY DIRECTION OF THE HON. W. R. MOTHERWELL,
MINISTER OF AGRICULTURE.*



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BULLETIN

OF THE

GOVERNMENT BUREAU OF LABOUR

Minister:
HON. W. R. MOTHERWELL

Secretary of the Bureau:
THOS. M. MOLLOY

INTRODUCTION.

Interest in the labour laws of Saskatchewan has been steadily growing during recent years, and in order to satisfy the demands for information on the subject the Bureau of Labour has decided to issue a pamphlet, which we believe will be of general interest to those who work for a daily wage.

This bulletin contains but a brief reference to the various laws enacted in the province, the object being more to acquaint the workers with the scope and nature of the laws than to render any legal interpretation of their provisions.

In addition to the following specified Acts, many regulations and orders were issued upon request of the Trade Unions, such as grants to cities for loans to unemployed, the giving of free copies of the provincial statutes to central labour bodies, the opening of free labour offices and so forth.

Respecting the labour legislation proper it is generally recognised that the framing of thorough, up-to-date laws for the protection or benefit of working classes, without retarding or interfering in any way with the progress of any essential industry, is a difficult task. Both in drafting and administering labour laws it must constantly be borne in mind that a large section of our working population is composed of people unaccustomed to legal restraint. There are also a great many employers unaccustomed to the operation of such laws, who would, naturally, because of that inexperience take the view that the state was interfering with their private business. It is gratifying, however, to find that both capital and labour have come to realise that all labour legislation of Saskatchewan is based upon broad principles looking to the mutual development and betterment of the interests of employer, employee and the province alike.

All Saskatchewan labour laws have for their object the amelioration of the conditions of the wage worker, and must not be considered as being designed to solve the labour problem, for that can only be accomplished by a total and complete change of our present economic conditions.

When we come to study the labour problem it divides up into a number of evils and abuses like sweating, child labour and industrial accidents. It is an economic fact that all labour problems have their origin in some well founded social institution. Therefore, before touching on any of

the legislation enacted in Saskatchewan, it might not be out of place to mention some of the underlying principles or social institutions of the present day.

First of all, naturally, is the wage system itself. Under the wage system, the labourer takes upon himself the responsibility of securing work and of supporting his family. He must do this by selling his services to the masters of industry. He thus not only becomes a producer, but a merchant as well.

Second in order, and no less important, is the highly capitalised form of modern industry. To work successfully today in most lines of industry men must own or control a large capital. The great majority of men do not possess the abilities or opportunities to secure the large capital necessary for the successful conduct of a modern business. For the masses therefore it is true and increasingly true that once a wage earner always a wage earner. This permanency of status makes the labour problem in one respect a class struggle. The necessity of large capital for the conduct of modern business has naturally brought with it what is called the factory system, that is the erection of extensive plants employing hundreds of men, women and children, working under the foreman, whose only interest is to turn out a maximum of product at a minimum of expenses. This is attempted by introducing modern speeding up systems, overcrowding or substituting female labour for male labour, and even introducing child labour.

These, then, are what may be called the fundamental factors of our modern labour problem, the wage system, the factory system and the permanent status of the wage earning class.

Respecting the wage system, we have The Mechanics' Lien Act, Woodmen's Lien for Service Act, Threshers' Employees Act, and the Act respecting the Payment of Wages to Certain Employees. In our relation to the Factories system we have The Factories Act, Coal Mines Regulation Act, and The White Female Labour Act. For the protection of workmen as a class we have The Masters and Servants Act, The Building Trades Protection Act, an Act to provide for the safety of Electrical Workers, The Employment Agency Act and The Workmen's Compensation Act.

THE WAGE SYSTEM.

Mechanics' Lien Act.

The Mechanics' Lien Act, which was first passed in 1907 and has since then been amended many times, including the 1917 session of Legislature, provides a means whereby even the most humble labourer has a lien against the building or land upon which his labour is performed for the amount of wages due him. The lien of the labourer for wages takes priority over all other liens and may be filed at any time during the performance of the work or within 30 days after the completion of the service. The filing of the lien is simplified by the fact that the various forms to be used in filing liens are plainly set out and explained in the Act, and as a further safeguard to the inexperienced in such matters, Section 19 of the Act provides that no lien shall be invalidated by reason of failure to properly fill in forms or file liens. Provisions are also included

with a view to preventing any owner, contractor or other person against whom a lien is filed, removing any materials or otherwise lessening the value of the building, grounds, etc., included as security for the lien.

Woodmen's Lien Act.

