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APPENDIX 5

# Labour Legislation and Social Services in the Province of Quebec

A Study Prepared for the Royal Commission  
on Dominion-Provincial Relations

BY

ESDRAS MINVILLE



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# LABOUR LEGISLATION IN THE PROVINCE OF QUEBEC

## EDITORIAL FOREWORD

Esdras Minville, Director of "L'Ecole des Hautes Etudes Commerciales," in Montreal, was retained by the Royal Commission on Dominion-Provincial Relations to describe and interpret labour organization and legislation in the province of Quebec, analyse the juridical and sociological principles underlying it, and review it in the light of present requirements as well as of conditions likely to exist in the future.

The method of presentation and any expressions of opinion are solely the responsibility of the author, and not of the Commission.

Mr. Minville notes the very different philosophies underlying the international trade union and Catholic trade union movements, which are, incidentally, of about equal membership. The great majority of Quebec workers, however, (87 per cent) remain unorganized and depend for their protection on the recent provincial legislation.

In addition to trade unions, there are the employee unions, few in number, and the agricultural unions comprising about fifteen thousand farmers. "L'Union Catholique des Cultivateurs" (Catholic Union of Farmers) is not designed, Mr. Minville says, to be an organization of religious action but a professional association seeking the betterment of its members. Mr. Minville notes here that Quebec farming is on a more or less family self-sufficient basis as distinct from the specialized industrial farming of the Prairie Provinces.

Mr. Minville's conclusion is that the province of Quebec already possesses an impressive and coherent series of labour laws which, in general, are adequate and conform to the social doctrines of the population.

Quebec labour legislation rests basically on two important statutes; one which gives the Lieutenant-Governor in Council power to extend a collective labour agreement to all wage earners and employers in a given industry and region, and one known as the Fair Wage Law designed to apply to virtually all other wage earners (farm labourers and domestic servants being the exceptions) who lack the organization to permit them to take advantage of the law extending collective labour agreements. Under the Fair Wage Law wages and hours of work may be set by a Board in selected industries and regions.

Such laws as concern the worker directly or indirectly, Mr. Minville claims, are inspired by the social doctrine of the Roman Catholic Church and are based on the Civil Code. A distinction is drawn here between French civil law, as codified in the Civil Code, and the common law of other provinces which is unwritten. Admitting there is room for improvement, the author points out that this series of laws bears witness to the particularistic spirit of the province of Quebec and its adherence to a peculiar and traditional way of conceiving and regulating social relations.

According to Mr. Minville the bulk of the labour legislation of the province of Quebec is of too recent enactment to have yet exercised a determining influence on the trend of industry and the cost of production. Moreover, one should keep in mind that most of the legislation was written into the statutes during a period of great economic disturbance. Prior to the Act of 1934 on the extension of collective agreements and the Act of 1937 respecting fair wages, Quebec, says Mr. Minville, had no labour legislation likely to produce a repercussion on the cost of production and living. At the present time about 115,000 workers of various classes are protected by some sixty collective labour agreements which the law extends automatically to specified branches of trade.

If it were desired to estimate the economic effects of the recent legislation, Mr. Minville suggests that an investigation would have to be made and could only be done successfully by the provincial Department of Labour. Mr. Minville argues that, owing to the special conditions and attitude prevailing in the province of Quebec, all matters pertaining to labour regulation must remain exclusively within provincial jurisdiction.

The first draft of Mr. Minville's study was completed in the summer of 1938. The present study is a condensed version of the first draft, and has been circulated to the Dominion and provincial governments for comment. Final revision was completed in the spring of 1939.

This is a translation of Mr. Minville's study which was written in French.

## CHAPTER I

### PRINCIPLES GOVERNING THE SOCIAL ORGANIZATION OF THE PROVINCE OF QUEBEC

The very purpose of this study requires a preliminary setting out of juridical and sociological principles that govern the social institutions of the province of Quebec: on the one hand, juridical rules that confer on the family, property, contracts, etc., their peculiar physiognomy; on the other hand, a social doctrine that inspires directly the social institutions and tends by the medium of legislation, if not to penetrate the others, at least to create for them a certain atmosphere.

Confederation confirmed: (a) the freedom of the Catholic throughout the length and breadth of the Dominion; (b) the exercise of French civil laws in the province of Quebec.

It thus sanctioned two essential prerogatives of the French-Canadian people who consented to enter Confederation only on condition that their "moral possessions"—religion, language, and civil laws—would be safeguarded.

At the time of the last census (1931) the population of the province of Quebec was made up as follows:—

- (a) From a religious standpoint, 2,458,283 Roman Catholics or 85·5 per cent of the total population; 415,972 Protestants of the various denominations, Jews, orthodox faiths, etc., or 14·5 per cent of the total population;
- (b) From an ethnical standpoint: 2,292,193 French Canadians, that is to say, within a few tenths, 80 per cent of the total population; 582,062 Anglo-Canadians, Scotch, or Canadians of other ethnical origins, that is 20 per cent of the total population.

Since 1931 these proportions must not have varied to any extent.

Hence, the religious line of demarcation corresponds closely to the ethnical line of demarcation. Therefore, it is easily conceived that the Catholic majority which merges so to speak with the French-Canadian majority, will naturally tend to impose its social system, as the autonomy of the province invites it to do, and as the democratic system, that is, the system of government by the majority, presupposes.

Thus, the French civil laws officially recognized in the province provide society, without regard to the ethnical and religious differentiation, with its

structure: family, marriage, conjugal authority, paternal authority, education, property, contracts, etc., in a word the rules governing the civil relations between persons and between persons and things.

Let us underline a few of the differences that distinguish the civil law of the province of Quebec from the civil law of the other provinces.

(1) It is codified. Hence two consequences: (a) Quebec is a land of written law. Jurisprudence is not law therein as in the other provinces. When an economic and social situation arises, parliament must intervene to modify the sections of the Code which are deemed obsolete or have lapsed. (b) Codification does not prejudice the application in the province of certain rules of the old French law as decreed by the great royal ordinances: custom of Paris, edicts of the Sovereign Council, to which, by virtue of an express provision of the Code, it is necessary to revert when the latter is silent on a given legal point.

(2) It is of Roman-French origin. Most of the institutions that govern, in the province of Quebec, the family, property, contracts, estates, come from Roman law, christianized under the influence of the Catholic church, synthesized, reduced to formulas by jurists of ancient France.

Thus, in Quebec, the family presents two original characteristics. (a) It is one. The father exercises authority over the members of the family. Community of property corresponds to unity of family. (b) It rests on indissoluble marriage. The Civil Code (s. 183) does not admit divorce. But it recognizes separation as to bed and board which in no wise affects the marriage ties.

Similarly, the Civil Code subordinates property to certain social functions—interdiction of prodigals, concession in favour of the neighbour (enclave) or of the community (expropriation).

Let us again cite a typically French institution, the hypothèque, which is established by notarial deed and can only affect immovables, etc.

To the non-initiated, the peculiarities that distinguish French civil law from common law may perhaps seem quite unimportant. Yet, if one keeps in mind, on the one hand, that civil law regulates the relations between citizens, determines the standards they must observe in their external and social

acts; that the laws which it contains spring from the customs of a people, from its manner of conceiving, of binding and unbinding the relations of its members; on the other hand, that once established the laws become in turn the guardians of the morals and of the traditions of a nation, it will be recognized on the contrary that these peculiarities are fundamentally important.

The religious influence is not as clearly defined; the Catholic religion, professed by 85·5 per cent of the population, inspires if not an altogether corresponding portion at least a considerable portion of all social undertakings and institutions in Quebec. As distinct from legal regulations, this doctrinal inspiration is not imposed directly, nor with the same character of obligation, on the undertakings and institutions founded and maintained by non-Catholics. However, it tends to penetrate them indirectly by the simple fact that the majority gives the laws their character. If non-Catholic social institutions have their own particular doctrinal inspiration and may rest on their own conception of human life, whether materialistic or spiritual they evolve necessarily in a framework and within a system of lego-social rules which proceed more or less directly from Catholic thought and which confer on the social organization of the Province its doctrinal physiognomy, so to speak.

What are the essential postulates of the Catholic doctrine in social matters? They all flow from its conception of the human personality. Man is a being endowed with an immortal soul, who seeks a supra-natural end for the achievement of which his whole temporal activity must be ordered. Created in the image of God and called to live eternally the same life as God, he surpasses the other beings of creation by all the majesty of his origin and of his destiny.

The Church makes of this "eminent dignity of the human person" the basis of its social doctrine. From it flows a certain number of social consequences.

(1) The respect due to the dignity of the human person which none may violate with impunity;

(2) The respect due to the worker who must not be exploited like a machine and whose labour must not be looked upon as a common chattel;

(3) The right of the worker to human living conditions; industry is made for man not man for industry;

(4) The right to the morality of labour; the human body must not be hired out like an instrument of pleasure.

But man does not live in isolation. Living with his fellow-men, because of the needs of his nature, he inevitably establishes relations with them. To what rules will they be subjected? He likewise has relations with the whole social body. What is his position towards society and how are the one and the other to be ordered reciprocally?

His relations, of whatever order they be, must be conceived in such a spirit that true freedom will be safeguarded, that freedom which, protecting human freedom, is by the very fact "above all violence and all oppression." The laws that govern these relations must therefore be such as to grasp man in all the manifestations of his activity and lead him normally to the attainment of his true end: eternal life.

Such laws are those of morality founded on belief in God and in the immortality of the soul. Catholic morality groups its demands around two powers of action: justice and charity. It involves general demands that may be summed up in the two following rules: "Do not do unto others as you would not have done unto you." "Do unto others as you would have done unto you."

It also has particular demands which moralists group into two classes, each of these comprising three categories.

(1) Justice: (a) *man to man* which asks respect for whatever belongs to another—possessions, reputation, home—and for what is agreed upon with another by virtue of a deed of sale, labour agreement, lease, etc. That is *commutative justice*; (b) *as between man and a group* which demands that the rights of a group as such be respected, that it be not injured by words or actions, that its regulations and laws be obeyed. That is *social justice*; (c) finally, *as between a group and man* which calls for the equitable distribution of positions, offices and penalties. That is *distributive justice*.

(2) Charity: (a) *from man to man* demands that one love one's neighbour as one's self in a supernatural spirit, help him in his difficulties, console him in his afflictions, lend him assistance in his efforts towards moral progress, etc.; and demands also what is called "social sense," which means direction of particular attention to the "social" sufferings of one's neighbour; (b) *from man to group*, asks the Catholic not to grudge his share of collaboration, of responsibilities, of accepted discipline, of reciprocal esteem and union; (c) *from group to man* asks that society shows for its members a loving solicitude and that it does not accept service and support without serving and upholding those who compose it.



This summary analysis already indicates the position of man towards the social body, as well as the nature of the reciprocal relations that are established between them. The Catholic Church insists on this idea which it opposes, on the one hand, to individualism, on the other hand to socialism and totalitarianism.

In man, it distinguishes the individual from the person. The individual embodies everything that causes a man to be himself; including the effect of material circumstances and of the forces that act on his physical being and, through it, on his moral being. The person, on the contrary, is individual substance, of a reasonable and free nature. It is essentially freedom, spirit, capacity for the divine. Hence, personality is of a higher order: of the spiritual order. It has a right to its integral development, therefore a right to be accorded respect.

Consequently the reciprocal relations of society and man are easily defined. As an individual, man bears among other burdens that of social dependence. He cannot reject it, he is a unit in a group and as such falls into the group. But in so far as he is a person, he cannot accept his dependence upon society to the sacrifice of his own personality, the inferior existing for the superior and not inversely. And thus society which submits the individual to its authority in turn becomes subservient to the person whose full development it aims to encourage within the limits of its natural role.

This social morality entails a certain number of consequences that may be grouped into three main categories.

#### (1) Reform of principles:

(a) *True notion of the right of ownership.* The right of ownership is a natural right founded on the requirements of the human person and on those of the common weal. The Church distinguishes, however, between the right to ownership and its use: that is the social function of ownership. Its whole doctrine may be summed up in this passage from Saint Thomas: "Temporal things given to man by God are truly his own as to ownership; in the matter of use, they must be not only his own but also those of others who may find therein their support in respect of that which is superfluous to the owner. . . . When it comes to the use of goods, man must not consider external things private, but common. . . ."

(b) *Relations between capital and labour.* These relations must be founded not on the exploitation of the one by the other, but on justice tempered with charity, not on opposition but on the necessary collaboration of classes. Contrary to the teach-

ings of economic liberalism, human labour cannot be likened to a commodity, subjected like wheat or cotton to the law of supply and demand. The worker has a right to living conditions worthy of a human being, hence to an equitable remuneration and to working conditions: time, health, security, that take into account his status as a man. In return, he must supply the labour to which he bound himself with assiduity, exactness, conscientiousness. He must respect the person and the possessions of the employer; obey orders and give deference and respect. In a word, there will emerge from the collaboration of the employer and the worker in a spirit of justice and peace both their reciprocal weal and the weal of society in general.

(c) *Fair wages and lifting of the "proletariat."* The wage-earning system is not an unjust system in itself, provided it conforms to the demands of commutative justice and distributive justice. Labour agreements that do not secure to workers a living minimum are unjust and immoral. Failing organizations such as trade unions and associations, it behooves the state to secure to all equitable working conditions.

But if the wage-earning system is not unjust in itself it has nevertheless engendered by reason of unbridled competition a real social problem: the "proletariat." In line with capitalism it has, in fact, the enormous disadvantage of sanctioning the separation of the worker from his working implements and intensifying class struggles. Contrary to what socialism succeeded in making people believe, proletarians and wage-earners are not synonymous. One cannot qualify as proletarians that section of wage-earners constituting the technical personnel, and in a general way, skilled labour. According to the definition of Goetz Briefs, the proletarian is "the worker who only possesses his working strength, without property and without hope of ever owning any." The "proletariat" is made up of the multitude of workers "enjoying abstract freedom, without the means of asserting same effectively." This is a modern phenomenon that goes back to the abolition of the worker's right of association and to the political liberation of the worker by democracy, followed by his effective enslavement by capitalism originally liberal but finally authoritarian. Industrial concentration of the last quarter of a century accelerated the proletarianization of the masses.

Social justice demands that the state set everything in motion to abolish the proletarian condition, and similarly all those who occupy leading positions in society should apply themselves to the same task: to protect the middle classes threatened by

"proletarianization"; to defend the working classes and small tradesmen; to work for the uplifting of the masses by the dissemination of general culture and vocational training; to make it easy for the worker to become a property owner, to protect the wage-earner against the uncertainty of the morrow by a system of public or private insurance, etc.

(2) Reform of institutions.

(a) *Reform of the state.* Liberal economic and political institutions associated in social realism were bound to direct the world inevitably towards a more and more widespread state control. So much so that to-day the role of the state extends to a multitude of fields over which, by definition, it has no jurisdiction, and there is too a growing tendency on the part of the people of all classes of society to expect more and more from the state, even up to and including the daily sustenance. It is essential that this tendency be combated, that the state be recalled to its true role as guardian of the common weal, as director, assistant and co-ordinator of individual and social activity.

If the state is more and better than the super-guardian of "liberalism," it is not and cannot be the "omniscient and omnipotent" Providence of state control and Communism. It has the faculty of intervening in the play of private activity and such interventions can be either direct and negative (to repress abuses: for instance, to compel reluctant employers to pay a living wage) or positive and indirect (to equip institutions in such a manner that spontaneously and without effort there will ensue therefrom prosperity both public and private; guardianship of morals, equitable division of posts, etc.).

If such a doctrine departs from *planned economy*, a disguised form of state control, it allows to subsist and even supports *organized economy* in which the state is responsible for general measures looking to the common weal, leaving the remainder to lower-ranking organizations. It makes it incumbent on the state to insure for the worker, within the laws and customs, the place to which he is entitled, to see to it that conditions are such that everyone earns

his living honestly and enjoys the consideration which his labour and his honesty deserve: to assist in the struggle against unemployment, against proletarianism, insufficient wages, the exploitation of the weak by the strong; to protect the worker's freedom and the freedom of association; to undertake suppression of workers' coalitions that hamper the freedom of enterprise, and of employers' coalitions intended to deny the workers their rights; to provide guardianship of individual, family and collective property.

But if it is in order to relieve the state of the tasks that are outside its province, it is essential that there be organizations capable of assuming them. The Church favours in particular vocational associations. These vocational associations, an outgrowth of social education and not the result of compulsion, will themselves assume: (1) the intellectual and moral improvement of their members; (2) their protection against the numerous hazards of contemporary existence by insurance, pension and retirement funds, etc.; (3) the regulation of trades and crafts: wages, working conditions, etc. They will relieve the state of a multitude of problems which it is not qualified to solve satisfactorily.

But their great service will consist in shaping among their members, instead of the present spirit of opposition and struggle, a spirit of solidarity and of broad collaboration on the social plan, aiming no longer at the well-being of an individual or of a group, but at the common well-being of all trades and of society in its entirety.

(b) *Reform of morals.* "This social renovation so much to be desired, must be preceded," writes Pius XI, "by a complete renovation of the Christian spirit." The world must, as a matter of fact, revert to the Christian conception of social life, hence to justice and charity as a regulative standard of human relations. But men can only give that which they possess. In order that justice and charity shall hold sway about them, they must cause them to enter and fill their lives, and subject their whole activity to these virtues. On that condition they will become righters of wrongs in our imperilled society and in our society of to-morrow factors of order, of peace and of well-understood prosperity.

## CHAPTER II

### TRADE UNIONISM

#### HISTORY

Until 1907, that is to say, until the appearance of Catholic and national trade unions, the labour movement in the province of Quebec had no distinctive character. It was merged with the Canadian labour movement.

We cannot in a summary such as this undertake a long excursion into the past. We will be content to recall the principal phases.

Let us note that Canadian trade unionism was influenced almost from its inception by two powerful divergent tendencies: (1) the Canadian autonomist tendency; (2) the American international tendency. At the same time a certain British influence operated continuously during the whole course of the last century, either by the establishment in the country of locals of British unions, or by the inclination of certain Canadian trade unions to draw inspiration from the spirit and methods of British trade unionism. Finally, there appeared in the province of Quebec at the beginning of the present century Catholic trade unionism that proposed to broaden the conception of trade unionism from the notion of class to that of society, and to replace the idea of opposition and struggle by the idea of collaboration on the social plan.

The first labour unions were independent, that is, they had no ties with either American or British trade unionism; they were spontaneous local movements, without relations among themselves and affecting merely restricted and scattered groups of workers. Mr. R. H. Coats traces the organization of the first labour union to 1827 at Quebec. There were labour unions at Montreal, Quebec, Hamilton and Toronto from 1830 to 1850. But such unions laid claim to no social doctrine, neither did they contemplate action in a political field. They aimed at improving the working conditions and raising the wage levels of their members. They were moderate in their demands. This situation obtained until about the advent of Confederation: the trade union movement, restricted to the provinces of Quebec and Ontario developed slowly in keeping with the industrial expansion of the times. After 1850, political events accelerated industrial progress and by the same token the trend of the labour movement.

In 1850, a British labour union, the Amalgamated Society of Engineers, established locals at Toronto, then at Hamilton, Kingston and Montreal. In 1860, there appears on the scene the Amalgamated Society of Carpenters and Joiners, another British labour union and the first permanent union of the building trades in Ontario. During the same period there was established in Canada an English union of bricklayers, masons and plasterers. For a period of some fifty years these three labour unions continued to operate in the country without exercising, however, a determining influence on the labour movement, though they imparted to independent unions the example of the spirit and of the methods of British trade unionism.

