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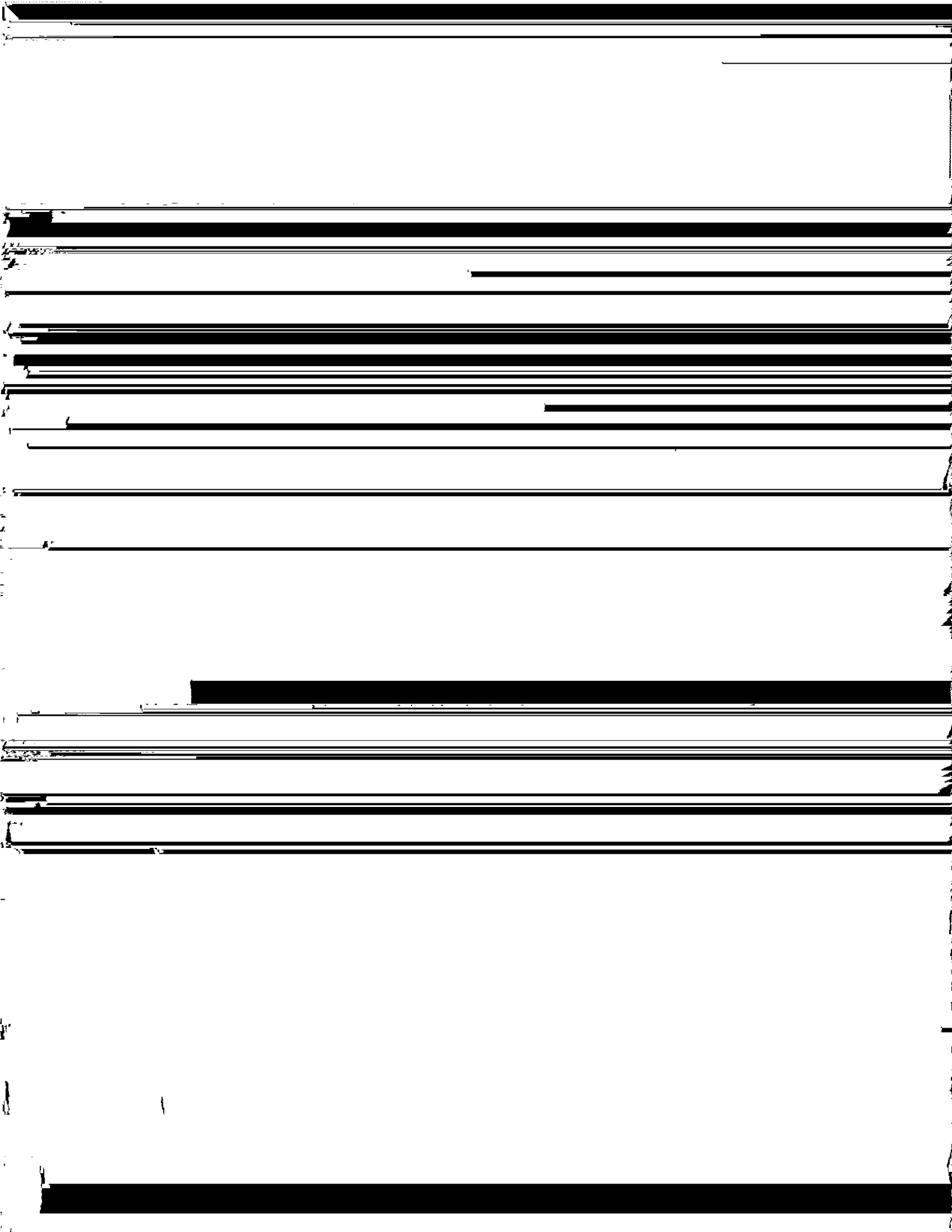
cause of some employment-related condition,
such as the level of income inequality.

Wheare, "It is clear that uniformity in all these
services is desirable."⁷ He proposes⁸

[The body of the document is almost entirely obscured by thick black redaction bars.]

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Linguistic-cultural or economic disparities... 20



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With respect to the criminal law power, the JCPC repeated the argument made in previous cases that the criminal law provision applied only "where the subject-matter is one which, by its very nature, belongs to the domain of criminal jurisprudence."³³

handiwork of the Fathers. The federal power was restricted to international trade, interprovincial trade and the general regulation of trade affecting the whole country. Intraprovincial contracts did not fall under this power, even if the impacts of these contracts were felt beyond the borders of a province; they

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House of Commons Committee on Privileges and Immunities, Standing Committee on Privileges and Immunities

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bargaining unit; a duty for employers and
recognized unions to meet and bargain in good

The Labour Conventions case of 1937,
[11] [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]

Gordon DiGiacomo, Federalism and Labour Policy in Canada

... ..