The Woodmen's Lien Act and Threshers' Employees Act were drawn for the purpose of giving workmen in these two industries the same protection as is enjoyed by their fellow workers in other trades, and which are covered by The Mechanics' Lien Act.

Payment of Wages Act.

The Act respecting the Payment of Wages to Certain Employees might be termed the principal Act respecting our wage system and to which the Lien Acts just mentioned are merely auxiliary. This Act provides that all workers engaged by contractors, manufacturers, shop or store keepers shall be paid the entire amount of wages due in Canadian currency or in the notes of a chartered bank, or by accepted cheque, and the men shall be paid at least every seven days.

Government Fair Wages.

Whilst technically not labour legislation, nevertheless, the fair wage policy of the Government is of sufficient importance to warrant mention in a pamphlet of this kind. Under this policy the Government has provided that all contracts awarded by its various branches shall contain a schedule setting out the minimum wages that shall be paid by the contractor to the various classes of trades to be employed. This policy also extends to railway construction and operation. These wage schedules are drawn by the fair wage officer and prevent labour skinning on Government contracts during dull seasons in particular trades, and at all times assures a living wage to all men employed. The Government naturally has control over the rates of wages only on works undertaken by itself or aided by provincial funds; nevertheless, the fact that all contractors on such works must pay a fair and reasonable rate of wages has had the effect of establishing a living wage throughout the province, and one that is generally accepted by contractors.

THE FACTORIES SYSTEM.

The Factories Act.

Whilst the factory system has only of recent years begun to establish itself in the Province of Saskatchewan, nevertheless, the fact that we have at present well over two hundred factories employing approximately 4,500 people of whom over 500 are females, is sufficient reason for having on our statutes a Factories Act. However, even if the number of factories were only half what it is today our factory laws are nevertheless necessary not only to protect the factory workers, but also by a careful system of inspection, such as is maintained, we may prevent the sweating system and child labour evils being started in the province. And only those who have had actual experience know of the trouble to eradicate these evils once they get a foothold. Our factory laws contain all the provisions generally found in such Acts for the protection of the workers such as

guarding of dangerous machines, proper fire exits and escapes, sanitation and ventilation. The Act also prohibits entirely the employment of children under fourteen years of age, and limits the hours of youths, young girls and women to nine hours per day or fifty hours per week, which means either an eight hour day or a half holiday each week.

The Mines Act.

The Coal Mines Regulation Act is another very important measure in so far as the working men are concerned. This Act provides for the proper ventilation, inspection, sanitation and general operation of mines with a view to the health, safety and comfort of the employees. All mines in operation must be reported to the Minister and must be inspected by a thoroughly competent mining engineer. Under the provisions of The Mines Act all mine managers, pit bosses and fire bosses must pass an examination and secure a certificate of competency before being allowed to accept positions in a mine. The small numbers of accidents in the mines of this province is the best possible proof of the efficacy of The Saskatchewan Mines Regulation Act.

Inspection of Steam Boilers.

The Steam Boilers Act as amended is one of the best laws of its kind in force in the Dominion. The proper enforcement of the provisions of the Act has been instrumental in greatly reducing the number of boiler explosions, which fact alone gives to employees at work around steam boilers an almost unailing guarantee that the boiler is perfectly safe. The Saskatchewan Act goes further than most other Acts of similar nature in that it not only insists upon the proper installation of the boiler and the competency of the engineer but insists also upon the proper construction of the boiler. Some idea of the importance of this Act to the wage earner of Saskatchewan may be gathered from the fact that in this province there are upwards of 8,000 steam boilers in operation. Under the provisions of The Steam Boilers Act no one but a properly certificated engineer is allowed to operate or be in charge of a steam boiler.

White Female Law.

The White Female Law merely prohibits the employment of white girls by Chinese in laundries, restaurants, stores or places of amusement. The reason of this law and its effects requires a considerable study of the question of Oriental habits and modes of living. Sufficient to say that the Act has met with the approval of all social workers and was indorsed in convention by the Trades and Labour Congress of Canada.

Construction Camps.

On account of the large number of workmen employed in the various lumber and railway construction camps in the province special regulations affecting such camps were drafted in 1912. These regulations which have the force and effect of law provide for the proper construction of camps with a view to proper sanitation, ventilation and general cleanliness. Provision is also made for medical treatment and hospital accommodation for the workers. The regulations are strictly enforced by an inspector qualified for the work.

Theatrical Employees.