Starting in 1860, American trade unionism overran Canada. For some years it had made headway in keeping, so to speak, with the industrial progress of the neighbouring country. The Reciprocity Treaty of 1854 had favoured Canada's industrial expansion. The greater exchange of commodities between the two countries led to the establishment of American labour organizations in our midst. They will end by securing a complete upper hand over British and national unions.

International trade unionism established itself in Ontario where it made the most rapid headway. It also spread to the province of Quebec where it advanced less speedily however. There were two reasons for that: (1) industrial progress was slower; (2) geographical isolation and the ethnical and linguistic differentiation hampered its influence.

The first attempt at trade union co-ordination on a national scale occurred in 1873. The Canadian Labour Union was founded. The existence of this organization was short-lived. It accomplished useful work, however, by placing before the public most of the great problems that affect the labour classes directly or indirectly.

In 1881, there was organized in the United States the Federation of Trades and Labour Unions of the United States and Canada. As the Canadian Labour Union no longer existed, the American trade unions established in Canada took an active part in launching this federation.



The Canadian Trades and Labour Congress was formed in 1886. Like the Canadian Labour Union, the newly formed congress proposed to unify the trade union movement in the country. From its very inception, however, there was a large preponderance of unions affiliated with the congress which were affiliated also with the American Federation of Labour. The internal strife between the American Federation of Labour and the Knights of Labour had its repercussion in Canada. While the Knights of Labour were losing strength in the United States, the gap was widening in Canada between two antagonistic tendencies among organized labour: the autonomous tendency and the international tendency. The Knights of Labour widely scattered throughout Canada and notably in the province of Quebec at that particular time, and the independent unions rallied to the first school; the international unions to the second. This internal antagonism that paralyzed to some extent trade union activity, was to come to a head in 1902.

At the end of July, 1902, according to the *Labour Gazette*, there were in Canada 1,078 local unions distributed as follows: Ontario, 547; Quebec, 151; Nova Scotia, 73; New Brunswick, 49; Manitoba, 46; Prince Edward Island, 16; the North-West Territories, 35. The transportation group numbered 304 unions scattered in all the provinces: the building trades, 171; metallurgy and construction, 142, then ready-made goods, printing, carpentry, mining, etc. Two-thirds of the international organizations operating in Canada to-day date from that period.

The progress of the international unions on the one hand, the disintegration of the Knights of Labour, on the other hand, were to bring to a climax the internal antagonism of which we have spoken. At the Congress assembly in 1901, the president of the Trades and Labour Congress, Ralph Smith, insisted on the necessity of organizing labour unions on a definitely Canadian basis. The autonomist proposal was thus formulated: a national union of American workers, on the one hand, and a union of Canadian workers on the other hand, working in their respective spheres for the solution of their own particular problems, and collaborating across the boundary in the solution of their common problems. Study of this proposal was deferred until the Congress meeting the following year. In the meantime, the votaries of each school of thought sought to rally a majority of the organized workers.

In spite of the resistance of the independent unions at the 1902 assembly, the Trades and Labour Congress decided in favour of the internationalist proposal. It thus passed under the domination of

the American Federation of Labour of which it became, from the standpoint of internal jurisdiction, the Canadian extension. Twenty-seven labour organizations were excluded from its fold. Twelve of these organizations were established in Montreal, half of the remainder in Quebec. This decision marked the downfall of the Knights of Labour in Canada.

The triumph of American trade unionism is ascribed to three factors: (1) affinity of environments: geographical contact, unity of language, etc.; (2) the victory of vocational trade unionism over the somewhat political movement of the Knights of Labour; (3) the materialistic conception of labour problems and the more and more widespread conviction of the continental, indeed, the international identity of labour interests.

Two currents flow from the schism of the Trades and Labour Congress: one, international, under the aegis of the Trades and Labour Congress; the other, national, under the aegis of the Canadian Federation of Labour, founded in September, 1902. Five years later, Catholic trade unionism came into being in the province of Quebec.

From 1902 until the end of the War, American trade unionism dominated organized labour so completely in Canada that it compelled British labour unions to abandon their Canadian locals. In 1901, the Congress numbered 8,381 members; in 1921, 173,778. A schism from which emerged the One Big Union weakened it momentarily. But at the present time it still embraces within its fold more than half of the organized workers in Canada. Let us note, however, that to-day as of yore its main foothold is in Ontario.

The Trades and Labour Congress is sometimes charged with being the supreme expression of international trade unionism in our midst, with being merely an instrument in the hands of the labour leaders of the United States. The international labour unions, on the contrary, affirm their full autonomy. Truth seems to rest between the two. In respect of action along political lines, the Congress receives no directions from the Federation. But in matters of internal jurisdiction it obeys the decisions of the Federation without discussing them. This attitude proceeds from one of the fundamental articles of the doctrine of international trade unionism, namely, the continental identity of labour interests.

The claims of the Trades and Labour Congress have always proceeded from that doctrinal inspiration. Reproducing the successive programs in this brief would occupy too much space. According to



the memorandum submitted to Cabinet Council at Ottawa, in January, 1938, the following would constitute its principal demands at the present time:

(1) Retirement allowance to every employee of trade and industry who retires at 60 years of age; (2) amendment to the Constitution so as to give the federal government jurisdiction in social and labour matters; (3) regulation of rates covering transportation by trucks; (4) a referendum prior to any declaration of war; (5) abolition of appeals to the Privy Council; (6) restriction of the Senate's voting rights so that any measure approved three times consecutively by the Commons shall be deemed definitely adopted; (7) program of public works, completion of the Canadian National Railways station in Montreal, clearance of slum areas, encouragement to the building of sanitary dwellings; (8) establishment of a six-hour day and five-day week; (9) maintenance of the National Employment Commission; (10) sickness insurance; (11) nationalization of nickel production and export; (12) exploitation of radium by the state; (13) federal system of transportation; (14) granting of passports to physicians and nurses who are going to Spain; (15) discontinuance of money votes for the training of cadets; (16) reforestation program.

Some days later, the Congress asked the provincial government in particular for the enactment of legislation positively recognizing the right of association and protecting the workers engaged in organized labour activities.

International trade unionism has exercised a powerful influence on labour legislation, both federal and provincial. Here are some of the principal enactments that must be ascribed largely to its influence:

(1) The Trade Unions Act passed in 1872 was based on an Imperial Statute of the previous year<sup>1</sup>. This law stipulates that a trade union should not be liable to prosecution merely on the ground that its purposes are in restraint of trade; and that agreements and trusts of a trade union, with certain exceptions, should not be unenforceable merely on the ground that its purposes are in restraint of trade.

(2) Various amendments to the Criminal Code respecting picketing, intimidation, and conspiracy. These provisions are now embodied in Sections 486, 498, 501, 502, 503 and 590 of the Criminal Code.

(3) The various laws designed to protect the worker: amendments to immigration laws and regulations, immigration law respecting Asiatics, alien labour law.

(4) The establishment and regulation of employment bureaux.

(5) Various measures taken by public authorities with the object of raising wage levels: the federal Order in Council of August 30th, 1907, which served to facilitate the enforcement of the policy adopted in accordance with a resolution of the House of Commons in 1900, stipulates that in undertakings of the state and certain public bodies, the wages paid by contractors must be set in advance after inquiry and inserted in the contract; an Order in Council of a similar nature passed by the government of the province of Quebec on April 14, 1908; the federal Fair Wage law of 1935 which provides for a 44-hour week and formally enjoins the payment of fair wages to all workers engaged in carrying out public works of the federal government or works subsidized by the federal government. For the last measure, credit is due to the combined efforts of all trade unions.

(6) Measures designed to regulate the hours of work: federal and provincial laws respecting the Sabbath, laws respecting the weekly day of rest, regulation concerning the maximum days and week of work, night work, etc.

(7) Measures designed to provide for the security of workers: the law respecting industrial and commercial establishments as well as amendments made from time to time to strengthen and improve the provisions thereof.

(8) The law governing injuries to workmen enacted by the legislature of Quebec in 1909, repeatedly modified and entirely remodelled in 1928-31.

(9) In the field of social legislation, properly speaking, organized workers demanded for a long time and finally secured, among other laws, the old age pension law.

The Canadian Federation of Labour was launched at Kitchener, in September, 1902, under the name of National Trades and Labour Congress. Organizations, rejected by the Trades and Labour Congress some months earlier, grouped together by way of protest against what they denounced as the subordination of Canadian trade unionism to American trade unionism, and for the purpose of organizing an autonomous labour movement on a Canadian basis.

The Canadian Federation of Labour recruited originally most of its members in the province of Quebec. In 1904, it numbered 10,435 members,

<sup>1</sup> Several eminent judges have expressed the opinion that the Canadian Trade Unions Act is invalid.

of whom 9,000 were living in the province of Quebec and 5,000 of these in the city of Quebec itself. The same year it enrolled a few groups in Victoria and Vancouver.

However, its centre of influence changed rapidly from one place to another, passing first from Quebec to Nova Scotia, then to Ontario. In 1919, it did not contain a single group from Quebec, whose organizations had all joined Catholic trade unionism.

This organization experienced many ups and downs which naturally had an effect on its political action. However, it applied itself to carrying into effect a certain number of ideas, proceeding generally from its main inspiration.

Thus, for instance: (1) Contrary to the Trades and Labour Congress, it always favoured customs protection with the object of defending its own members against foreign competition. (2) From its very inception it sought to secure from the Federal government official recognition for purely Canadian organizations only. (3) Acting in conjunction with international trade unions it directed its efforts towards strengthening the immigration laws and regulations, the alien labour law, etc. (4) It has always favoured conciliation and the settlement of labour disputes by arbitration.

In 1927, there was organized the All-Canadian Labour Congress, the first group to rally into a coherent unit practically all independent and neutral organizations. The object of the new congress which absorbed the Canadian Federation of Labour is defined in Section 2 of the Constitution: to apply itself to defend the interests of affiliated associations and improve the living conditions of the workers from a social and economic standpoint.

In 1930, the Mine Workers' Union and the One Big Union broke away from the All-Canadian Congress, and in 1936 there occurred a schism from which emerged a group that took the former name of Canadian Federation of Labour abandoned at the time of the formation of the All-Canadian Congress. The report of the Minister of Labour for 1936 credited the All-Canadian Congress with a membership of 31,383, and the Canadian Federation with a membership of 25,081.

Taken by and large, it can be said the independent trade union movement in Canada has experienced many vicissitudes. The formidable competition of the international unions which are solidly established, well organized, provided with ample funds and anxious to maintain their influence in Canada, prevented it from assuming definite shape and expressing itself through the medium of a coherent and stable organization. Internal frictions

and frequent schisms, following which everything was again in the making or almost so, make the history of this movement. It is not astonishing that its influence, however effective in certain respects, has hardly succeeded so far in offsetting that of the Trades and Labour Congress.

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The first group of Catholic workers of the province of Quebec, *La Fédération Ouvrière Mutuelle du Nord*, was established at Chicoutimi in 1907. The idea of a labour organization founded on Catholic principles originated with a priest of the diocese of Chicoutimi, Father Eugene Lapointe, to-day apostolic prothonotary.

About the close of the nineteenth century, the wood pulp industry was beginning to secure a foothold in the region of Chicoutimi. The first workers, for some reason or another, did not enjoy an excellent reputation. They were said to be troublesome. Father Lapointe deemed the moment opportune to try to carry out a plan he had conceived many years earlier.

A keen recruiting campaign that followed the formation of the first nucleus of the Workers' Federation of the North produced mediocre results, this being due to two main reasons: (a) fear of interference by the clergy in labour questions, considered by the workers as purely material and, because of that fact, excluded from the field of religion; (b) fear that Father Lapointe's friendship with one of the leading industrialists of the locality would subject him to influence opposed to the interests of the workers.

Consequently, the organization had a slow beginning. The Federation made no headway for a period of five years. The departure of its originator virtually led to its disappearance; in 1911, it only retained an official existence. It should be mentioned that among the causes of weakness involved in this first attempt was the very constitution of the Federation, patterned on the constitutions of the labour circles launched by Albert deMun. The founder had not taken sufficiently into account the environment where he sought to apply his doctrine.

Father Lapointe returned to his undertaking in the spring of 1912. The revived Federation established locals in small neighbouring industrial centres: Jonquiere, Kenogami, Val-Jalbert. The same year the Quebec government enacted the law that gave it legal status.

The movement thus launched continued to develop, with success and setbacks alternating. There was founded in 1923 the Federation of Employees of the pulp and paper industries which

covers the whole province and even extends into Ontario—the *Fédération Mutuelle Ouvrière* continuing to exist as a local union.

To the *Fédération Mutuelle Ouvrière*, of Chicoutimi, credit is due for having demonstrated the possibility of a Catholic labour organization and its economic efficiency, at least in a certain region and among a homogeneous population.

From 1912 on, similar undertakings were launched on an ever-increasing scale. To convey an idea of the expansion of Catholic trade unionism it is but necessary to enumerate chronologically the various groups that were organized: the Association Ouvrière de Hull, in 1912; the Corporation Ouvrière Catholique des Trois-Rivières, in 1913; the Union Nationale des Mineurs d'Amiante de Thedford Mines, in 1915; the Union Nationale des Ouvriers de la Rive Sud, in 1916 (shipyards); the Unions Nationales catholiques de Québec, in 1918 (conversion into Catholic trade unions of the former National Trades and Labour Council of Quebec, as well as the former National Trades and Labour Council of the district of Quebec, formed of independent trade unions. These two Councils merged when they joined Catholic trade unionism); the Syndicats Catholiques Nationaux, of Montreal, in 1918; the Corporation Ouvrière Catholique, of Granby, in 1919; the Syndicats Catholiques et Nationaux of Sherbrooke, in 1919; the Corporation Ouvrière Catholique of Lachine, in 1919; the Syndicats Catholiques et Nationaux of Saint-Hyacinthe, in 1919; finally, the Federation of Catholic Workers of Canada, an inter-professional organization approved by the Congress of Hull, in 1921. Since then, Catholic trade unionism has continued to expand as the figures which we give later on will show.

As in the case of the two other branches of Canadian organized labour it can be said that the demands of Catholic trade unionism proceed from its doctrinal inspiration. From one congress to another the program is revised in keeping with the requirements of the moment. At the present time, the following are the principal demands of Catholic trade unions as enunciated in a memorandum presented, on January 18, 1936, to the Cabinet Council of the province of Quebec:—

(1) Action against communism; (2) creation of a provincial economic council; (3) creation of a labour tribunal; (4) substitution in the greatest possible measure of employment for direct relief; (5) establishment of an urban credit and of a settlement tribunal in respect of urban property; the suppression of slums and the construction of sanitary dwellings; (6) cessation of the practice of exempting industry from municipal taxes with the

object of attracting certain concerns into a locality; (7) compulsory identification cards in the cities; (8) suppression of Sunday labour; (9) replacement as soon as possible of the present old age pension scheme by a contributory pension scheme; (10) compulsory licensing of trade and industry; (11) obligation on the employers to negotiate a collective agreement with workers when the latter have set on foot a coherent and solvent organization; (12) obligation on the trade unions which want to avail themselves of the collective agreement law to secure legal incorporation. It may be added that Catholic labour unions have gone on record in favour of a system of national unemployment insurance on condition that the autonomy of the provinces be safeguarded.

The Catholic and National Labour Unions have exerted their influence especially in the realm of provincial legislation. To that influence may be ascribed the law respecting trade unions, the law involving legal extension of collective agreements, as well as the legislation respecting fair wages.

As regards measures of general application like old age pensions, social insurance plans, etc., the action of the Catholic trade unions coincides with that of the Trades and Labour Congress and of the neutral National trade unions.

On certain points, the demands of the Catholic labour unions differ in whole or in part from those of the International Unions. Thus, in the matter of arbitration: the former favour the extension of compulsory arbitration, while the latter stand absolutely for free arbitration; the same applies to compulsory education, denounced by Catholics, sought by the Internationals, etc.

There emerges one fact from a close study—a more thorough study than that contained in the above simple summary—of the history of trade unionism, namely that the organized labour situation in the province of Quebec has always been involved, confused and subjected to divergent currents. Why so? The historical record gives the answer.

The isolated trade unions of the earliest era flourished in Quebec as everywhere else. Then international trade unionism secured a foothold, but spread more slowly than in Ontario, for instance. There were two reasons: geographical isolation at a time when communications were none too easy, accentuated by the difference of language, and the comparative slowness of industrial expansion.

Yet the Knights of Labour received an enthusiastic welcome in the province and spread rapidly. If one stops to consider the somewhat idealistic character of that organization, whose social spirit was marked by a certain loftiness and daring, one



will find a first indication of the answer to the question raised above.

We have noted this in the course of our observations: it is on Quebec's organized labour that the autonomist movement rests most securely, a movement which in the very heart of international trade unionism voiced its opposition in the eighties to the internationalist tendency.

The first Canadian Federation of Labour, a regrouping of the unions banned from the Trades and Labour Congress in 1902, recruited the bulk of its membership in the province of Quebec.

Yet the Federation did not long retain its position in the province. Its centre of influence shifted to the Maritimes, then to Ontario—so much so that within some twelve years after its foundation it had practically no more members in Quebec.

Finally, in 1907, Catholic trade unionism broke ground. It was practically without resources, and faced the stern competition of international trade unionism established for almost fifty years, amply provided with funds and offering along with numerous material advantages the prestige of its powerful continental organization. In spite of these obstacles and of the effect of a half-century of foreign trade unionism on the minds of workers, Catholic unionism succeeded in securing a dominant position in the province. What is the reason?

It has been claimed that the French-Canadian worker, individualistic by temperament and in a general way still close to a state of peasantry, understands but slowly the advantages of trade organization. There is much truth in that. Yet, according to Mr. R. H. Coats, it was in Quebec and very likely among French-Canadian workers, that the first Canadian labour union made its appearance. Moreover, there is nothing to prove taking into account the relative intensity of industrial activity in the province, that independent trade unionism in the first era did not enjoy a certain measure of success.

The real reason for the chronic confusion we have pointed out in the preceding pages must be sought elsewhere: in the inadaptability of international trade unionism and of neutral national trade unionism to the French-Canadian worker's peculiar turn of mind, to his deep sentiments and social convictions, no doubt ill-defined and perhaps more instinctive than reasoned, but none the less real. The materialistic doctrine and radical tendency of these unions, disrespectful of very many ideas traditionally dear to the French-Canadian, could scarcely appeal to his mind. He lent allegiance to such movements, having no choice in the matter, because of the material advantages he hoped to derive. Fundamentally, if one judges by his hesitant

and apprehensive attitude, he felt ill at ease in such company even though he could not explain this uneasiness to himself.

He welcomed the Knights of Labour because of the kind of vague generosity permeating their social program; he abandoned them as soon as he noted that this program was really set in a direction contrary to his traditional aspirations; he enrolled in national neutral trade unionism because one of the guiding ideas of this movement conformed to his deep sentiments as a Canadian racy of the soil, having no other past nor other ties than in his province and his country. Such an incomplete satisfaction he accepted, though, for want of something better. As a matter of fact, during that half century, the French-Canadian worker sought more or less consciously the road to follow. He was torn between the material interest represented by the kind of trade unionism then holding sway in his midst, and the concern, again ill-defined, unformulated, but ever present, not to sacrifice too much of his own personality in this adventure.