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Gordon DiGiacomo, Federalism and Labour Policy in Canada

capacity to influence policy.⁴⁵ Labour and

woman in Canada have to settle for inferior

as Adams says it does in Japan and Northern Europe, public discussion about appropriate wage settlements; such a debate would encourage the parties "to rationalize" their negotiations. Adams' assessment of annual wage rounds is quite positive: "Experience with systems that exhibit these dynamics suggests

provincial level. But again, the fairness question must be raised: why should the unions and workers in one jurisdiction or some jurisdictions have the opportunity to participate in public policy-making, and reap the benefits therefrom, while the workers and unions in other jurisdictions are denied this opportunity? In

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the firm." Both management and labour in the

commerce clause (section 8 of Article I) gives to

- the U.S. earnings distribution is the most reluctant to fashion labour laws to attract the

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Commonwealth's path to supremacy over the
States⁷⁰

subject matter falls within the jurisdiction of the
states. For instance, *Australia's Workplace*

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v. Roca Concrete Pipes Ltd., the High Court
unanimously held that the federal government
could control all the trade and financial

policies covering industrial relations
legislation, social security, occupational

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shareholders elect annual members of

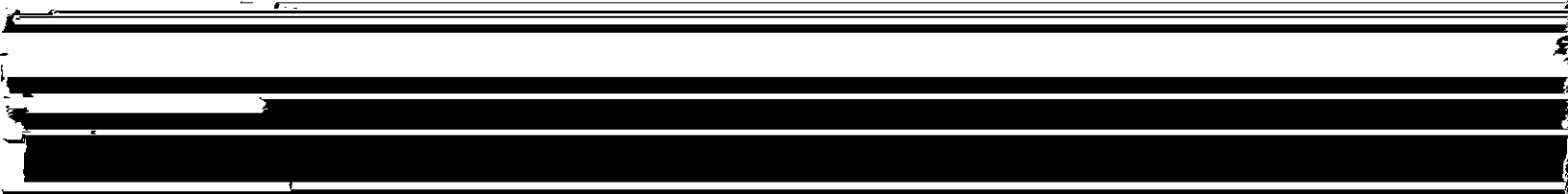
70) *Transferring Federal Jurisdiction Article 21*

whether the government in power is conservative or social democratic.

Germany's centralized and coordinated collective bargaining process has been

CONCLUSION

The basic purpose of this paper has been to explore the case for federal government control of Canadian labour policy. It sought to address



Secondly, it would appear that federal control of labour policy is a necessary, though insufficient, condition for fairness in labour policy. To repeat a question already asked: Why should a worker in one part of the country be governed by a set of inferior labour laws simply because he/she works in the "wrong" part of the country?

Control of labour policy is a tool that the

promote greater earnings equality and enable labour to participate more forcefully in national policy-making.

How can the reach of the federal government's labour policy be enlarged? A number of alternative methods have been proposed. One alternative, provincial agreement to cede control of labour policy, does not seem likely. Equally unlikely at this time is the

government in power can use to promote

of federal government and the use of its jurisdiction

Gordon DiGiacomo, Federalism and Labour Policy in Canada

jurisdiction to the provinces, as it did, for instance, in the *Canada - Newfoundland Atlantic Accord Implementation Act (1987)* and

Document 17-1 (1987)

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Gordon DiGiacomo, Federalism and Labour Policy in Canada

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28. See "Judgment of Mr. Justice Orde of the Judge) of the High Court Division of the Supreme Court of Ontario," p. 16.
29. "Judgment of the Judicial Committee of the Privy Council," p. 39.
30. F.R. Scott, *Essays on the Constitution*, p. 265.
31. "Judgment of the First Appellate Division of the Supreme Court of Ontario," p. 21.
32. F.R. Scott, *Essays on the Constitution*, p. 266.
33. "Judgment of the Judicial Committee of the Privy Council," p. 36.
34. "Judgment of the First Appellate Division of the Supreme Court of Ontario," p. 21.
35. F.R. Scott, *Essays on the Constitution*, p. 265.
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Gordon DiGiacomo, Federalism and Labour Policy in Canada

CONTENTS

1

Gordon DiGiacomo, Federalism and Labour Policy in Canada

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