During 1913 an Act was passed regulating the erection, operation and general safety of all halls, theatres and cinematographs. In addition to providing for proper exits, aisles and fire protection the Act also makes it necessary for operators of moving picture machines to secure a license. This license is issued to only thoroughly capable men who have served an apprenticeship under a properly qualified operator, and have passed a certain prescribed examination.

WAGE EARNING CLASSES.

Masters and Servants.

The Masters and Servants Act, while protecting the employer against the loss and trouble of unreliable employees, also protects the employees against ill usage or wrongful dismissal. Police magistrates may release employees from unjust conditions and order the employer to pay the employee, in addition to all amounts due him, a further sum not to exceed the equivalent of four weeks' wages. As stated, this Act practically guarantees the wages of all workers besides insuring to them proper treatment by employers, even though the employee should be under contract to work for a given period of time.

Building Trades Act.

The Building Trades Protection Act passed in 1912, has for its object the protection of workmen engaged in the erection or repair of buildings, also in digging of trenches and excavations. All scaffolding must be of certain prescribed construction, of sufficient strength to carry the load it is intended to carry with a reasonable margin of safety. In all excavations over four feet deep, the walls or sides must be securely shored up so as to prevent caving in. The provisions of The Building Trades Protection Act are enforced by a competent building inspector, appointed by the Government.

Employment Agencies Act.

It does not require much study of the unemployed question to convince anyone that the industrious, hard working man, possibly with a family to support, and who is temporarily out of work, should receive some protection against unscrupulous employment agencies. Not all employment agents are rogues, and the law respecting employment agents contains nothing that will in the least work hardship on the man doing a legitimate business, but on the other hand its operation will close out the business of those who have resorted to this calling in order to make an easy living by getting something for nothing. Cases are on record where employment agents have by what is known as splitting fees kept three gangs of men moving, one gang going to the job, one working and one coming back. Fee splitting is worked by the employment agent entering into secret partnership with the foreman on the works who agrees not to hire any men except those sent out by the agency; he further

agrees to hire all men sent out by the agency, and in turn the agent agrees to divide his fee with the foreman. The foreman hires the men, and in order to make room for them fires those already on the job. Under this system men often pay \$1 and work only for one day, paying railway fare both ways. Therefore the Saskatchewan Government, realising the extent of this evil, enacted a bill respecting employment agencies. This law provides that all such agencies must secure a bond of \$1,000 for the proper conduct of their business. Suitable penalties are provided for contraventions of the provisions of the Act, and prohibit dividing fees, giving false information to applicants, etc. Each agent is required to keep a proper register of all applicants and give proper receipts for all moneys. The officials of the Bureau have the power to investigate any complaint against such agencies, also to inspect whenever deemed advisable the books and records of any agency.

Workmen's Compensation Act.

The Workmen's Compensation Act was passed at the 1911 session of the Legislature. This Act, while adopting the principle of the English Act of 1897, departs from it in several important respects and is regarded as a decided improvement upon it and upon the Acts of a similar kind in force in some of the other provinces. This Act applies to employment in or about railways, factories, mines, quarries, engineering work, building, etc. It secures to the workmen a right to compensation from employers for injuries suffered through accidents arising in the course of employment. In case of death this compensation is paid to the dependents of the deceased workman. Compensation is payable whether the injury is caused through negligence or not. When an accident occurs occasioning injury or death the compensation must be paid at the expense of the industry, whatever the cause of the accident may be. This law is a fair and an equitable one, as it throws upon the industry at large the cost of all accidents, not excluding, as in the past, accidents to the men employed. In order to be entitled to compensation the workman must be incapacitated for at least one week, and must file his claim in the courts within six months after the happening of the accident.

A striking tribute to the superiority of The Saskatchewan Workmen's Compensation Act was manifested on the part of the wage earners of the province during the last session of the Legislature.

A new Workmen's Compensation Act had been prepared by the Government at the urgent request of the organised working men of the province. This proposed new Act adopted the principle of compulsory insurance and was modelled along the lines of the Acts in force in Ontario, Manitoba, British Columbia and Nova Scotia. The Act was referred to a special committee of the House in order that both employers and employees might have an opportunity of presenting their views to the members of the Legislature on the question of compensation legislation. As the inquiry progressed and the representatives of labour came to a close study of the proposed legislation, and began to compare the actual workings of the Acts in force in other places with the law in force in Saskatchewan, they unanimously reached the conclusion that the present Saskatchewan Act was much superior to the proposed legislation and also to the Acts in force in the other provinces. The unanimous opinion

of the working men of the province as expressed to the committee of the Legislature was that The Saskatchewan Workmen's Compensation Act constitutes the best legislation on this subject in existence anywhere in Canada, and probably in the world. So in earnest were the workers to retain the present Act that all the various unions, brotherhoods and other working men's societies organised in one body, secured one of the best labour lawyers in the west and presented a united opposition to any movement which might deprive them of the benefits of the present Act. As a result the new Bill was withdrawn by the Government and The Saskatchewan Workmen's Compensation Act as passed in 1911 is still on the statute books and is the law of this province respecting industrial accidents.