So, when Catholic trade unionism appeared, clearly autonomist on the political side, moderate on the social side, proceeding from a doctrine which itself issued from familiar authority, he, after one fleeting moment of hesitation, rallied to it instinctively, if not yet by a reasoned movement. He was even willing to sacrifice part of his immediate material interests to join an organization wherein, though he might not be able to explain the reason, he experienced a greater sense of security, felt more at ease, and found an atmosphere more consonant with the deep traditional needs of his soul and his mind. And that is what seems to explain, in spite of the numerous difficulties of the undertaking, why Catholic trade unionism has achieved in the province of Quebec the success which everybody may observe—incomplete success as we will see, yet success that is nevertheless impressive.

This success of the Catholic and national labour unions cannot have been due, as has been asserted, to their formula of organization in general associations or industrial unions, as opposed to trade and craft unions. At the time of their organization, the opposition of the two formulas was not yet foreseen and, moreover, they themselves resorted in turn to the one or the other.

Needless to wonder with one historian what the Catholic and national trade unions really could have yielded to the French-Canadian worker which the other organizations did not offer. To understand, one must look beyond material considerations and study man in the complex whole of his personality, with his varied needs, some more pronounced than economic interests themselves.

# CHAPTER III

## FACTUAL SITUATION

Although the Trades and Labour Congress, the All-Canadian Congress, the Canadian Federation of Labour and the Confederation of Catholic Workers rally the great majority of organized workers, they do not present a complete picture of Canadian trade unionism. Numerous organizations exist outside the scope of these centralized movements.

Thus, in addition to the Trades and Labour Congress, international unionism is represented in Canada by: (a) four large labour organizations of railway employees that are affiliated neither with the Trades and Labour Congress nor with the American Federation of Labour; (b) fifteen other organiza-

tions of various trades affiliated with the American Federation and not connected with the Congress; (c) the industrial unions of the Industrial Workers of the World that have no connection with the Federation or the Congress.

Similarly, in addition to the All-Canadian Congress and the new Canadian Federation of Labour, Canadian trade unionism embraces independent organizations of which a dozen are craft organizations and about sixty independent trade unions.

At the end of 1936, the trade union situation in Canada and in the province of Quebec was defined as follows:—

	Canada		Province of Quebec			Canada		Province of Quebec	
	Locals	Members	Locals	Members		Locals	Members	Locals	Members
(1) Trades and Labour Congress:					II				
(a) Affiliated International organizations.....	1,471	136,696	214	36,815	(1) All-Canadian Congress:				
(b) Affiliated Canadian organizations.....	110	4,581	19	786	(a) Affiliated labour organizations..	276	24,489	32	2,194
(c) Chartered unions.....	98	8,294	7	304	(b) Chartered unions.....	42	3,894	9	939
(2) International organizations not affiliated with the Congress:					(2) Canadian Federation of Labour:				
(a) Railway brotherhoods.....	365	20,695	47	3,317	(a) Affiliated labour organizations..	60	25,081	4	35
(b) Others.....	57	10,945	8	455	(b) Chartered unions.....	5	—	—	—
(3) International organizations affiliated directly with the American Federation of Labour.	19	1,139	4	195	(3) Independent organizations.....	149	14,675	8	651
(4) Industrial Workers of the World..	11	4,200	—	—	III				
					Catholic and National Labour Unions.	190	45,000	188	44,970
					IV				
					Isolated trade unions.....	60	18,863	18	8,216

Hence, the total strength of the international organizations of every description in the province, at the end of 1936, stood at 40,782, that of the national neutral unions at 3,168, that of Canadian organizations affiliated with the Trades and Labour Congress and sympathetic to the international labour movement at 1,090, that of isolated unions and independent organizations at 8,867, and finally the strength of the Catholic and National Unions which totalled 45,000. In other words, the International and Catholic unions are about on an equal footing in point of membership. These official figures are not in full accord with actual facts since several unions, belonging to one group or the other, have not reported their membership. However, they suit our purpose, since we are not so much concerned here with numerical accuracy impossible of

achievement, as we are with the broad description of the trade union movement and of its constituent forces which oppose one another more or less.

Powerful as its organizations already are, they comprise nevertheless only a small proportion of the wage earners eligible for membership. As a matter of fact, volume VII, table II of the 1931 census estimates at 696,339 the population of wage earners of the province of Quebec. Mr. R. H. Coats, Dominion Statistician, advises us that he has no data for 1936. At the end of 1936, labour unions had a total membership of 98,877 in the province of Quebec. The proportion of organized workers in relation to workers eligible for membership is therefore about 12.5 per cent. Hence, a tremendous amount of organization work remains to be accomplished in this field.

## CHAPTER IV

### MUTUAL BENEFITS

Apart from the general advantages accruing from association such as protection of members and defence of common interests, the trade unions have sought to offer more immediately tangible advantages by establishing mutual benefit funds. The services thus rendered constitute for labour organizations a stabilizing factor, since those who have paid in a certain amount of dues hesitate to withdraw from the union, and a means of increasing membership since the organized workers have a two-fold reason to join.

It is not easy to determine with accuracy the amounts paid out annually in the form of various benefits. The largest amounts come from international organizations and three reasons account for that: (1) those organizations are the longest established; (2) scattered over the whole of America they are the most numerous; (3) they are trade organizations, composed of skilled and well-paid workmen, capable of paying generally higher dues.

Unfortunately, the large international organizations decline to establish a separate annual statement showing the amounts they pay in the form of benefits to their Canadian members—on the pretext that such a tabulation would involve too much work.

In addition to the large organizations which administer a common fund, many of the locals also have their own funds and pay benefits of a similar nature to their members. For some years now official statistics have recorded the sums thus paid out by local labour unions.

We have not succeeded in securing, except in the case of the Catholic unions, the statistics covering the mutual benefits paid out by labour organizations of the province of Quebec. We do not deem it worth while to reproduce such statistics which serve only to illustrate a minor phase of trade unionism.

## CHAPTER V

### DOCTRINES AND TENDENCIES

International trade unionism is founded: (a) on the identity of interests of American and Canadian workers; (b) on religious and political neutrality; (c) on the materialistic conception of labour and its problems. Let us rapidly examine these notions, from the standpoint of the social doctrine of Catholicism, that is to say from the standpoint of the social doctrine professed by a majority of the population of the province of Quebec.

To assert the identity of interests of American and Canadian workers is tantamount to asserting, by reducing it in space, the universal identity of labour interests. Hence, this means going back to one of the fundamental notions of socialism, nay, of communism. This notion ignores a number of facts that are of cardinal importance in the life of men and in that of groups: difference of environment and of living conditions, of nationalities, of religion, etc. It admits the idea of class, opposing it to the idea of society or of a nation.

Workers have one thing in common: dependence in relation to the wage-earning system, hence in relation to a social arrangement which, legitimate in itself, is capable of improvement. They have not only the right but it is their duty as well to work to better that system.

The wage-earning class is individualistic by its very definition. Its members abide by a code: equal pay for equal work—a fair rule. However, when the point of view of the individual is set aside and the matter considered from the social standpoint, the inadequacy of such a system is strikingly evident. As a matter of fact, man is not essentially individual. It is through the family that he makes his appearance; his life is lived within the family and it is through the medium of the family that the part he plays in society reaches its full development. Now let us imagine the case of two men having the same capacities and identical ability, the one being a bachelor and the other, head of a family. Under the code of "Equal pay for equal work" these two men will receive an identical wage. It is readily seen that in a case of this kind the man with family responsibilities will have a harder life than the other; it is with the purpose of adjusting this fundamental lack in the wage-earning system that it is sought to introduce all kinds of measures for the protection of the family. But practically every method suggested is, itself, centered on the

pay-envelope; hence, tends in practice to result in an increase in prices or in taxes and, finally, in the cost of living. In their final effect such measures bear more heavily on the head of a family than on the unmarried man.

But workers have in common with the other classes a multitude of interests most of which are of a higher order than material things themselves; cultural freedom, religious freedom, social peace, security and political peace. Hence, the efforts they put forth to improve their material situation must not be carried to the point of imperilling the superior possessions, common inheritance of all classes.

Universal identity of labour interests thus appears to be a conception of limited validity and one which the trade unions cannot without danger use as a basis for their action. That applies to the notion that Canadian and American labour interests are identical. International trade unionism understood this so clearly that it left to the Trades and Labour Congress, its supreme organ in Canada, full autonomy in respect of trade union action in the political realm.

Religious neutrality and the materialistic conception of labour are two ideas that go together. They are linked with the liberal opinion that religious beliefs are a personal, private matter; and that economic and social phenomena obey peculiar laws and are beyond the scope of morality.

Religious neutrality implies that the trade union group as such ignores the religious beliefs of its members. Hence, it is areligious. In practice, the areligiousness of the group almost inevitably places the members in the position of choosing between two allegiances: to their religion or to their trade organization. As a matter of fact, such a neutrality is impossible—or it is possible only with a population whose religious convictions are too superficial to constitute a rule of life. That is why the churches and the Roman Catholic Church in particular are continually denouncing it. Thus, one understands why many Catholic workers of the province of Quebec felt so ill at ease in international associations that such large numbers among them found it necessary to break away, regardless of the sacrifice sometimes involved, to group themselves in denominational associations.



The materialistic conception of labour is a liberal tenet: that of a labour-commodity subject like any product to the law of supply and demand. It is all the more astonishing that workers readopted it for their own purpose seeing that this conception was the basis of the individualistic system of worker-employer relations against which trade unionism has fought.

The relations of workers with employers have most often to do with problems of a material nature: wages, duration of work, etc. They remain nevertheless human relations, hence social, raising issues of justice, hence moral issues. The worker demands fair wages, and he is right. But by fair wages one must not understand the highest wages that can be secured by any means. Other considerations than force are to be taken into account here. The employer may exact from the worker the carrying out of his duties, and that in the name of other laws than human laws. A question of conscience, hence of morality, is involved.

The materialistic conception of labour cannot of itself ensure workers' peace as well as industrial and social peace. It even postulates resort to force as the sole rule of relations between workers and employers, and in a word bases social order on the unstable balance of antagonistic forces.

Political neutrality of labour organizations should not be understood to mean their independence of the constituted authorities and what these authorities do, but rather their independence of political parties. They place themselves beyond and above partisan strife. In that regard they are perfectly right.

It remains nevertheless true on the one hand that the tendency to internationalism is liable to cause workers to forget the national aspect of political problems; on the other hand, that international trade unionism, at different periods, has nursed the ambition of playing a part on the political stage as shown by its attempts to found a Canadian labour party, and the support it generally lends to the candidates who claim kinship with labour.

Moreover, complaint is voiced against what is called Americanization of the masses, that is to say, the introduction into the life of Canadian population of the customs, habits, ways of thinking of the American people. If the Canadian people want to retain their identity, develop their own personality and their own culture, they must oppose with all the strength at their command the extra-Canadian influence that is daily exerted on them and tends to model them in the common image of the continental population. Now, is it an overstatement to claim,

as one hears it currently stated, that international unionism constitutes one of the most powerful factors of Americanization? Is there no cause to fear that the labour masses affiliated with a movement the bulk of whose membership is beyond Canadian boundaries will be led, unbeknown to themselves and as by a natural inclination of their convictions, to influence Canadian policy along American lines?

So long as it was concerned only to seek more or less empiric solutions for concrete problems of material life, wages, working hours and conditions, the extreme doctrinal poverty of international trade unionism was hardly fraught with consequences. But to-day? Relying on limited notions, can this trade unionism still play a beneficial part? Trade unionism, Catholics claim, could not oppose serious resistance to socialism and communism unless it applied itself energetically to the defence of the three essential foundations of human society: God, the family, the homeland. For these constitute the three vital points of social order against which revolutionary individualism, socialism and communism appear to have pitted themselves with an equal determination. Unfortunately international trade unionism, wedded to religious neutrality and to the presumed identity of workers' interests, ignores both in its directing formulas and in the activity it suggests to its members alike the rights of God and the priority of the common weal over the particular interests of individuals and social classes. Hence, it carries within itself the germ of the ills from which it aims in other ways to save the country. Exclusively engrossed with the material interests of their adherents, the American labour leaders have united men of all races, of all beliefs, imbued with most diversified theories. They wanted, in short, to constitute a force that would serve to counterbalance the force marshalled by the employers. That may have sufficed so long as trade union action had no other object—at a time when prosperity reigned everywhere—than labour's material problems: wages, etc. Other purposes must be considered to-day. The vital interests of society are at stake, and international trade unionism, having regard to its doctrinal inspiration, does not constitute any greater guarantee of order than revolutionary individualism from which it proceeds, nor than communism towards which by a natural slope so to speak its ideas are leading it.<sup>1</sup>

Such is the relation of the Catholic doctrine of trade unionism to international labour unions, and such is the judgment which Catholics pass on these

<sup>1</sup> The author has summarized above what was said over the radio and in the Quebec Catholic press, last November, during the campaign in favour of Catholic national unions.



labour organizations. Thus, one understands why the Catholic clergy in the province of Quebec has applied itself to bring into being and ramify denominational and national organizations.

Actually, how has international trade unionism functioned since its installation in Canada? It can be said that it has shown moderation. It has not gone so far nor so fast as its principles would have allowed it. Nevertheless, it leans to the left. Its tendency is fairly well illustrated by the curve of its demands. Before 1872, it battled for the nine-hour day, in 1898, the forty-four hour week; in 1931, the eight-hour day and the five-day week; finally, last September and again in its recent memorandum presented to the Dominion government, it went on record in favour of the six-hour day and the thirty-hour week.

If the demands of 1898 and 1913 were reasonable, can the same be said of the subsequent demands, particularly the latest? Would such a reduction in the work day not entail economic disturbances of which the consumer in a general way and the worker himself would bear the costs? Moreover, the conditions that obtain in our country are not identical with those experienced elsewhere. Canada possesses abundant resources the development of which has barely been undertaken, has a small population, and depends on outside markets. Before advocating radical measures, organized workers would be well advised, in their own interests, to examine them in the light of these peculiar conditions of our environment.

They should also examine their program in the light of social justice. The employer has the same right to live as the worker, and society itself can ask the workers not to jeopardize the common weal by voicing exaggerated claims. Many industries which sell in the international market are at the present time quite evidently unable to assume the heavy burden that would be involved in such a radical reduction of the work day without a corresponding reduction in wages. The same may be said about those industries which have to meet foreign competition on our own market, unless they be granted protection in the form of excessive customs tariffs to the detriment of the consumer, and unless steps be taken looking to the adoption of economic nationalism in Canada. Under the conditions in our country at the present time, the remedy for labour difficulties and the answer to economic and social problems must be sought in a re-adaptation of our economic life that will diversify occupations and multiply opportunities for employment.

International trade unions expect much from the state; among other things, an ever greater measure of material security for their members. They seem to neglect personal foresight, the spirit of thrift, quite commendable personal and social virtues. Thus, the efforts they put forth to have the country embark on a policy of so-called social legislation: old-age pensions, sickness and disability insurance—all of which are good measures in principle, yet “costly,” difficult of application in a country such as ours which is varied in the matter of geography, economics and ethnical composition. Thus, for instance, the old-age pension has been in effect only a few years at most and already demands are being made that the pensionable age be reduced from 70 to 60 years, at the risk of doubling or perhaps trebling the burden on the state.

As Mr. Dunning said in the House of Commons on February 28th, the cost of old-age pensions which amounts now to \$30,000,000 a year would be doubled if the age were reduced from 70 to 60, and even on the present basis, according to the Minister of Finance, the cost of old-age pensions in 1971 would reach \$92,800,000 a year.

The state secures from the taxpayer the funds it distributes in allowances of every description, and if the multiplication of taxes continues, the spring from which both private and public incomes are derived will end by drying up. The role of the state is not to substitute itself for the individual, but to multiply the sources of employment and to protect the worker in the exercise of his activity. Its efforts must be directed, on the one hand, to enable the workers to utilize all their energies to increase their own income; on the other hand, to lower and stabilize the cost of living, which can be done much more effectively by diversification of income than by the most severe and the best-intentioned legislation.

A similar comment may be made on the various other demands of international trade unionism. In the opinion of those who concern themselves with social problems, the doctrine from which it draws its inspiration was bound to lead it on the downward path we have just indicated. When organizations inspired by the narrow concept of class recognize no other rules than force, within the limits of a temporal law always admitting of mitigation, no other ends than material advantage, they are led inevitably to formulate demands that threaten to exceed the bounds beyond which social disorder begins.

Social Catholicism makes much the same comment on neutral national trade unionism; whose doctrines include religious neutrality, the material-

istic conception of labour problems, the identity of labour's interest as a class—all the doctrines of international trade unionism save political neutrality, in the sense of the association of Canadian and American workers in one organization. Neutral national trade unionism rejects such neutrality. It refuses with a gesture of pride to take the least direction from the neighbouring country. In this respect it perhaps shows a clearer understanding of the Canadian labour problem than international trade unionism. At all events, it pretends to close the door to a powerful Americanizing influence.

Save for its genuine autonomism, neutral national trade unionism offers nothing that is not contained in international trade unionism. Both have the same social doctrine and perforce the same tendencies. The first, moreover, is handicapped by marked disadvantages of a material order: numerical inferiority, lack of resources. It is therefore in a bad position to resist the competition of international trade unions. And it is experiencing the danger of that competition.

The doctrine of Catholic trade unionism flows from the social doctrine of the Church (summarized above).

(1) The right of association is challenged by economic liberalism, but declared a natural right by the Church. "The workers have the right to unite to the same degree as the employers to defend their rights and protect their interests," wrote Leo XIII. But contrary to socialism that sees in association a means of struggling, of the domination of classes, Catholic trade unionism only discerns therein the exercise of a natural right for the benefit not of one class but of society as a whole. For if it is not in the interest of society to be dominated by a class, it is no more in its interest that a class be enslaved, as the working class was at the time individualism held sway. All classes must have their just share in the common activity and prosperity.

From the right of association, keystone of trade unionism itself, Catholic trade unionism causes to flow the collective labour agreement. And from the latter proceeds legal recognition of the trade union or at least a *modus vivendi* that enables the trade unions to contract legally. Collective bargaining aims at safeguarding the worker's rights and securing for him reasonable working conditions. It constitutes a more supple means than the law of settling conflicts that may arise between workers and employers. It also has the advantage of leaving in the hands of the workers initiative and responsibility in regard to their own possessions.

(2) Contrary to "liberalism" which considers private property as absolute, and to socialism which has gone so far as to call property "theft" and would control or even suppress it, Catholic trade unionism sees in private property a natural right entailing obligations of justice and charity<sup>3</sup>.

(3) Catholic trade unionism attaches extreme importance to the labour agreement. To be valid, this agreement must be just and assented to with a full knowledge of the facts; it must be free or it involves no moral responsibility. "Let the employer and the worker enter into whatever agreements suit them," writes Leo XIII, "let them reach an understanding as to the amount of wages: above their own free will there is a loftier and more ancient law of natural justice, namely that wages should not be insufficient to ensure a livelihood to the sober and honest worker." The labour agreement involving wages inferior to the requirements of honest subsistence is therefore invalid, even if it is freely accepted and with a full knowledge of the facts. This is a principle of cardinal importance both to the worker and to the employer.