Changes in City Act.

An amendment of more than ordinary importance to the toilers was made to The City Act. This amendment so altered that Act as not only to exempt householders from the payment of the poll tax, but also to give them a vote in all civic elections (money bylaws excepted) by reason of the fact that only property owners were formerly allowed a voice in civic elections the great body of working men were practically disfranchised, with the result that the demands of labour were given little attention by the governing bodies of some cities. In addition to being disfranchised, the wage worker was required to pay a poll tax of \$3 per year, which many nonhouseholders, by reason of having no permanent abode, escaped paying. This amendment to The City Act has met with the approbation of every working man in Saskatchewan. The hours of voting in civic elections have also been extended to nine o'clock in the evening in order that those who are compelled to work all day may have an opportunity of voting in the evenings.

The Single Tax.

Another important feature of The City Act is the amendment whereby city councils may adopt the principles of the single tax, provided the coming into force of this system of taxation is made gradual and spread over a period of four years. The single tax system of municipal taxation has long been sought by the trade unions and forms plank No. 7 of their platform of principles.

Equalisation of Taxation.

With the object of having the larger financial interests contribute their proportionate share of the public revenues, there have been placed on the statute books two Acts, one known as The Corporations Taxation Act, and the other as The Railway Taxation Act.

The Corporations Taxation Act imposes a special tax on all banks, loan companies, trust companies, insurance companies, telegraph and express companies as well as on certain real estate firms doing business in the province. The Railway Taxation Act exacts from all railway companies owning or operating lines or part of a line within the province a tax varying from one-half of 1 per cent. to 3 per cent. of the gross earnings of such lines. The yearly revenue from the taxation imposed under these two Acts is considerable. The effect of the law is to tend

towards the equalisation of taxation and to make the large corporations shoulder their fair share of the taxation necessary to the conduct of public affairs.

Free School Books.

In 1908 an Act was passed providing for free text-books in the schools in this province. It is worthy of note that in the early part of the same year a deputation consisting of the officers of the Moose Jaw and Regina Trades and Labour Councils waited upon the Government and strongly urged the need of free text-books for the proper education of the children of the wage earner.

Compulsory School Attendance.

Under the provisions of The School Act parents and guardians are compelled to send children to school for a given number of days each year. Local school boards are empowered to appoint truant officers to enforce this clause of the Act.

Other Acts in which the interests of working men are protected may be cited as follows: Mechanics' and Literary Institutes, Children's Protection, Investigation of Accidents by Fire, Arbitration, and Hospital Acts.

Although at present no legislation is necessary respecting prison labour, it is worthy of mention that the Government went on record as being opposed to the employment of prison labour in competition with free labour. This policy was established when the Government refused to allow prisoners to do the excavation work necessary for the erection of the Broad Street Bridge, Regina, or to cut ice on Wascana Creek for sale in the City of Regina.

The Bureau of Labour.

All labour legislation is centred in one Department branch of Government known as the Bureau of Labour. The Bureau was organised in 1911 by an Act of the Legislature. The primary object of this Bureau is to collect, assort, systematise and publish information and statistics relating to industrial and labour questions. Information and statistics thus compiled will be useful, not only as a faithful record of the growth of the province along industrial and mechanical lines, but also a guide to legislation designed to solve the many problems constantly arising in our ever changing industrial life.

The officials of the Bureau have also charge of the administration of many of the above mentioned Acts, such as Factories, Building Trades Protection, Employment Agencies and The Coal Mines Act. The good offices of the Bureau are always available to the employer and employee alike that it may be of service as a mediator in strikes, lockouts or other labour difficulties. A library of labour laws and related subjects is being gradually built up, and is already frequently used by both employers and employees for reference works.

A number of the Acts mentioned in the foregoing have been printed in pamphlet form, and by special arrangement, the Bureau is enabled to supply copies free to central labour bodies. Trade union and other employees may always feel quite free to write the Bureau at any time respecting the labour laws, conditions of trade in the different parts of the province, rates of wages, building operations or any other subject of interest to the wage earners.