(4) Finally, Catholic trade unionism makes it incumbent on the state to exercise a close supervision over the labour world with the object of repressing abuses and enacting legislation capable of regulating in accordance with justice the relations of employers and workers. Its conception of the role of the state stands half-way between that of liberalism which disapproves all intervention of public authorities, and that of socialism which assigns to the state all initiative.

Comparison of the programs of the Trades and Labour Congress and the Catholic trade unions reveals a difference in social spirit; for example, with reference to industrial disputes, arbitration, collective agreements, etc.

International organizations, for reasons which we have not to consider here, look with suspicion on the Quebec laws respecting trade unions, collective agreements, and the legal extension of labour agreements. Catholic trade unions, on the contrary, cling to these laws as to an essential article of their program.

The trade union law by conferring a civil personality on trade unions gives them the character of organizations that fit into the social framework

<sup>3</sup> Joseph Folliet, *Traité de Morale Sociale* concerning immovable property: "Les propriétaires ont le devoir de la maintenir en bon état, et, si possible, de la mettre en valeur. Le droit chrétien ne leur accorde point de la détériorer ou de la détruire à leur gré, ni même de la stériliser pour des raisons futiles; il s'oppose, par exemple, à ce que des propriétaires laissent en friche d'immenses étendues de terrain, uniquement pour s'y procurer les plaisirs de la chasse, enlevant aux populations paysannes le moyen de gagner leur vie. Par là, il rompt avec le droit romain, lequel consacrait la propriété absolue du maître sur son *dominium*".

and assume full responsibility for their acts. They are answerable to constituted authority and are subject to its daily supervision.

Catholic trade unions ascribe various advantages to the collective labour agreement: (1) It meets particularly the requirements of large-scale industry. As opposed to the strength of the employer, powerful and often so remote that he is so to speak inaccessible, there must be the compensating strength of trade unions capable of negotiating in the name of all their members on a footing of equality. (2) The collective agreement contributes to the stabilization of industrial life. The employer may depend on his workers when they are bound by a collective agreement. He knows in advance the cost of labour for a fixed period. The threat of a strike is removed and the industrial risk reduced correspondingly. (3) The collective agreement tends to lessen competition of a kind as disastrous for the employer as it is for the worker. When all the employers engaged in the same industrial field are bound by a labour agreement, it is impossible to seek a reduction of manufacturing costs by lowering wages or increasing working hours. (4) Finally, the collective agreement leaves in the hands of the workers the regulation of their own trade. Hence, it constitutes a definite departure from the universal tendency of expecting everything from the state, of committing everything to its care, of burdening it with tasks for which it is unfitted.

The legal extension of the labour agreement proceeds from the same spirit as collective bargaining. It aims at regulating working conditions by making

uniform rules for a whole craft or trade. Especially so long as all the workers in the same trade are not unionized, it would be often difficult if not impossible to secure the operation of a collective labour agreement: except in this way. If the agreement were not extended to cover the whole craft, continuing competition might render it void, if not in its legal effects, at least in its social effects.

Very briefly summarized, these constitute the doctrines and tendencies of the three principal groups of trade unions operating in the province of Quebec. Comparison of the leading ideas of these three groups is not lacking in interest. The Canadian historiographer, Mr. Logan, of whom we have spoken, analyzing in 1925 the doctrine of Catholic trade unionism and the results achieved by the Catholic and National labour organizations in the province of Quebec, admitted his inability to see what peculiar advantages these trade unions can really offer the workers. That depends on the viewpoint from which one considers the matter. If trade unionism's sole object is to secure material advantages for the workers without regard to the social consequences of its actions, one trade union is as good as another. But the conclusion to be drawn is different if trade unionism constitutes at one and the same time a force, a discipline and a factor for order. It must therefore fit into the social organism in such a way as not to throw it out of gear and upset it, but to ensure its most harmonious operation. Order and social peace are conditions to which the workers themselves should cling as the very condition of their own prosperity.

## CHAPTER VI

### NON-LABOUR UNIONISM

In addition to trade unions there are in the province of Quebec professional organizations whose existence should at least be mentioned: the employee unions.

These unions are comparatively few in number. Official publications list them without giving any information apart from names and addresses. A small inquiry conducted among these unions yielded us little in the way of particulars.

It is to be hoped, however, that unions of this type multiply, for the professional association is a social organism of which, even in the estimation of "liberal" economists, the contemporary world has not yet taken the fullest advantage. They are the

very organizations most suited, for the material protection and the intellectual and professional advancement of their members, to assume administration of the varied forms of insurance and assistance with which the current tendency would burden the state. The isolated individual of economic "liberalism" is an easy prey to all exploitations; the state-providence of socialism and communism—a tyranny imposed on the human person—and the totalitarian state of Fascism and Naziism. There remains the state, supreme instrument of society, supported by groups of lower rank and collaborating for the common weal. That is the formula of which trade unionism already constitutes the bait.



## CHAPTER VII

### AGRICULTURAL UNIONISM

For all its name may imply, the *Union Catholique des Cultivateurs* (Catholic Union of Farmers) is not an organization of religious action: it is primarily and essentially a professional association seeking the betterment and the success of its members. But as its membership is recruited from a population that is largely if not entirely Catholic, it founds its action on the social doctrine of the Church. It claims to be thus led to impart to that action its full implication. It does not aim to cause the views of one class to prevail to the detriment of other classes and of society as a whole, but seeks rather to secure for a human group engaged in an essential occupation the place it should hold normally. Hence, there is neither opposition nor domination, but collaboration on a footing of equality with the other classes.

The agricultural formula most widespread in the province of Quebec finds expression in *family farming*, as opposed to *industrialized farming* practised in the Prairie Provinces, for example.

The farmer recruits his help within the family and it is only in exceptional cases that he resorts to hired help. That accounts for the small number of farm labourers in the province. While this formula of agricultural organization has unquestionable social advantages, it is altogether suited to a perpetuation of the individualism, which is one of the innate characteristics of the Quebec farmers; teamwork is difficult among them and the idea of co-operation on the economic and social plan sinks in slowly.

However, there came a time when the need of concerting the efforts of farmers to a greater extent became apparent. It was in the after-war era, during the period of readjustment that followed the exaltation of war and its aftermath. The province of Quebec had embarked on an era of accelerated industrialization. Industrial expansion offered the opportunity of multiplying local markets. But agriculture was not ready to avail itself of the situation. So, instead of encouraging farming, the industrial expansion hastened the desertion of the soil, the proletarianization of rural masses.

The situation called for counter-measures to check the movement of rural desertion, raise the level of farming and place it in a position to profit by the advantages accruing from the presence of more numerous and wider markets.

In the autumn of 1924, 2,000 farmers gathered in Quebec and laid the foundations of the professional association. Since then, the association's onward march has been uninterrupted. In 1929, it founded its publication, *La Terre de Chez Nous*, which now has a circulation of 25,000 copies, and its *Comptoir Coopératif* which groups 90 branches and had a turnover of \$1,200,000 in 1937. This *Comptoir Coopératif* is now merged with the *Coopérative Fédérée*. In 1923, it established the section of forest workers and, in 1936, it organized a system of mutual life insurance which already shows an amount of almost one-half million dollars of insurance in force.

The *Union Catholique des Cultivateurs*, for the promotion and protection of the general interests of agriculture aims: (1) To group all members of the agricultural class independently of all considerations other than that of their occupation; (2) To give the farmers an organization that is truly theirs, that will personify them as a class and will enable them to study their problems and express their will; (3) To place farmers, from the standpoint of organization, on a footing of equality with other social bodies and enable them to work more effectively for their own welfare and that of the whole community; (4) To develop individual initiatives and enable them to operate freely for the common weal; (5) To co-ordinate the activities of existing agricultural organizations of a particular type and organizations to be established in the future; (6) To work for the organization of agricultural producers according to their specialties; (7) To cause the various groups of agricultural producers to profit by the influence of the whole agricultural class; (8) To co-operate in popularizing the teaching of agromonic science; (9) To inform the farmers, by means of investigations undertaken or initiated by the Union, on questions of production and disposal of farm commodities; (10) To work in directing agricultural production methodically so as to meet the requirements of local and foreign markets; (11) To bring about the establishment of new agricultural industries; (12) To encourage the creation of co-operative societies, of credit unions, of mutual insurance companies or of any other organization capable of helping agriculture; (13) To watch and inspire farm legislation; (14) To secure representation for agriculture before public bodies or any

other organization or institution every time and in the manner which the general interest will require; (15) To work to raise the status of agriculture in the public esteem; (16) To work to maintain in the midst of the rural population French-Canadian Catholic traditions that constitute the foundation of our economic and religious existence as a race by adhering always to all the directions and to all the teachings of the Catholic Church relating to questions that are the object of the Union's activities.

The *Union Catholique des Cultivateurs* professes the strictest political neutrality, understood in the sense of partisan neutrality. But it reserves the right to take sides as a group "for or against measures, doctrines, theories and laws that would affect the occupational interests of the agricultural class."

The *Union Catholique des Cultivateurs* has exercised since its inception a deep influence on agricultural legislation.

It asked the federal government for:

(1) A sales agency to facilitate the disposal of agricultural products; (2) The appointment of a commission to review farm debts; (3) The appointment of bilingual officials in the province; (4) Much other legislation, such as the seasonal tariff, the lowering of freight rates on agricultural products, firewood, etc., etc.

It secured satisfaction in respect of its first and second requests. But the Act creating the Marketing Board having been declared invalid, it still maintains its demand.

It achieved a much greater measure of success in the provincial field. The following is a list of its demands accompanied by a statement showing the results achieved.

It requested:

(1) Agricultural instruction: (a) the foundation of middle schools of agriculture, to enable the sons of well-to-do farmers to pursue their agricultural studies; (b) the establishment of extension courses; (c) ruralization of the concession school; (d) teaching of the principles of co-operation and book-keep-

ing. (2) Construction and maintenance of main highways at the expense of the state. (3) Revision of the present system of taxation. (4) Rural electrification. (5) Investigation into the dairy-produce trade in the cities. (6) A system of effective colonization so as to absorb our surplus rural population. (7) Effective agricultural credit: (a) either by means of a provincial commission; (b) or through the medium of caisses populaires. (8) A moratorium on farm debts. (9) Abolition of seigniorial annuities. (10) Observance of the Sabbath. (11) Classification of maple products. (12) Subsidies on the purchase of fertilizers.

It secured:

(1) Agricultural instruction: (a) the foundation of a few middle schools of agriculture. Three of these schools are now being built; (b) the organization of extension courses in three hundred parishes last winter. (2) Assumption by the state of highway expenses. (3) A commission has just been appointed to study the present system of provincial taxation. (4) Within the last two years several laws have been enacted supposedly to checkmate the electricity trust and encourage rural electrification. (5) An investigation by the federal and provincial governments into the dairy-produce trade in the cities and establishment of a dairy-produce commission. (6) A suitable colonization policy. (7) Creation of the agricultural credit bureau and a grant of \$50,000 for "*La fédération des caisses populaires*." (8) Renewal of moratorium on farms debts for a period of three years. (9) The appointment of a commission to redeem seigniorial annuities.

Co-operating with the caisses populaires (credit unions) of which it constituted itself the propagandist and support, and more recently with the *Coopérative Fédérée* with which it has concluded an agreement, the *Union Catholique des Cultivateurs* is in a fair way to raise the economic and social level of an agricultural population which until its advent was dillydallying dangerously with old methods.

## CHAPTER VIII

### TRADE UNIONS AND STRIKES

Strikes are commonly associated with trade unions, though important strikes have been brought on by unorganized unions<sup>1</sup>. As a matter of fact, one does not conceive a strike of any scope and of a certain duration organized by non-unionized workers, hence not enrolled and unaccustomed to a collective effort with a common end in mind.

The right to strike is to-day universally recognized: in France since 1864, in Germany since 1867, in England since 1859 and 1873, even by certain measures dating from 1864; in Canada since amendments were made to the Criminal Code in 1872, 1873, etc. We give further on a summary of the laws which in Canada and in the province of Quebec govern combines and strikes.

Many of us look upon a strike as a state of war. It cannot be conceived that workers would resort to such a course without first exhausting all means of conciliation. Many believe that it is not proven that, taken on the whole, strikes have greatly benefited the workers: economists and sociologists are not agreed on this point.

But it must be acknowledged that in a society such as ours, founded on free competition, in short on force, strikes are an inevitable evil, a necessary arm in the hands of the workers. Hence, efforts should be directed to the adjustment of the economic organization so that calamities of this kind may no longer be looked upon as a normal part of the social fabric. Strikes can be limited and their effects circumscribed by severe legislation by setting up conciliation boards as expeditious and efficient as possible, by the imposition of compulsory arbitration on all trades whose maintenance is indispensable to public security and peace, by the organization and the education of workers and employers, the systematic generalization of the collective labour agreement, and finally education of the public.

The following table contains data respecting the number of strikes that have occurred in Canada and in the province of Quebec from 1901 to 1936 inclusively.

<sup>1</sup> It must be admitted that some unions were the results of a strike. It still remains obvious, however, that the better the workers are organized, the more effectively they can resort to the instrument which is afforded by the strike.

TABLE I  
Number of Strikes in Canada and Province of Quebec, 1901 to 1936 inclusive

	Number of Strikes			Number of Strikers			Days of Work Lost		
	Canada	Quebec	%	Canada	Quebec	%	Canada	Quebec	%
1901-12.	1,319	280	.....	319,880	.....	.....	8,888,381	1,065,551	.....
1913....	113	18	.....	39,536	9,293	.....	1,287,679	85,751	.....
1914....	44	9	.....	8,678	4,534	.....	430,054	167,277	.....
1915....	43	5	.....	9,140	2,738	.....	106,149	15,362	.....
1916....	75	13	.....	21,157	3,605	.....	208,277	52,770	.....
1917....	148	24	16	48,329	8,805	.....	1,134,970	290,632	25.6
1918....	196	15	7.6	68,489	2,652	.....	753,341	86,491	11.3
1919....	298	81	27.2	138,988	37,963	.....	3,942,189	853,773	21.7
1920....	285	53	18.6	52,150	12,920	.....	886,754	221,328	25
1921....	145	25	17.2	22,930	5,511	.....	956,461	236,124	24.7
1922....	85	19	22.4	41,050	10,666	.....	1,975,276	223,343	11.3
1923....	91	25	27.4	32,868	3,254	.....	768,494	82,546	10.8
1924....	73	23	31.5	32,494	5,430	.....	1,770,825	80,209	4.5
1925....	83	23	27.7	25,796	5,513	.....	1,743,996	117,277	6.8
1926....	77	18	23.4	24,142	10,963	.....	296,811	182,570	61.5
1927....	79	14	17.7	22,683	1,051	.....	165,288	45,766	27.7
1928....	101	14	13.8	19,239	3,644	.....	238,132	34,120	14.3
1929....	90	15	16.7	12,924	3,228	.....	154,936	35,669	23
1930....	67	13	19.4	13,768	2,560	18.6	91,797	15,776	17.2
1931....	88	13	14.8	10,738	1,118	10.4	204,238	8,090	3.9
1932....	116	25	21.6	23,390	6,964	29.8	205,000	47,503	18.6
1933....	125	22	17.6	26,558	9,583	36.1	317,547	69,471	21.8
1934....	191	31	16.3	45,800	13,000	28.5	574,519	131,688	22.9
1935....	120	14	11.7	33,269	8,587	25.8	288,703	33,000	11.4
1936....	156	20	12.8	34,812	5,922	17	276,997	33,251	12

Figures taken from *Labour Gazette*.

It would be interesting to illustrate with facts the attitude of each category of trade unions toward strikes. Unfortunately, statistics have never been compiled on that basis.

However, we have secured from the Catholic and National trade unions a presumably complete list of strikes in which they were involved. It is a known fact that these trade unions have displayed in matters of strikes a more cautious attitude than others. Making due allowance for their own particular share of responsibility, the other strikes must be laid at the door of the international trade unions or of independent organizations.

TABLE II

—	Industry	Causes	Settlement	Strikers	Days lost
1915..	Asbestos....	Wage increase..	In favour of the workers.	2,500	7,500
1919..	Carriage works.	" ..	" "	484	3,224
1925..	Footwear....	Wage reduction	" "	207	2,703
1926..	" ..	" ..	In favour of employers.	59	3,422
1929	" ..	" ..	Compromise....	235	2,100
1930..	" ..	Against a closed shop.	In favour of employers.	52	12,000
1934..	" ..	Wage reduction	" "	15	30
1935..	" ..	Against the dismissal of a foreman.	" "	36	1,200
1936	Asbestos....	Dissatisfaction with superintendent.	In favour of the workers.	750	.....
1937	Textiles.....	For collective agreement.	" "	10,000	260,000

The Catholic trade unions involved in the Sorel strikes (summer of 1937) not being affiliated with the Canadian Confederation of Catholic Workers, we were unable to secure information in respect of these strikes.



## CHAPTER IX

### LEGAL STATUS

#### (a) *Trade unions*

Trade unions operating in the province of Quebec may be: (a) registered according to the provisions of the federal law respecting trade unions; (b) incorporated by virtue of the provincial law on trade unions.

As neither registration nor incorporation is compulsory, most unions, at least the international unions, have dispensed with such action. There are customarily two types of unions: (a) recognized unions, that is unions legally constituted or simply registered; (b) *de facto* unions.

These two legal types of unions may be divided, from the standpoint of their composition, into labour unions, employer unions and mixed unions. These various kinds of unions, may in turn form themselves into a federation of unions.

The *de facto* unions have no legal existence; the state tolerates them. They only become unlawful when their members or some of their members commit criminal offences.

#### *Federal Act respecting trade unions* (Revised Statutes of Canada, 1927, c. 202)

This Act enacted in 1872 authorizes a temporary or permanent association established for the purpose of regulating the relations between workmen and employers, or imposing restrictive conditions on the conduct of any trade or business, to register in accordance with the provisions of the Act.

The trade union thus registered is administered by one or several trustees. Registry confers on the trade union: (a) the right to acquire, in the name of trustees, real and personal property, and to dispose of same at its convenience; (b) to institute suit as to its property. The law requires publication of the regulations and the filing of an annual report with the Department of the Secretary of State. It does not authorize proceedings in respect of the following agreements which it declares neither lawful nor unlawful: (a) entered into between unions; (b) entered into between members of the same union with a view to: (1) limiting their right to operate an industry, to dispose of their products or to act as employers or employees; (2) stipulating a fee or a fine for the benefit of the union; (3) permitting the use of the union's funds for the advantage of the members or

non-members who comply with the directions of the union, or paying on behalf of an individual the fine which a court has imposed on him.

The union registered in compliance with the federal law respecting trade unions does not participate in any suit in its own name, but through the medium of its administrators; the union has a *quasi-legal status*.

#### *The Provincial law respecting trade unions* (Revised Statutes of Quebec, 1925, c. 255)

Under the terms of this Act enacted in 1925, twenty or more persons engaged in the same trade, the same occupation, similar trades, or allied works contributing to the creation of the same final products, may make and sign a declaration manifesting their intention to form themselves into a trade association or union.

Minors of 16 years and over, married women (unless their husbands object) as well as aliens (to the extent of one-third only) may join a union. Only British subjects may serve as members of the board of management, and at least two-thirds of the members of any trade union must be British subjects.

In order to form a trade union, the required number of members must forward to the government a petition praying it to authorize them to constitute themselves a trade union and to approve the regulations of the corporation.

The association acquires legal status from the time of publication in the Quebec Gazette of the notice of authorization by the Provincial Secretary, and of the filing of such notice at the office of the Superior Court in the locality where the head office of the union is situated. The trade union thus constituted has the right to institute suit; to acquire real and personal property suited to its particular ends; to create mutual benefit and retirement funds, cheap dwellings, workmen's gardens, information and employment bureaux, trade welfare undertakings, etc.; to organize courses of scientific, agricultural and social instruction, provide publications of interest to the trade, and subsidize co-operative societies; to found union federations; to enter into agreements with other unions, societies, enterprises or persons, notably collective labour agreements; to engage in business and to have its own trade mark or label.



The union must have a head office, keep books, and administer separately each type of service or benefit accorded to members. It must also have a fund for the general expenses of the unions. Special funds may be liquidated without affecting the legal status of the union. The cash in the benefit and retirement funds is unseizable except for the payment of annuities and benefits.

The trade unions constituted under the provincial law may, according to the provisions of section 2 of the same law, form union federations. These federations enjoy within their own sphere of activity all the powers of trade unions. They possess in addition the power to set up boards of conciliation and arbitration called upon to adjudicate in disputes between unions, but the decision requires confirmation by the Superior Court.

The trade unions forming part of a federation are not responsible for its debts; the members of a union incur no personal liability in respect of the debts of such union.

The trade unions thus constituted enjoy all the prerogatives which legal status implies. They fit into the social structure as autonomous organizations, but their operation must synchronize with that of the whole social body. Nothing impedes their action, except that they must take into account the interests of the other social classes and groups.

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The international unions have always been averse to securing incorporation, even the *quasi-legal* status conferred by registration at the Dominion Department of the Secretary of State. The same holds for neutral national unions. Yet, in order to be real factors of order, the unions should, according to the more and more generally accepted opinion in the province of Quebec, be subject to collective liability, become bodies corporate by acquiring legal status.

The Catholic and National Unions, on the contrary, have always sought incorporation. Not satisfied with the semblance of legal status, they demanded insistently and secured in 1924 the general law respecting trade unions which we have just analyzed.

Last March, only four unions were registered at the Department of the Secretary of State, while more than 200 were registered under the provincial law dealing with the same type of organizations. This comparison prompts a question: should the federal government not confine itself to the incorporation of trade unions that enrol their membership throughout the country? Or, again, should it

not leave exclusive jurisdiction in this matter with the provinces? In this connection, here is an opinion we have heard expressed repeatedly:

(1) The federal law should be amended so as to confer full legal status. The present legislation is a half-measure that may have appeared bold at the time of its enactment, that is to say at a time when liberal ideas were permeating institutions and minds, and trade unionism was still looked upon as a social excrescence whose development was not to be too strongly desired. This is not the state of opinion to-day. Experience has shown that the mere play of free initiatives cannot assure social harmony and security. Trade unionism itself is a reaction against unbridled freedom, a return to real freedom. But it was launched in a spirit of opposition and strife that could possibly lead it to excesses dangerous to social order if constituted authorities refused to note its character and subject it to a control that would suppress the elements of ferment contained in its present formula. It is held that the first measure to be taken to this end is the imposition of legal status on trade unions.

(2) (a) The federal law thus amended should only apply to organizations that recruit their membership throughout the whole country and dealing with concerns conducting business in all the provinces.

(b) All other trade union organizations should incorporate under provincial laws. They would continue to form provincial federations. These latter could in turn set up co-ordinating national bodies, by means of private agreements.

#### (b) THE WORKER

We have already outlined the Catholic concept of labour as opposed to the concept of "liberalism."

The Civil Code which serves as a basis for the labour legislation of the province of Quebec springs from a rather individualistic inspiration. Moreover, the sections of the Code dealing with labour agreements are insufficient. Hence, the efforts of Catholic trade unionism have been directed to strengthening the legal basis of their action, and broadening in the largest possible measure the too individualistic conception of the Code by imparting the social viewpoint to the various enactments of which it serves as a basis. Thus, there has been enacted the trade union law already summarized, then the law respecting collective labour agreements and the law governing the legal extension of labour contracts, and finally the Fair Wage law that repeats in a broader form the old Minimum Wage law applicable to women working in industry.

In the field of labour, the law of the province of Quebec sanctions the principle of freedom. Every citizen has the option of choosing the trade that suits him or transferring to another trade. He cannot hire out his services for life. Moreover, for protection of the worker and the public, the law prescribes the conditions on which certain manual occupations may be followed: for example, electricians must pass examinations and secure permits.

Such a situation entails heavy responsibility for the worker: he must seek employment. Since that is so, and since occupations are diverse, organizations to help the worker to find work naturally appeared. Private initiative organized the first employment bureaux. Abuses or what were claimed to be abuses occurred.

The Provincial Government intervened in 1911 to control private bureaux and establish bureaux of its own. In 1918, the Federal Government set up a body to co-ordinate provincial employment bureaux.

According to the provincial law respecting employment bureaux (Revised Statutes of Quebec, 1925, c. 99) amended in 1931 (21 Geo. V, c. 19) and in 1932 (22 Geo. V, c. 47) all employment bureaux must give their services free. Since 1932, private bureaux have been authorized only in exceptional cases. The law tolerates bureaux established by: (a) religious societies that place their wards; (b) labour associations; (c) benevolent societies; (d) employers who recruit their own labour. The following conditions are laid down: (a) a permit must be secured; (b) no remuneration may be demanded from the person seeking employment; (c) a register must be kept.

#### THE LABOUR CONTRACT

Two types of labour contracts may be encountered in the province of Quebec: (a) individual; (b) collective.

The individual labour contract is an agreement "whereby a person undertakes for a certain price (wages) to place his services for a certain period at the disposal of another person." This contract is also called letting services on hire. It is called an apprenticeship when it is made between a worker or a manufacturer and a person to whom the worker or the manufacturer undertakes to teach the practice of his trade. This person obligates himself in return to work for an employer under certain conditions for a stipulated period.

Such a labour contract is made by the mere consent of the parties and, in principle, it requires nothing in writing. It is subject to certain essential conditions.

(a) The capacity to contract for the hiring of services may be determined in the light of the provisions of the Civil Code, sections 985 and 1604. As a rule, every person is competent to contract if he is not declared expressly unfit by law. The Civil Code limits the capacity of minors, interdicted persons, married women, persons provided with judicial advisors.

(b) The consent or adhesion of parties to the contract may be explicit or implicit, stated orally or in writing. Only the seaman must give his consent in writing. Such consent must be well-informed and free, thus excluding error, fraud or violence.

(c) All services not contrary to law, to good morals or to public order may be the subject of a labour contract. We will deal later on with wages which are an obligation on the employer.

The labour contract involves obligations alike for the employer and the worker. The obligations of the worker may be summed up as follows: (1) to execute the work agreed upon; (2) to do so faithfully; (3) to answer for the injury which by his fault he may cause to the employer.

The worker must fulfil his task during the whole period covered by the contract. He must in particular obey his employer's legitimate orders and comply with the rules he imposes.

He must refrain from working for another employer or on his account to the detriment of his employer, from revealing his employer's manufacturing processes, from receiving secret remuneration which defrauds the employer.

Should he violate any of his obligations he must indemnify the employer for the damage caused.

The worker is entitled to demand the wages agreed on or set by law, as well as the fulfilment of his employer's other obligations, for example, that he be provided with the work contemplated, that tools and the necessary materials and collaborators be made available to him, that he be not assigned to tasks other than that for which he was hired, etc.

The labour contract terminates in different ways, whether it is for a set term or an indeterminate period.

If it is for a set term it ceases being effective: (a) at the expiration of the term; (b) by the consent of the parties; (c) for cause of non-fulfilment or impossibility of fulfilment of the obligations by one party or the other; (d) by the death of the worker and in principle by that of the employer; (e) as a rule by the bankruptcy of the employer.

The contract of indeterminate duration terminates also for the above-noted causes, except the first, but cannot be renounced by either employer

or apprentice without previous notice to the other party. The length of notice required varies according to the terms of the contract, the law or municipal by-laws.

The regulations respecting the hiring of services apply to the apprenticeship agreement.

### COLLECTIVE AGREEMENT

The regulation of collective labour agreements dates from 1924, section III of the law respecting trade unions. (Revised Statutes of Quebec, c. 255.) It was amended in 1931 (21 Geo. V, c. 98, s. 3) and in 1936.

The law respecting legal extension of collective labour agreements was enacted in 1934 (24 Geo. V, c. 56) then entirely remodelled in 1937 (1 Geo. VI, c. 49).

The collective labour agreement is a contract relative to conditions of work, passed between the representatives of an association of wage-earners and the employers or the representatives of an association of employers (s. 1 (d) Geo. VI, c. 49).

The legal extension is an instrument whereby the Lieutenant-Governor in Council may order that a collective labour agreement will bind equally all wage-earners and all employers in a given region of the province (s. 2).

The collective labour agreement must be passed in writing, in a prescribed form, or under private seal. It becomes operative as from the time it is filed at the office of the Minister and involves all the rights and recourses which the law provides for the ratification of obligations.

Every party to a collective agreement may request the Lieutenant-Governor in Council to extend the effects of the contract. Notice of this petition is published in the Quebec Official Gazette, in a French newspaper and in an English newspaper. Interested parties have thirty days in which to file their objections with the Minister. The Minister has the power to investigate the merits of the petition and of any objection raised against it.

On the expiration of the time-limit or on completion of the inquiry mentioned, the Minister may ask his colleagues to approve the petition, modified or not as he deems fit, account being taken of economic conditions peculiar to the various regions of the province, and of extra-provincial or foreign competition.

By amendments to the law respecting the wages of workers (Bill No. 19) enacted during the session of 1938, the Lieutenant-Governor in Council reserves the power to amend or revoke at any time the order of extension, and such amendment or re-

vocation must be published in the Quebec Official Gazette.

The provisions of the agreement that become binding by reason of the extension are those that relate to wages, to the period of work, to apprenticeship and to the ratio between the number of qualified workers and the number of apprentices in a given undertaking. The Lieutenant-Governor in Council may also declare binding the clauses of the contract that relate to the classification of operations, and the determination of the various categories of wage-earners and employers, as well as such clauses as are deemed "conformable to the spirit of the law" (s. 10).

An order of legal extension applies (within the region it defines) to every labour contract of the same nature as the contract that is the subject of the collective agreement to be extended (s. 11). It is forbidden to stipulate in an individual agreement wages lower than those set by the order. (s. 12). However, provisions covering individual hire of labour, when they are to the advantage of the wage-earners, are deemed effective except when expressly excluded by the order. (s. 13). The employer and his sub-contractor are jointly responsible for paying the wages set in the order. (s. 14). Publication of the order in the Official Gazette forestalls any dispute as to the incapacity of the parties to the agreement, the invalidity of the agreement or the procedure for which the law makes provision (s. 15).

When a collective agreement is legally extended, the law requires the creation of a joint committee composed of an equal number of employers and employees, which committee is charged with supervising and ensuring the application of the order.

Once constituted according to the provisions of the law, such a joint committee forms a civil corporation of which it has all the rights and powers. In addition to the powers customarily vested in a civil corporation, the joint committee has the peculiar powers necessary to the attainment of its end, including the power of levying from the employer alone, or from the employer and the wage-earner, the sums required for the application of the order. (This levy must not exceed  $\frac{1}{2}$  per cent of the wages nor  $\frac{1}{2}$  per cent of the amount of the pay-list.)

The joint committee must: (a) forward to the Minister of Labour a quarterly report of all sums collected and of their use; (b) hear and consider every written complaint of an employer or of a wage-earner relevant to the application of the order of extension.



The law respecting the legal extension of the labour contract applies to all wage-earners, except the farmer, blind persons, and employees of any railway company subject to the jurisdiction of the Canadian Parliament.

The joint committee may demand from all wage-earners working in a municipality of more than 5,000 souls a certificate of ability and must proceed to this end under regulations approved by the Lieutenant-Governor in Council. When the certificate of ability is compulsory in a municipality, no employer may engage a wage-earner subject to the order who has not secured a certificate. The worker who has not secured such a certificate cannot practise his trade. Exempt from securing the certificate of ability are labourers and wage-earners who hold a permit under a federal or provincial law.

Under section 39 an employer might not prevent a wage-earner being a member of a labour association or dismiss him because of a complaint respecting the labour contract or the order of extension. This section was broadened by amendment of the law relative to workers' wages at the last session.

Henceforth, every person is liable to a fine or imprisonment who prevents or attempts to prevent a wage-earner from joining an association, or makes an attempt on the freedom of work of a wage-earner, by causing his dismissal or attempting to secure his dismissal, or by preventing him or attempting to prevent him from securing work: (a) because he is a member of an association, or (b) because he is not a member of some particular association.

Two other amendments should be mentioned here: (1) The Lieutenant-Governor in Council may make a collective agreement or an order of extension retroactive for a period not exceeding four months from the date of the agreement. (2) Unless otherwise stipulated in the order, the Government of the province, or its various branches, as well as third parties carrying out work for the Government of the province, are exempt from the law of legal extension of collective agreements.

Prior to the recent enactments respecting wages (law respecting the extension of collective labour agreements and the Fair Wage law) the employer and the employee with certain exceptions (Minimum Wage law respecting women and certain federal and provincial regulations) were in law absolutely free to agree on wages. Since the passage of this legislation, all workers except the settler, the farm hand, the farmer and the domestic in a private home are or may be under the system of imposed wages.

Two laws apply: the law extending collective labour agreements, and the Fair Wage law. We have already analyzed the first.

#### FAIR WAGE LAW

(1 Geo. VI, c. 50)

This law applies to all wage-earners who are not protected by the law of extension of collective agreements, except the categories of workers enumerated in the previous paragraph (s. 2).

It is administered by a board comprising not more than five members (four are already in office) appointed by the Lieutenant-Governor in Council. This board acts as an arbitration board on questions of wages and fair working conditions.

The board constitutes a corporation; it possesses corporate rights and powers. Such corporation exists even if no member thereof is in office.

The board may by ordinance determine fair wages and hours of work for certain categories of employees in the territories and for the period it designates (s. 9); determination of such wages may be effected following the report of a conciliation committee which the board has the power of organizing with the approval of the Lieutenant-Governor in Council. These conciliation committees, composed of an equal number of representatives of the organized employees and employers, operate under the chairmanship of a delegate of the board.

An ordinance setting fair wages and determining working conditions, when approved by the Lieutenant-Governor in Council comes into force the 21st day following publication in the *Quebec Gazette* or on any other date which the Lieutenant-Governor in Council sets (Section II). It becomes binding in the region designated for wage-earners and employers engaged in the same trade (s. 15). It is unlawful to stipulate in a labour agreement wages lower than those set in the ordinance (s. 16). Except when prohibited, working agreements more advantageous to the worker than those stipulated in the ordinance retain their full force and effect (s. 17). The ordinance binds jointly the employer and sub-contractor.

The board may conduct all investigations authorized by the Lieutenant-Governor in Council and submit to it conclusions and suggestions respecting the labour of minors under 18 years of age. It may cause to be made by any of its members or any other person the investigations provided for by law or authorized by the Lieutenant-Governor in Council (s. 21).

The powers of the investigators are defined by 1 Geo. VI, c. 25, which also refers to Revised Statutes of Quebec, c. 8, ss. 6, 9, 11, 12, 14, 16 and 18. These powers are therefore quite extensive.

The board may adopt the necessary regulations for its internal management and the exercise of the rights and powers conferred on it by law. Such regulations must be approved by the Lieutenant-Governor in Council: they come into force the day of their publication in the *Quebec Official Gazette*.

The Fair Wage law was amended at the last session (Bill No. 20).

(1) The Lieutenant-Governor in Council may make an ordinance of the Fair Wage Board retroactive for a period not exceeding four months as from the date of such ordinance. It may also at any time after its application alter or revoke any ordinance.

(2) The government of the province or third parties executing work on behalf of the province are exempt from the provisions of the Fair Wage law.

(3) Every person, employer or employee or other, is forbidden to make an attempt on the freedom of work of the wage-earner: (a) because he is a member of an association; (b) because he is not a member of an association; (c) because he is not a member of some particular association.

The Fair Wage law designed to guarantee the worker fair wages, forbids the employer: (a) to dismiss an employee and hire him again on lower terms with the object of evading the provisions of an ordinance, (b) to change for the same purpose a wage-earner's employment or to give another name to his occupation.

The Fair Wage Board has issued eight ordinances since it started operating. Ordinance No. 4 applies to all wage-earners working in urban municipalities. Ordinances 1, 2 and 3 have been recast and apply to municipalities other than urban municipalities. The other ordinances apply to particular industries, among others the textile and silk industries.

#### DURATION OF WORK

The law respecting Industrial and Commercial Establishments (Revised Statutes of Quebec, c. 182) applies to the duration of work but does not make provision for a maximum for the work of men who have reached their majority.

Boys under 18 years, girls and women are not allowed to work: (a) in industrial establishments for more than ten hours in the same day nor for more than fifty-five hours in the same week; (b) in

a commercial establishment situated in a city containing more than 10,000 souls, for more than sixty hours the same week. In the first case, the day must not begin before six o'clock in the morning nor end after six o'clock at night; in the second case, the working hours must be distributed between seven o'clock in the morning and eleven o'clock at night (ss. 15 and 16).

The law provides a certain number of exceptions to these general rules, exceptions that are left to the discretion of the inspector charged with the application of the law.

The Act, 23 Geo. V, c. 40, confers on the Lieutenant-Governor in Council the power of setting the number of hours either per day or per week during which a worker, not engaged in the farming industry, may work. Under the terms of this law the Lieutenant-Governor in Council enacted regulations in 1933 setting forth that in the regions of Montreal and Quebec and also in the Eastern Townships division workers in the building industry must not work more than eight hours a day and forty hours a week.

#### REST

The law respecting Industrial and Commercial Establishments makes provision for a period of daily rest. The regulation applies, however, only to women and children under 18 years of age. There is no definite provision for a weekly rest. The Act limits the number of hours for women and young persons under 18 to 55 a week (week is defined as the period from Sunday midnight to Saturday midnight).

By virtue of c. 123 of Revised Statutes of Canada, 1927, and c. 199 of Revised Statutes of Quebec, 1925, it is forbidden in principle to carry out or cause to be carried out any industrial work for gain, as well as to carry on any business or ply any trade or give theatrical performances on Sunday.

The federal law allows the execution of certain necessary works on Sunday, but the employer must grant the employee kept at work on Sunday a holiday of 24 consecutive hours during the six following days of the week. The subsection providing for an alternative day of rest applied only to persons working more than 8 hours a day and was repealed by the Weekly Day of Rest Act, 1935, which latter statute was declared invalid by the Privy Council. A regulation adopted by the Lieutenant-Governor in Council by virtue of c. 185 of Revised Statutes of Quebec, 1925, compels hotel, restaurant or club owners or lessees to grant their employees a weekly day of rest 24 consecutive hours. Regulations under

this statute do not apply to hotels, restaurants, and so forth, which employ less than five persons, in towns with a population of less than 3,000.

A collective agreement may, under the terms of the Act, limit the hours of work by workers to whom it applies. The Fair Wage law stipulates that the board may impose fair working conditions. In actual fact, Ordinance No. 4 of the board does not fix the duration of work, but sets a minimum week and a maximum week.

#### CONDITIONS OF WORK

The Mining Act, c. 80 Revised Statutes of Quebec, 1925, prohibits the employment of women in mining operations. The Lieutenant-Governor in Council may also debar women from engaging in work in industrial establishments it deems dangerous or injurious to their health. The Lieutenant-Governor in Council has under the terms of this provision enacted a regulation enumerating the establishments where the employment of women is prohibited.

In establishments which the Lieutenant-Governor in Council deems dangerous, insanitary, inconvenient, the age of workers must not be less than 16 years in the case of boys and 18 years in the case of women (s. 2).

The Lieutenant-Governor in Council may also raise to 18 years the age of boys employed in certain industrial establishments deemed dangerous or injurious to their health.

In mines and quarries, "no person can, unless he is: 15 years of age, be employed underground; 16 years of age, be employed at transmitting signals and orders setting in operation machinery used to extract or carry ore; 18 years of age, be employed at operating them; 20 years of age, be employed at operating machines or hoists carrying workers" (s. 147, c. 80, Revised Statutes of Quebec, 1925).

In all other establishments the age of a worker must not be less than 14 years (s. 6, c. 182, Revised Statutes of Quebec, 1925). However, no employer may employ any person less than 16 years of age who is unable to read or write. The inspector may demand a certificate of studies, or he may exempt from this regulation the pupil of a night school who follows its courses assiduously (ss. 8, 9, 10, and 11, c. 182, Revised Statutes of Quebec, 1925). This regulation does not apply to the head of a family who employs his wife or his children in his establishment, nor to persons employing domestics (s. 8).

Section 4 of c. 182 Revised Statutes of Quebec, 1925, embodies the essence of the law respecting sanitation.

"Industrial and commercial establishments covered by section 4, must be constructed and maintained in such a manner as to ensure the security of the personnel: and in the establishments that contain mechanical appliances, machines, transmission gear, tools appliances must be installed and maintained in the best possible condition for the security of the workers." (24 Geo. V, c. 55, s. 6).

"Furthermore, they must be maintained in the greatest possible state of cleanliness; offer sufficient light and circulation of air for the number of employees; be equipped with effective devices to expel the dust created during the course of the work, as well as gases and vapours that are given off and waste resulting from the work; to offer, in a word, all the necessary conditions of salubrity for the health of the staff, as required by the regulations established under the Quebec Public Health law" (c. 186).

Section 5 empowers the Lieutenant-Governor in Council to adopt regulations respecting the security, health and morality of workers in industrial and commercial establishments. The Lieutenant-Governor in Council has enacted general regulations under the terms of this provision.

#### INDUSTRIAL ACCIDENTS

The first Act respecting Industrial Accidents, enacted in 1909 (9 Edward VII, c. 66) was based on the occupational risk which is defined as follows: "the chances of accidents inherent to a profession or trade independently of any fault on the part of the employer or of the worker." It made provision for the payment of compensation to the worker. This Act has been amended on various occasions, notably in 1928 and 1931. The regulations which we analyze hereafter are those enacted under the Act of 1931, as amended in 1933, 1935, 1936 and 1937.

The application of the Act depends on certain conditions which are:

- (1) That an accident or a foreseen occupational disease has occurred;
- (2) That the accident or disease was caused by, or occurred during, the work;
- (3) That the undertaking where the accident occurs is covered by law;
- (4) That disablement or death results from the accident or disease.

The law defines accident as well as occupational disease. It is followed by two schedules enumerating the industries and occupations to which the Act applies. The board charged with the administration of the Act has, however, the power of amending the schedules either by including or removing some industries.



The Act does not apply to the agricultural industry or to the domestic service.

Entitled to reparation are:

(1) The victim of the accident, or (2) if he dies, his dependents.

Compensation is general or special.

General compensation is payable in all cases hereafter enumerated in addition to special compensation.

(1) Costs of (a) medical attendance; (b) nurses; (c) medicine; (d) supply and normal renewal of artificial limbs and orthopaedic aids during a period of twelve months. The victim of an accident may select his own hospital and his physician.

(2) In the event of death, funeral expenses are payable to the extent of \$125.

The Act makes provision for four special compensations: (1) in case of death; (2) of total permanent disability; (3) of partial permanent disability; (4) of total temporary disability.

When the accident causes the death of the worker: (a) the disabled widower or widow (who is the sole dependent) receives a monthly allowance of \$40. If the disabled widower or widow has children, an additional allowance of \$10 is also paid for each disabled child or each child under 18 years of age. (b) Each disabled child or each child under 16 years of age who is both fatherless and motherless receives a monthly allowance of \$15. (c) Each of the other dependents receives a reasonable sum set by the board.

The total sum of the monthly allowances cannot in any case exceed two-thirds of the monthly earnings of the worker during the twelve months preceding the accident, or the average of his monthly earnings during any shorter period during which he was in the service of the employer.

In the event of total permanent disability, the worker is entitled during his whole life to a weekly allowance equal to two-thirds of his average weekly earnings in the course of the twelve months before his accident or of any other lesser period during which he was in the service of the employer. In the event of partial permanent disability, the worker is entitled during his whole life to a weekly allowance equal to two-thirds of the difference between the average of his weekly earnings prior to the accident and the average of what he may earn weekly after the accident in an occupation suited to his state. This allowance may be capitalized into a sum immediately paid.

In the event of total temporary disability: (1) the worker is entitled to medical attendance, only if the disability lasts less than seven days: (2) in other cases he is entitled during the whole period

of his disablement to a weekly allowance equal to the allowance he would receive if his disability were permanent. If partial temporary disability lasts more than seven days, the worker is entitled to the compensation payable in the event of partial permanent disability.

The wages that serve as a basis for the computation of the compensation are determined by the board according to the method it believes best suited to the circumstances. However, wages exceeding \$2,000 are not considered as a basis for computation.

Compensations granted under the terms of the law are inalienable and unseizable.

The Act deals with cases where no compensation is payable (disability of less than seven days' duration, gross and voluntary imprudence on the part of the worker, etc.).

According to the Act of 1931, compensation is paid either: (a) by the employer personally, if this employer's industry figures among those mentioned in schedule 2 or, (b) out of a welfare fund.

This fund is established by law for the payment of compensations, administration costs and expenditures resulting from the application of the Act. It is made up of contributions: (a) from the employers whose industry is mentioned in schedule 1 and, (b) from the province.

Every employer must forward, each year, to the board a sworn statement of the wages earned by all his employees during the twelve months preceding the date set by the board, also all other information requested by the board.

The clerk or secretary-treasurer of every municipality must forward each year to the board a report giving the names and addresses as well as the type of business of employers operating in the municipality an industry referred to in the Act respecting accidents, also a statement of the customary number of their employees.

The board may cause an examination to be made of the books of every employer.

These three provisions are for determining the contributions which employers must pay to the board.

Furthermore, the board may compel an employer held personally liable for the payment of compensation to insure his workers in a company approved by the board and for such amount as the board determines.

A board called the Workmen's Compensation Board administers the Act to the exclusion of every other jurisdiction. It is composed of three members appointed by the Lieutenant-Governor in Council. The board grants or refuses compensations and re-

views them without appeal, but confirmation of decisions by the Superior Court is required. The whole of this procedure is without costs. It is also within the board's province to amend or abrogate the regulations which it deems necessary for the enforcement of the Act.

#### LABOUR DISPUTES

##### (A) Federal laws: (a) Labour Conciliation Act.

When a dispute occurs between employers and workers or between different classes of workers, the federal Minister of Labour may inquire into the causes of the dispute and take such steps as to him seem expedient to enable the parties to the dispute to meet with a view to an amicable settlement; on the application of employers or workers interested, he may appoint a conciliator; on the application of both parties, he may appoint an arbitrator or arbitrators (s. 6, c. 110, Revised Statutes of Canada, 1927).

The conciliator inquires into the circumstances of the dispute and endeavours, after meeting the interested parties, to bring about a settlement of the dispute. He reports the proceedings to the Minister (s. 7).

The Act provides extensive regulations respecting the conciliation of disputes between railway employers and workers.

##### (b) The Industrial Disputes Investigation Act.

This Act, popularly known as the Lemieux Act, applies only to

(a) Disputes that occur between employers and workers in undertakings employing at least ten workers and coming within the legislative authority of the Parliament of Canada, namely: (1) Means of communication between the provinces or between Canada and foreign points; (2) undertakings belonging to aliens; (3) works declared to be for the general advantage of Canada or for the advantage of two or more of the provinces; (4) companies and corporations under federal charter;

(b) Disputes whose settlement by conciliation or arbitration is not within the exclusive legislative jurisdiction of any province;

(c) Disputes which the federal government by reason of any real or apprehended national emergency declares to be subject to the provisions of the Lemieux Act;

(d) Disputes within the exclusive legislative jurisdiction of any province but made subject to the provisions of the Lemieux Act by legislation of the province (s. 3).

The Minister may refer the dispute to a board of conciliation on application of one party, to a dispute on the request of the municipality wherein the

dispute arises or in certain cases of his own motion (s. 6 and 65 Revised Statutes of Canada, c. 112, 1927).

(B) Three provincial laws govern industrial disputes: The law respecting industrial disputes (Revised Statutes of Quebec, 1925, c. 97), the law respecting municipal strikes and lockouts (Revised Statutes of Quebec, 1925, c. 98) and the Fair Wage law (1 Geo. VI, c. 50).

The Industrial Disputes Act stipulates that a dispute between employers and workers cannot be referred to a board of conciliation or arbitration unless at least ten workers are concerned.

A dispute may be submitted to a board of conciliation if one party or the other files an application to this effect at the clerk's office.

Should the board of conciliation fail to achieve a settlement, each party may request the clerk to refer the dispute to a board of arbitration.

This board composed of three members inquires into the dispute and renders its decision within one month after the hearing. This decision is binding on the parties if the latter agreed in writing to put it into effect.

The law respecting municipal strikes and lockouts applies to disputes that occur in municipal fire, police and other services, numbering at least twenty-five employees. It is unlawful for the employees in such services to go on strike or for their employers to declare a lockout before resorting to arbitration.

One or the other of the parties may request arbitration.

The Fair Wage law stipulates that the fair wage board is "an arbitration tribunal in questions of wages and fair working conditions, that it may set up conciliation committees with a view to effecting a settlement between employers and workers as to the determination of fair working conditions" (s. 3 and following). This does not presuppose a conflict, but presupposes a difference of opinion. The board may here play a preventive part.

#### THE WORKER AS A CREDITOR OR DEBTOR

As a creditor or debtor the worker in the province of Quebec comes within the scope of the Civil Code.

By the terms of Act 24 Geo. V, c. 78, wages of workers employed on works undertaken to relieve unemployment with the help of the federal and provincial governments are unseizable. The wages of other workers are absolutely unseizable if they do not exceed one dollar per day, computed on a weekly basis and based on the total sum earned in the course of one week; they are unseizable to the extent of four-fifths, if they do not exceed three



dollars per day; to the extent of three-fourths, if above three dollars per day, but not exceeding six dollars per day; to the extent of two-thirds when they exceed six dollars per day (s. 599, Code of Procedure).

Workers may avoid having their wages garnisheed in the hands of their employers by depositing at the office of the Court the seizable portion of their wages (s. 1143, Code of Procedure).

In the province of Quebec, under the terms of the federal bankruptcy law, the worker may make an assignment for the benefit of his creditors or at the request of the creditors be declared a bankrupt by the court (Revised Statutes of Canada, 1927, c. 11).

#### THE WORKER AS OWNER OF A FARM

As a lessee or owner of a farm, the worker comes within the provisions of the Civil Code. Certain particular rules contained in s. 1646 and following

apply to the lease of farms and rural properties. They will not be reproduced here. It is merely necessary to recall that unless otherwise provided the farm lease expires on October 1.

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These are, briefly, the laws of the province of Quebec that concern the worker directly or indirectly. In part based on the Civil Code in which several of them are deeply rooted and in part inspired by the social doctrine of the Catholic Church, they constitute henceforth if not a perfect at least a coherent whole. Improvements could and should be made here and there. Taken by and large, this series of laws bears witness to the particularistic spirit of the province of Quebec and its adherence to a peculiar and traditional way of conceiving and regulating social relations.

## CHAPTER X

### DISCUSSION

The bulk of the labour legislation of the province of Quebec is of too recent enactment to have already exercised a determining influence on the trend of industry and the cost of production. Moreover, most of this legislation was written into the statutes during a period of such deep economic disturbance—when all the factors were in play—that, even were we convinced of the reality of that influence, it would still be perilous to attempt to measure it with a semblance of precision.

The Act respecting Industrial and Commercial Establishments dates from 1885, that dealing with industrial accidents from 1909. These two Acts, no doubt, had a relative influence over industries and the development of production. But such influence as they may have had could hardly be expressed in dollars and cents. Only a proportion of women workers came under the Women's Minimum Wage Act, even though they outnumbered men in many industries. For that reason, this Act may have affected certain categories of prices to a great extent.

At the present some 115,000 workers of various classes are protected by some sixty collective labour agreements which the law extends to specified branches of trade. Only a minute enquiry into each case would enable one to establish not with accuracy but with a certain degree of approximation the influence of these collective labour agreements on the cost of production and of living. In the opinion of many people, only the provincial Department of Labour could carry such an investigation to a successful issue.

It seems that certain labour agreements did not produce the good effects the workers had expected from them, that they even constitute an obstacle to the resumption of operations in certain branches of industry; as for instance collective labour contracts in the building industries, respecting which there are repeated complaints.

Collective agreements seem to have yielded good results in other branches of economic activity. In the boot and shoe industry the application of the collective agreement had the effect of:

- (1) Increasing the purchasing power of a few thousand workers;
- (2) Regulating an industry which unfair competition threatened with ruin, and restoring a trade through a better classification of workers' tasks;

- (3) Stopping the migration of manufactures from the cities to the rural districts and accordingly checking the increase in unemployment which resulted therefrom in urban centres;

- (4) Regularizing competition, making it more honest and ending the competitive cutting of workers' wages.

The same remarks apply to the collective agreements respecting longshoremen connected with internal navigation at Montreal, printers, and others.

The collective agreement policy has not yet been put to the test. Theoretically, it offers numerous and real advantages. As a matter of fact, a settled opinion will not be possible until a period of falling prices has followed a period of rising prices. The policy is easy to apply in these times when a business revival and confidence in the future encourage employers to display goodwill—the more so since public opinion aroused long ago compels them to treat their employees more justly. The critical moment will occur when, as we have just stated, a period of falling prices follows an upward trend and it will be necessary to readjust wages accordingly. Then it will be the turn of the workers to evince goodwill.

The board charged with the administration of the Fair Wage law has already issued eight ordinances, one of which, ordinance No. 4, applies to all wage-earners in the cities, while ordinances Nos. 1, 2 and 3 which were recently merged apply henceforth to the wage-earners in the rural districts. The other ordinances apply to such and such a particular industry; silks, textiles, etc.

It is impossible to foretell the results of the general ordinances. Ordinance No. 4, which was to come into effect on February 15, had to be revised in the face of widespread representations by both employers and employees. It was put into effect on May 15. Nobody can say yet what its results will be.

The ordinances affecting particular industries may possibly yield results comparable to those accruing from collective agreements—with this difference that in this case the workers are not the architects of their own destiny. It is the state that thinks, intervenes and issues orders on their behalf. If the economic result is the same, there is a marked difference from the social and moral standpoint.

The foregoing review is sufficient to show that the province of Quebec already possesses an impressive and coherent series of labour laws. Most of these laws may be found in the statutes of the other provinces. The law respecting legal extension of the labour contract was adopted in other provinces but with important variations. The basic principle of the Quebec Collective Labour Agreements Act is voluntary collective bargaining, the State intervening only after a collective agreement has been made. The basic principle of the Industrial Standards Act is state intervention with a view to fixing a minimum wage and maximum hours. As for the Fair Wage law, other provinces have a somewhat similar legislation. But, so far, the province of Quebec seems to be the only province where an attempt has been made to regulate salaries not coming under a collective labour agreement.

The province of Quebec was the first to place at the disposal of trade unions a complete legal mechanism, at least in skeleton form. As this legislation was adopted in a goodly measure at the instance of the Catholic and National trade unions, it may be said to draw its inspiration, like these unions, from the Catholic social doctrine.

However, this legislation could be improved and made more definite. The Catholic unions propose certain amendments to this end. (1) In the first place, the law respecting Collective Labour Agreements should make it mandatory on all employers to negotiate a collective labour contract with their workers—providing that the workers have set up an organization offering sufficient guarantees of solvency. This course of action would prevent employers from availing themselves preferably of the Fair Wage law, which is easier to evade than a contract drawn up in good and proper form.

A very serious objection is raised against this proposal: it would wipe out one of the conditions essential to the validity of any contract, namely, the freedom of consent. It is a question, however, how far the freedom of the workers extends under the present system. As a matter of fact, that system only gives them a choice between a labour contract and an ordinance of the Fair Wage Board. Under these conditions, if it is intended to preserve the minimum of freedom indispensable to the validity of any contract, in the opinion of many the legislature may well experience difficulty in complying with the wishes of the Catholic labour organizations. It has been claimed, on the other hand, that such action would scarcely add to the advantages they already enjoy.

(2) In the second place, it is proposed that the law should make it mandatory on all trade unions wishing to avail themselves of the collective agreements law to acquire legal status. 2 Geo. VI, c. 98, enacted at the last session, aims at satisfying the Catholic unions on this score. This law decrees that every trade union that is not vested with collective legal status is not a society in the sense of the Civil Code, but is liable to be summoned before the courts in the same manner as legally recognized unions. The summons applies to all members, and the judgments are enforceable against all the real or personal property of such trade union.

(3) Third, it is suggested the law should authorize the establishment of a court of arbitration (the trade unions call it a higher Labour Council) to which concerns claiming injury from the extension of collective labour agreements might appeal.

As a matter of fact, this court should function as an appeal court. The initiative for arbitration should in such a case be taken by the interested parties themselves; by the manufacturer who claims to have suffered injury, and by the joint committee charged with the administration of the labour agreements at issue, each party appointing an arbitrator, and these arbitrators appointing a third. Either party not accepting the arbitration award could appeal to the court of which we have spoken, and its decision would be final.

The Fair Wage law answered an evident need. Yet there are many people in Quebec who deplore that: (1) the position of the workers should be such that the state must intervene directly; (2) that after one hundred years of active trade unionism the workers are not yet sufficiently organized to retain in their hands the settlement of a question so vital to them as wages.

The state has an instrument at its command: the law. And the law must be framed so as to apply to very diversified and changing social situations. This is an arduous task.

Since it is necessary for the state to intervene in the process of wages, the collective labour agreement appears to be the more supple, the more socially sane and the more economically efficient instrument, even when the agreement is of general application to an entire region—and we are voicing in this regard the opinion of sociologists and of Catholic trade unions themselves. Some of the advantages of the collective agreement are that it can operate without affecting cost prices too severely, that it leaves the initiative to the worker and that it relieves the state of an impossible task.

Hence, many hold to the view that the Fair Wage law should be considered a temporary measure, at all events as complementary to the law respecting collective agreements and consequently intended to be more and more restricted in its application as the wage-earners become better organized and better able to make collective agreements. The statement issued by the chairman of the Fair Wage Board, Judge Ferdinand Roy, on assuming office, is in line with that view. If this view be accepted, the Fair Wage law must be so applied as not to prevent but to encourage the extension of the collective labour agreement system; and the board's activity as an arbitrator should tend to supplant in the long run its activity as a direct regulating agency of wages. Taken by and large, there would be no objection to the Fair Wage Board exercising the functions of the court of arbitration which the Catholic trade unions wish to see established.

The Fair Wage law authorizes the appointment of committees of conciliation that may be useful agencies for the generalization of collective labour agreements. It thus affords employers and workers an opportunity to meet one another and discuss their respective interests. If conciliatory efforts do not culminate in a collective labour agreement, an ordinance regulating the relations of employers and workers or simply settling the points at issue is resorted to. The interested parties believe the prospects are bright that these committees of conciliation will generally bring forth collective labour agreements.

Although the legislation enacted for the settlement of labour disputes is well-intentioned, nevertheless it is virtually inoperative. In the present state of affairs and of mind among both workers and employers, evidence is not lacking that it is difficult to apply compulsory arbitration without prejudice

to the working class. Antagonism proceeding from a now old-fashioned conception of labour and its problems is too deep-seated: only a long social re-education will make arbitration acceptable as the ordinary and natural solution of labour disputes.

Apart from that, many people ask themselves whether the state is more competent in this matter than in the matter of wage regulation. Its part is to bring about such conditions that industrial disputes will be as few as possible. After that has been done, the question may be one to be settled between employers and employees in a spirit of harmony and peace.

Therefore, in the opinion of many Catholic sociologists, the surest means of settling labour disputes amicably is still to be found in the prudent generalization of the collective labour agreement which by its very nature provides a basis for discussion and the constituents of a solution in the event of a dispute.

Made more definite, completed in respect of the aforementioned points (as well as on certain other points such as apprenticeship and conditions relative to the hiring and discharging of workers), and applied in the spirit we have just described, the labour legislation of the province of Quebec seems suited to meet the requirements of the present situation as well as conditions that will very likely exist in the future. A return to full freedom may no longer be conceived, and the mode of regulation which this legislation suggests seems to be the most effective. Its doctrinal inspiration is good, in the opinion of sociologists, and its intrinsic tendencies appear in the minds of a goodly portion of the people of Quebec to be in accordance with the well-understood interests of employers, employees and all society.



SOCIAL LEGISLATION IN THE  
PROVINCE OF QUEBEC

BY  
ESDRAS MINVILLE



## SOCIAL LEGISLATION IN THE PROVINCE OF QUEBEC

### EDITORIAL FOREWORD

Esdras Minville, head of "L'Ecole des Hautes Etudes Commerciales" in Montreal, was retained by the Royal Commission on Dominion-Provincial Relations to prepare a study on the organization of social services in the Province of Quebec and was requested, in view of the purposes of the Commission, to pay particular attention to and explain the conditions peculiar to that province and the important part played by the Church.

The method of presentation and any expressions of opinion are solely the responsibility of the author, and not of the Commission.

Mr. Minville sees the organization of social welfare in Quebec as a concrete expression of the Roman Catholic doctrine, and also of the traditions and character of the people. His study shows that, from the first, the Church carried the burden of social work in Quebec and that it still does so to a large extent. In terms of money, Mr. Minville claims that the value of services rendered by religious orders and institutions is not less than ten million dollars a year. This figure is based on an estimate made in 1931.

The author points out that prior to the social transformation brought about mostly by the advent of large industries, the Quebec system of social welfare was rather simple. The family and the parish together governed the life of the population. The family was self-sufficient, and yet could always count on the voluntary help of the neighbour or of the community gathered around it. When children and old people had to be looked after, religious orders and institutions came to the rescue. There was little need, then, of legal provisions save on very broad lines for the protection of the weak and the poor. Such legal provisions as there were—which are still to be found in the Civil Code—had no other purpose than to prepare the way for private initiative. It is to be noted that they served as a basis for the social laws adopted in recent years.

When conditions made it impossible to carry on without some help from the state, Mr. Minville shows that the existing system was not really changed. For instance, the true purpose of the Public Charities Act, adopted in 1921, was not to establish state institutions, but only to help private or parish institutions taking care of the poor. Many social laws adopted thereafter followed the same inspiration.

Mr. Minville suggests that the people of Quebec, without departing from such an attitude, would not object (1) to federal subsidies for a definite purpose, such as campaigns against cancer, mental diseases, etc.; (2) nor would there be any objection to technicians being provided by the federal government to help the province to organize health and welfare services.

In the matter of pensions, Mr. Minville has gathered that the consensus of opinion in Quebec seems to favour the contributory system. On the other hand he says the majority would be unwilling to renounce provincial autonomy in the matter of social legislation which is so intimately connected with the Civil Code.

Incidentally, Mr. Minville is surprised that special provision is not made for large families in the statutes or social services.

Unemployment, states Mr. Minville, has cost the province of Quebec \$175,000,000 so far, without taking into account the federal contributions. He also quotes other figures to support his argument that should the present tripartite division of costs between the federal government, the provinces and the municipalities be maintained the relative proportions should be changed.

Mr. Minville, somewhat at variance here with the "Commission des Assurances sociales," gives it as the prevailing opinion in the province of Quebec that unemployment should become the sole responsibility of the province, shared of course with the municipalities, and that the federal government should abandon certain tax fields in order to allow the province to meet this responsibility. He argues that unemployment insurance should also be within the jurisdiction of the province.

Mr. Minville ends up with certain suggestions to improve the organization of social services in the province of Quebec and to insure better co-ordination between them. He suggests that a survey would help to that end and would prevent overlapping in many instances. But the point is stressed that the organization of social services in the province of Quebec—in accordance with the mentality of its people—must depend primarily on private initiative.

The first draft of Mr. Minville's study was completed in the summer of 1938. The present study is a condensed version of the first draft, and has been circulated to the Dominion and provincial governments for comment. Final revision was completed in the spring of 1939.

This is a translation of Mr. Minville's study which was written in French.



## CHAPTER I

### TWO ESSENTIAL POINTS

The statements made in the introduction concerning trade unionism in Quebec may be applied here *mutatis mutandis*.

However, a proper understanding of the specific character of social conditions in Quebec province requires a definite and clear comprehension of two absolutely essential points of Catholic doctrine: social justice and charity. Here indeed the nature and character of social institutions are the concrete expression of a doctrine, not merely the result of historical evolution.

The duty of social justice is derived from one of the fundamental laws of human nature: man's duty to society is to return to the community part of the wealth he receives from the community.

"To practise social justice is to reawaken in ourselves the social conscience that almost a full century of individualism has blunted to such a marked degree; to consider oneself as the servant of the commonweal and to understand that whatever improves the lot of the individual contributes to the betterment of the society of which he is a part; to be mindful of the profound repercussions of our activity; never to lose sight of the good or ill that might result from our action, or inaction; not only to serve one's country, but to aspire to fulfil a useful role for the benefit of humanity as a whole, of what Saint Thomas . . . calls: the community of all under the orders of the Almighty."<sup>1</sup>

In other words, and to illustrate by example what the foregoing definition sets forth in general terms, social justice "demands that national and international institutions should work towards the common good; that the product of labour be judiciously distributed among the various classes of producers, that the wealthy should not hug their possessions to themselves in selfish greed, that the poor should vanquish all feelings of rancour or envy; that extreme poverty should not rub shoulders with extreme opulence."

Under these conditions, as things are in our present-day society, organized on the principle of free competition, with the peculiar evils brought about or made worse by existing social conditions,

there are few if any charitable institutions or welfare associations, whether corporal or spiritual, which are not based directly or indirectly on social justice as well as on charity and thus impose a dual obligation on the conscience of all citizens.

In the province of Quebec in particular it was at the precise moment when, under the almost sudden pressure exerted by industry, the ranks of the proletariat were swollen beyond all precedent, that the charitable institutions which, up till then, had succeeded in meeting the needs of the population, were overwhelmed and had to appeal to the state for aid.

This took place about 1921. Ten years later private charity, even when subsidized, was no longer able to cope with the situation. For the first time in the history of the province, the state had to assume direct responsibility for the relief of a new class of indigents—the unemployed—leaving to charity, with or without state-aid, the care of the sick, the suffering and all other destitute classes. These two occurrences which followed each other emphasize the fact that the sudden transformation of our economic structure is in large measure responsible for the new requirements, more numerous and more urgent, with which our social institutions have to contend. It is therefore no exaggeration to say that the duty of sustaining these institutions and undertakings is today more than ever incumbent upon the propertied classes as a matter not only of charity but of social justice.

This phase of the problem had to be pointed out; otherwise one might have been at a loss to understand why institutions whose aim is self-sufficiency accepted, even asked for, the co-operation of the state; there was danger also of misconception regarding the state's attitude toward these bodies and the special peculiarities under which social welfare organizations operate in the province of Quebec.

When we come to consider charity we touch on the very essence of Catholic doctrine. The Catholic conception of charity transposes to the supernatural plane mankind's rather instinctive inclination towards mutual assistance. The Church lays on the faithful the personal duty of charity even unto the gift of one's self, and the performance of this

<sup>1</sup> Rev. Fr. Rutten: "The Social Doctrine of the Church."

obligation is essential to the attainment of their ultimate end. From its very inception the Church associated in one and the same apostolate the teaching of the Gospel and the succouring of human misery; throughout the entire world it sought to raise organizations of all sorts to which, in every age in all climes, it invited the devoted adherence of thousands of men and women desirous of attaining a state of holiness.

Hence derives its attitude toward social undertakings: it is the bounden duty of each individual to provide, according to his means, for assistance to the destitute and the unfortunate, and the state should intervene only when private initiative finds it impossible to supply existing needs. The Church claims that justice and equity are not enough, by themselves, to bring about the era of social appeasement, that legislation does not suffice for the redemption of a soul: there must be an offering of the soul. In the absence of justice, charity would be nothing but an empty word; but without

charity, justice could never triumph nor advance. If justice does away with the obstacles to peace, the causes of strife, charity alone is the architect of peace. If the need for justice brings men closer together, makes them accept social dependence, it is charity that unites them.

This simple reminder of the Catholic conception of social justice and of charity will suffice to explain the character and the nature of charitable institutions and welfare organizations in the province of Quebec. Hence it is not history, it is a thought, a doctrine, which first gave this organization its character. In this field the Catholic Church was the worker of the first hour in Canada; and for a long time she worked alone. It was natural that her work should bear her impress and that, acting in and on behalf of the great majority of the people, she should insist upon, and strive with all her might to maintain here, a regime which reflected her convictions, her own conception of charity—a regime which by that very fact differs from that obtaining in the other provinces.

## CHAPTER II

### THE CHURCH AND SOCIAL WELFARE

#### ASSISTANCE (Works of Mercy)

Therefore, it is not history but a doctrine, a conception of life, that gave their form to the social institutions of Quebec province, and gave them the character they have always had and still have today. Moreover, these institutions made their appearance, grew and branched out in accordance, on the one hand, with the existing needs, and on the other, with the available resources of personnel and of finances. They have improved, following the lines of their doctrinal inspiration, along with the progress of hygiene and science and more particularly according as public opinion crystallized, from one period to another, with regard to these bodies, the part they were called upon to play and the services that might be expected from them; in a word, according to the generally accepted conception of social welfare.

It is important, indeed it is a universally accepted axiom, that in social welfare work the traditions and the character of the population must be taken into account.

Besides the religious fealty of the French-Canadian people, one must consider their racial and cultural characteristics, their tastes, their manners and customs; their past, their hard life, their financial situation; briefly, the factors which, as a whole, from heredity to the material conditions of existence, contribute to the moral physiognomy of a people.

The cult of the family is one of the most generally recognized characteristic traits of the French Canadians. The mode of assistance among the people of St. Justin, described by Léon Gérin<sup>1</sup> gives an excellent idea of the manner in which assistance was carried out among the vast majority of French-Canadian parishes some forty or fifty years ago.

For a great many years, centuries even, this population was exclusively, then later on in great majority, a rural one. These people lived under conditions which were the best fitted not only to preserve but to accentuate their character. It must be added that it is a recognized fact that the population in the country districts does not enter-

tain the same idea of social welfare as do the people in the cities—the needs are not the same. If this population, through the transformation of our economy, has today become chiefly urban, the great majority of city-dwellers are the immediate descendants of rural folk; from their peasant origin, still not remote, they have kept the simplicity of life, the family spirit, at any rate the family instinct—the tendency to retire within the family, which tendency has to a marked degree remained a characteristic trait of our rural population.

Over and above their religious faith, it is in the particularism of the population that one must seek the explanation of what exists in Quebec province in the way of social welfare, and what appears so strange to the citizens of other Canadian provinces.

It is readily understood that the Catholic Church should, from the beginning, have assumed in its entirety the burden of social welfare work and should today sustain a considerable share of it:

(1) The Church was here with the founders, the very first settlers; her missionaries accompanied the explorers everywhere, they were themselves explorers. What she seeks above all is the salvation of souls; in her mind everything else must be subordinate to that mission. But, as we have already seen, she makes of the exercise of charity a personal duty incumbent upon each and every Catholic. There we have the explanation, on the one hand, of her initiative in this field and, on the other, of her wish to see charitable works organized and developed under her authority and protection. The Church could not renounce this, her mission, without being false to herself.

(2) For a protracted period of Canadian history the Church was the only organization, at a time when the state acknowledged no responsibility in the matter, in possession of the staff requisite for the care of the poor. When Canada was founded the Catholic Church, with many more than a thousand years of existence behind her, had a wealth of tradition, of discipline, and was possessed of a powerful material organization. All these she implanted here. From the earliest days of the

<sup>1</sup> "Type économique et social des Canadiens français."

colony the Sister of Mercy accompanied the missionary who preached the Gospel and the nun who taught school. We still see the same thing today in the mission countries. In 1639 there was established in Quebec city the first Canadian hospital, the Hôtel-Dieu of the Precious Blood, which exists to this day and which was responsible for the foundation of numerous other establishments. In 1644, barely two years after the foundation of the city, the Hôtel-Dieu of Montreal was founded, and entrusted, as was that of Quebec, to the "Hospitales" (Sisters of Mercy).

(3) Through the parish, the Church is, in a manner of speaking, ubiquitous—the same could not be said of the civil power, at any rate prior to the establishment of the system of municipalities. The Catholic parish is a veritable social cell: around the church-steeple, and under the guidance of the curé, are grouped the charitable undertakings necessary for local needs. The parish forms part of the diocese—an administrative, as well as a religious, entity. The diocese endeavours to supply the institutions necessary to the Church's mission within the limits of its territory; those institutions in particular which fill needs of a general nature and thus could not be scattered among the parishes: secondary schools, hospitals, homes for the aged.

Hence the part assumed by the religious orders which, limited in their objectives, are under no restrictions in the matter of space. They are instruments at the disposal of the Church for the accomplishment of its mission. The bishops appeal to their congregations according to the needs existing in their respective dioceses. They create new ones if they deem it necessary. Hence the multiplicity of congregations instituted in the bosom of the Church for two thousand years. The Church, therefore, has at hand, even from the purely material standpoint, an organization of extraordinary breadth and extreme flexibility.

(4) The attitude of the Church as regards poor-relief, in all its forms, being what it is by virtue of the Church's own doctrine, and the population being entirely Catholic throughout the whole French regime, and having remained so by a great majority since the advent of the British regime, it was natural for the former to assume spontaneously, and for the latter to yield, the initiative and management of social welfare works—all the more so, let us repeat, since outside of the clergy and the religious orders there was nowhere to be found the requisite resources and experience.

Through succeeding periods, keeping pace with ever-growing needs and the rise of new centres of

population, the religious communities extended their sphere of activity, multiplied and spread out; new ones came from Europe or were founded here at home, and entered the wide-open field of apostolic endeavour through works of charity.

We could multiply the illustrations: the "Hospitales" (Sisters of Mercy), who founded the first Canadian hospital and who are today established in several cities throughout the province; the Grey Nuns of the Cross, a Canadian Order, became one of the most powerful institutions of its kind on the American continent; the Sisters of Providence who maintain at the present time some forty charitable institutions in the province of Quebec, some of them among the most important, etc., etc.

This brings us to a question that comes to mind quite naturally: to what degree does the Catholic Church supply, in the province of Quebec, services usually performed in the main by the government in the other provinces?

Acting, in 1931, on behalf of social insurance bodies, Mr. Arthur Saint-Pierre, professor at the "École des Sciences Economiques, Politiques et Sociales" of Montreal University, estimated at a minimum of \$9,000,000 annually the services rendered by the religious orders to the province of Quebec by way of charitable aid and social welfare work. An investigation into the institutions owned and directed by religious brotherhoods and sisterhoods acquainted him with the following data: number of religious orders, 39; number of establishments, 145; membership of religious orders, 5,261; value of real estate holdings, \$43,340,183; gross income, \$7,844,394; outlay, \$8,224,834.

In the light of these facts Mr. Saint-Pierre proceeds, for the purposes of his demonstration, to the following appraisals:—

(1) \$4,600,000, value of the labour furnished without remuneration by 4,600 members of the religious brotherhoods and sisterhoods. This figure of 4,600 represents a reduction from a total personnel of 5,261 and leaves out invalids, persons assigned to tasks other than the care of the sick and destitute and all those whose occupation might occasion duplication. This first figure appears all the more unquestionable since its basic annual wage of \$1,000 is extremely conservative. It would assuredly be difficult to pay less to a lay staff for performing the same duties in a competent and reliable manner.

(2) \$2,000,000, representing the interest at 5 per cent on the \$40,000,000 of capital invested in real estate. This second figure requires some explana-



tion: (a) 17 out of the 145 institutions owned by the religious orders gave no information regarding their real estate holdings; hence, they are not included in the above total; (b) in a number of cases the properties are appraised below their value; (c) no allowance has been made for the movable property which represents, nevertheless, a considerable sum of money; (d) finally the appraiser himself reduces his own total from \$43,340,000 to \$40,000,000. All these adjustments are to ensure sufficient allowance for the contribution made by benefactors towards the expansion of the communities' resources. The figure of \$40,000,000 thus retained—and it appears ultra conservative to our mind, in view of the drastic eliminations noted above—is representative of what the religious orders themselves have contributed, the fruit of the freely offered labour, the savings and the sacrifices of their thousands of members, of both sexes, who, since the year 1639 have consecrated their lives to the service of suffering humanity in the province of Quebec.

(3) \$3,462,000, representing the difference between the gross expenditure and the sum of subsidies and patients' fees. A total of \$10,062,000.

But here again allowance had to be made for the funds derived from benefactors. For this purpose Mr. Saint-Pierre, no accurate data being available, set aside \$1,062,000, more than one-third of the income entered under the heading "miscellaneous" by these institutions; and he attributes the remainder to the contribution made by the charitable congregations.

What may be the source of this remainder? "The investments made by the orders, the cultivating of farms which belong to them, but above all the work of the nuns and friars outside the charitable institutions and their communities. There are thousands of these people in Holy Orders, both men and women, in the teaching profession, in hospitals under lay management, etc.; what they earn is spent for the benefit of the destitute and is used to make up the deficits of the charitable institutions in their respective communities."

We have thus the justification of Mr. Saint-Pierre's estimate of the value of the services rendered the province by the religious orders, or, to put it another way, the amount saved the tax-

payers of Quebec province thanks to the fact that our charitable institutions are under the direction of these religious communities.

What is the situation at the present time? We have definite information showing that at the end of 1937 the membership of the religious orders had risen from 5,261 to 6,000, at the minimum figure, and the holdings in real property were valued in excess of \$50,000,000. As to the third factor, the difference between the outlay made by these institutions and the funds received from paying patients and from public grants, it has shown no decrease since 1931, despite a general increase in the sum total of official subsidies.

Following Mr. Saint-Pierre's reasoning it is quite possible to show that the contribution made by the religious orders to the social welfare organization of the province is in the neighbourhood of \$10,000,000 at the present time. On the score of personnel alone, \$300,000 may be added to the 1931 figures; the same amount of \$300,000 may be added to the real estate investment. As to the third factor, the 1931 figures appear in nowise exaggerated: The Sisters of Providence, alone, contribute more than \$825,000. Here are the details: official subsidies \$2,039,786, of which sum \$1,213,658 goes to the St. Jean de Dieu Asylum (insane); patients' fees, \$519,396; private charity, \$187,766; other income, \$832,619; Total receipts, \$3,579,489; Expenditure, \$3,573,596. Subtracting the tiny surplus of \$5,800 from the aforementioned \$832,619, we find that the community makes a minimum contribution of \$825,000. We have computed the contribution of the Sisters of Charity of Quebec as being about \$275,000. And so it goes.

The presence of the religious communities at the head of charitable and welfare institutions is responsible for an annual saving of some ten million dollars to the ratepayers of Quebec province. Such are the facts, and to our mind they constitute a sufficiently clear answer to the question asked, viz., to what degree does the Church supply services provided by law in the other provinces? The charitable purposes for which the Church acts through the medium of the religious orders are as diverse and varied as are aid and assistance themselves: hospitals, orphan asylums, insane asylums, etc., etc.

## CHAPTER III

### SOCIAL SERVICE LEGISLATION PRIOR TO 1921

The organization of social welfare in the province of Quebec before the advent of big industry and the resulting transformation of our social economy was simplicity itself. The life of the people was founded on the family and the parish. The family was self-sufficient and could always count on the assistance of the neighbours or the group that had arisen around it. Institutions and religious orders assumed responsibility for the care of the child and the aged.

Hence, legal enactments providing for the protection of the defenceless and the poor, for the care of the sick and the crippled, were few in number and very general in their scope. Save in the case of certain classes of children and of the insane, where the help of the public authorities was provided, these laws were limited to establishing the framework within which private initiative was given free play. Moreover, these provisions of the civil law have been the basis of all ensuing legislation. They are as follows:—

#### I

##### LEGAL STATUS OF THE CHILD

Legitimate children have the right to demand of their parents that they be fed, looked after and reared. In return the child, of whatever age, must honour and respect his father and mother. He is subject to paternal authority until he reaches his majority or is emancipated. The unemancipated minor may not leave the family roof without the permission of his father. He must submit to the moderate and reasonable correction of his father and of those to whom the latter entrusts his education. Moreover he must provide food for his father and mother and other kin, in case of need, in proportion to the need of the claimant and the resources of the one who must give.

The child born out of wedlock has the right to seek to establish, even by recourse to the courts, the identity of his father and mother, and to demand sustenance from the father and mother who have recognized him either voluntarily or under compulsion. He must provide food for the father and mother who have recognized him.

The Civil Code of Quebec province recognizes only judicial or dative tutorship: all tutors are

appointed by the courts or the prothonotaries of the Superior Court on the recommendation of the family council. The tutor assumes the care of the person of the minor ward and represents him in all civil procedures. He administers his property. With the authorization of the judge and on the recommendation of the family council, he may continue an established business, borrow on behalf of his ward, alienate and mortgage his real property, transfer his capital or movable goods, accept or repudiate a legacy bequeathed to the minor, etc. The tutor may not bring about a final distribution of the minor's real property. Before appealing a judgment and in order to transact business on behalf of his ward, he must obtain the authorization of the judge, who grants it only on the advice of the family council.

He must render an accounting of his tutorship, on request of the relatives and connections of the ward, or of the surrogate tutor or of any other interested party, either during or at the expiration of the tutelage.

The minor is emancipated: (a) as of right, by marriage; (b) by the court, on the advice of the family council; at the request of the minor or of his kinsmen or blood relations. The emancipated minor may sign leases of not more than nine years' duration, may receive revenue and give receipts, in a word perform all purely administrative acts. In all other cases he must have the assistance of an administrator appointed in about the same manner as the tutor.

#### II

##### LEGAL STATUS OF THE PARENTS

Husband and wife owe each other mutual faithfulness, aid and assistance. The husband must protect his wife; the wife must obey her husband. The wife is obliged to live with the husband and to follow him wherever he chooses to reside. The husband is obliged to receive her and to supply her with all the necessities of life, according to his means and his position.

In the province of Quebec marriage is dissolved only by the death of husband or wife, since the Civil Code does not recognize divorce.<sup>1</sup> However, for reasons provided for by law, the judge may grant a separation from bed and board. In this case the husband is no longer obliged to receive his wife, nor is she under any obligation to live with him. The wife recovers her full legal status: she may perform all civil acts without marital or judicial authorization. If one of the consorts thus separated be without sufficient means the other party may be enjoined to pay alimony. The children are entrusted to the marital partner obtaining the separation, unless the court should order, for their greater advantage, that all or some of them, be given in the care of the other consort or of a third party. Whoever may be entrusted with the care of the children, the father and mother retain the right to watch over their upbringing and education and must contribute to the cost according to their means.

The rights and duties of the parents are correlative to the duties and rights of the children.

The following may be interdicted: the insane, habitual drunkards, persons making an immoderate use of drugs, and persons committing acts of prodigality which give reason to the fear that they might dissipate the whole of their property. (S. 325 and following.)

Interdiction is decreed by the court after investigation. To the person declared incapable an adviser is appointed who, in the case of interdiction for lunacy, has over the sick person and his property all the powers of the tutor. In the case of interdiction for prodigality, habitual drunkenness, or abuse of drugs, the powers and the obligations of the adviser extend only to the property. (S. 343.)

For those who, without being absolutely insane or spendthrifts, are weak-minded, or so inclined to prodigality as to give reason to fear that they will dissipate their fortune, a curator is appointed. (S. 349.) The latter is appointed after the performance of the required formalities to obtain the interdiction of the mentally diseased. The judgment appointing the curator sometimes defines his powers. In principle, the person to whom he is appointed is prohibited from pleading, transacting,

<sup>1</sup> The Civil Code, section 185, does not allow divorce. Marriage annulments by Rome or by the courts must not be considered as divorces. Such verdicts do not annul the marriage itself; rather do they establish the fact that the marriage never did exist since it was not performed in accordance with the requirements of Canon Law and the Civil Code. The judgment declares the marriage non-existent, hence null and void. With respect to divorce by parliamentary decree, such divorce is recognized in the province of Quebec, since the matter is one of federal jurisdiction.

receiving movable capital and giving a discharge therefor, as also from alienating or hypothecating his properties without the assistance of such curator. (S. 351.)

Section 358 of the Municipal Code authorizes the local corporation to enact a resolution providing for the needs of the poor persons of the municipality who cannot earn their living. The right thus conceded to the municipality, however, implies no legal obligation.

### III

Besides the above provisions of the Civil Code, there were, prior to 1921, in our statutes, laws affecting certain types of children and sick persons. In the first case: law respecting Found Children (Revised Statutes of Quebec, 1925, c. 194); law respecting Immigrant Children (Revised Statutes of Quebec, 1925, c. 195); law respecting Industrial Schools (Revised Statutes of Quebec, 1925, c. 160); law respecting Young Delinquents (Revised Statutes of Canada, 1927, c. 108, amended by 19-20 Geo. V, c. 46); law respecting Reformatory Schools (Revised Statutes of Quebec, 1925, c. 159). In the second case, law respecting Mental Hospitals (Revised Statutes of Quebec, 1925, c. 190, 191 and 192). A summary of these laws is given below.

The Commissioners appointed by the government, by virtue of chapter 194 (Revised Statutes of Quebec, 1925), for the purpose of supervising the Hôtel-Dieu and the General Hospital at Quebec, and the Grey Nuns' Hospital at Montreal and any institution in the Three Rivers District receiving found children, are legal tutors of the found children, admitted to those institutions. They have the powers acknowledged by the Civil Code to the dative tutors.

These institutions, as well as the Saint-Vincent de Paul Crèche, may entrust, by agreement, the care of found children to any person, society or corporation agreeing to raise them.

However, they possess the right to take back, at any time when they judge proper, the care of their pupil. The persons who are entrusted with the care of a child possess the same supervisory powers as the institution itself.

By virtue of chapter 195 (Revised Statutes of Quebec, 1925), societies may be formed to bring and place in the province immigrant children less than 18 years of age. These societies, however, must, beforehand, obtain a permit from the government.

The said permit is issued only if the Cabinet is convinced that the society contemplates bringing only children of good moral character. Any society



thus approved by the government must possess a hospital in the province. If a person who has received a child from the society is unwilling or unable to fulfil the terms imposed, he must, at his own expense, send the child back to the society's hospital.

The Cabinet, if convinced that the society has neglected to fulfil its duties, may cancel the permit it has issued.

The law respecting Industrial Schools in the province of Quebec (Revised Statutes of Quebec, 1925, c. 160), may be summarized to the following essential provisions.

The children enter the industrial school from the age of six. They are sheltered and fed, protected and instructed. They leave the school at fourteen, unless, the cost of their maintenance not being paid, the authorities are compelled to send them back earlier.

Several classes of persons may request the admission to an industrial school of any child, whether or not an orphan, left in a state of physical or moral abandonment by those on whom the child is dependent: (a) the taxpayer (in this case the expenses are borne half by the province and half by the municipality, if the latter has acknowledged its responsibility); (b) the mayor (costs borne by the municipality); (c) the Provincial Secretary (costs divided between the province and the municipality); (d) the judges, on their own authority or at the request of the Attorney-General of the province, or some other party (costs borne by the municipality); (e) the parents, or other persons responsible for the child (costs borne by the parents); (f) the peace officer, within territory subject to the jurisdiction of a Juvenile Court.

The Provincial Treasurer may contribute to the keep of children interned at the request of their parents, in the amount that the ministerial council sees fit to recommend. The municipalities called upon to defray, in whole or in part, the expenses incurred in the care of a child placed in an industrial school may lay claim for recovery against the goods of the child or of those upon whom the child is dependent. Should payment not be obtained in this way and if the municipalities are known to be poor, they may appeal to the municipality of the county which may then divide the cost among the local municipalities. The same procedure may be followed in the case of a child who is penniless or is not a resident of the province.

The law authorizes the directors of industrial schools to place children, under certain conditions, in respectable families or with their relatives; also

to apprentice them or have them employed as domestics for a period which may extend up to their majority. The Provincial Secretary may, *ex officio*, place children in homes without their passing through an industrial school.

The children kept in the industrial schools are not paid a salary when they are apprenticed, but their master must provide for their maintenance and their technical education. If they are orphans, they may receive a remuneration. If the children work at the industrial school, what they earn is applied to the cost of their maintenance and, on their leaving the school, they receive the balance left to their credit.

The Cabinet may order that a child be released from an industrial school, either absolutely or on conditions approved by the Provincial Secretary. The parents are then advised to receive him. If they neglect to follow that advice without cogent excuse, they may be sentenced to a fine or to imprisonment.

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The law respecting Juvenile Delinquents was entirely amended in 1929 by 19-20 Geo. V, c. 46.

It starts from the principle that any child less than 16 years of age or, as prescribed by the federal Cabinet, less than 18 years of age, violating the provisions of the Criminal Code, of a provincial law, or of a municipal by-law, must be treated not as an offender, but as punishable, and in need of assistance, of direction and of proper guidance. However, if the child be more than fourteen years of age the court may order that he be indicted in the ordinary courts, in compliance with the provisions of the Criminal Code, if the court decides that the welfare of the child and of society demand it.

The Juvenile Court is established under a provincial law. The presiding judge is invested with all the powers of a magistrate. The proceedings are held privately. Neither the name nor the identity of the child may be disclosed.

The procedure is as simple as the circumstances and the proper administration of justice will allow.

When the offence is proven the court may, at its discretion, follow one or more of the directions given in the Act.

Whatever may be the decision of the court, it may order the parents or the municipality to contribute to the support of the child in such proportion as the court may determine. The municipality, however, is entitled to recourse against the parents for the money spent in obeying this order.



The court may order that the fine and costs imposed on a child be paid in whole or in part by the child's father, mother or guardian, if convinced that the latter, through neglect or otherwise, were responsible for the offence committed. For such infraction the fine may be levied under the provisions of the Criminal Code.

The juvenile delinquent must not be handed over to a children's aid society nor to an industrial home, nor placed in a family of religious beliefs other than his own, save when it is impossible to do otherwise. The law forbids the sending to an industrial school of a child less than twelve years old, before an attempt has been made to effect the child's reform within his own home, unless, in the opinion of the court, the child's own interest demands that he be confined in an institution.

Save by exception, no juvenile delinquent must be confined in an institution where adults are, or may be, imprisoned.

The Juvenile Court has the assistance of a committee of citizens, called the Juvenile Court Committee, and of a supervisory official clothed with the powers of a police officer.

Whoever deliberately induces a child to commit an offence or to leave the house, the industrial school or the institution where he has been placed by order of the court, is liable to a fine or to imprisonment. The same applies to the father and mother whose neglect is judged to be a contributory cause of a child's criminal conduct.

The Reform Schools Act (Revised Statutes of Quebec, 1925, c. 159), containing similar provisions to the Industrial Schools Act, concerns children found guilty and sentenced by the court.

Children are confined in the reform school from 10 to 16 years.

The Act (Revised Statutes of Quebec, 1925, c. 190), recognizes three kinds of insane asylums: (a) public; (b) private; (c) military.

The public asylums are those which receive patients whose maintenance is paid for by the province. They are under the direction of a medical superintendent appointed by the ministerial council, which fixes and pays his salary.

The public hospitals may admit insane patients able to pay the cost of their maintenance.

The admission of sick persons and their release are subject to formalities provided for by law.

Persons who may be admitted to the mental hospitals at the expense of the government and of the municipalities are: (a) the insane who have not by themselves, or by the persons bound to furnish them food, the means of paying, in whole or in

part, the cost of their hospital care; (b) the idiotic or half-witted, dangerous or scandalous, incapable of providing, totally or partially, for the cost of their stay and of their treatment.

The conditions of admission and of release are provided for in the law. The confinement of the dangerously insane is ordered by a recorder, a magistrate, or a justice of the peace.

The maintenance cost of a needy insane person is paid, half by the province, half by the municipality, of the town or of the county whence the patient comes. The government has recourse against the refractory municipalities. However, if the patient or those responsible for his food are in a position to pay part of the cost of maintenance, the Provincial Secretary may demand from each of them his contributory share.

At the request of the insane patient's parents a judge may appoint a provisional administrator to the non-interdicted interned. This administrator has over the person and the property of the insane all the powers of an ordinary curator whose obligations he assumes. If no provisional administrator is appointed, the medical superintendent and, since the last session of the Quebec Parliament, a curator appointed by the law, has over the person and the property of the interned all the powers of an ordinary curator, which he exercises according to the instructions of the ministerial council.

The government may establish asylums intended to receive the insane sent to a penitentiary or a provincial prison when federal or provincial law so provides. The Provincial Secretary assumes the supervision and the control of all such asylums.

When an insane person is transferred from a prison to an insane asylum, the maintenance and treatment costs are owed and paid by the municipality where the patient was arrested. If the place where the arrest was made is not established as a municipality, the county council in whose limits the territory is located pays all the expenses. Furthermore, if the municipality called upon to pay proves to the Provincial Secretary that the prisoner, prior to his arrest, lived for six consecutive months in some other municipality, the latter must assume the obligation of paying the maintenance costs.

Any person wishing to keep a private insane asylum must, beforehand, obtain a permit, the obtaining and the cancelling of which are subject to regulations provided for in the law.

The law defines the powers and the duties of the owner of a private asylum. Each asylum sheltering one hundred patients or more must have

a resident physician as superintendent. If less than one hundred patients are sheltered, a physician must visit the asylum every day or twice a week, according to the number of patients.

The private asylums are subject to the supervision of inspectors appointed each year by the judges of the peace, at least one of whom must be a physician. Four times a year these inspectors, one of whom is a physician, visit each private insane asylum, enquire as to the regularity of the patients' admission and as to their physical and moral conditions of life.

The province may enter into an agreement with the federal Minister of Soldiers' Civil Re-establishment concerning the establishments of hospitals for the insane veterans within provincial territory. (Revised Statutes of Quebec, 1925, c. 192.)

Any person who wishes to open a private asylum intended for the treatment of habitual drunkards must obtain authority from the ministerial council.

Not more than four such asylums may be established in the province.

No person may, against his own free will, be detained in an asylum by the director, unless the latter is authorized by an order from a judge of the Superior Court.

A habitual drunkard may, on a written request, signed before a judge of the Superior Court, ask a director of an asylum to admit him for the period he decides upon with the consent of the judge. Then that is a sufficient authority for the director to retain such patient for the time thus determined. (Revised Statutes of Quebec, 1925, c. 192.)

## CHAPTER IV

### SOCIAL SERVICE LEGISLATION SUBSEQUENT TO 1921

Such was, then, prior to 1921, the legislation of the province of Quebec in the matter of social welfare. Except in the case of abandoned children, foundlings, delinquents, and the insane to whose support the state contributed, the care of the sick of all classes was supported and carried on by private initiative and private charity. The provisions of the Civil Code protected the aged, children and married couples. Institutions came to the rescue in the case of absolute incapacity on the part of individuals and families. These institutions depended on private contributions for the means which they could not procure themselves.

But with the expansion of industry and the rapid growth of the cities, the needs became more numerous, more urgent, more varied. The simple system then in vogue could no longer cope with the situation. The institutions, overwhelmed, were no longer able, despite renewed appeals to private charity, to supply the requisite help, develop their establishments, improve their equipment, and keep abreast of the march of science, hygiene and social service. The province had to decide to grant financial aid—but in such a manner as not to interfere with the established machinery which it had done nothing to build up. The result was the Public Charities Act, II Geo. V, c. 79, which is today c. 189 (Revised Statutes of Quebec, 1925).

The enactment of this legislation took place only after prolonged debate: Catholic leaders and eminent social workers openly criticized the Act, fearing that it represented the thin edge of the wedge of state interference and finally state control of charitable activities within the province. These fears, widespread at that time in the charitable societies, were entirely in harmony with the French-Canadian and Catholic conception that charity and welfare work were private affairs. After consultation with the episcopate, the government placed its law on the statutes. On the bishops' explicit invitation the religious orders decided to accept its benefits. Following are the essential provisions of the Act.

The Public Charities Act tends to facilitate the maintenance and the hospitalization of the poor. It does not provide for the establishment of

welfare work by the state. It tends only to assist financially the institutions, private or municipal, which are looking after the poor.

The administration of the Act is entrusted to the Bureau of Public Charities, under the authority of the Minister of Health.

The following may be assisted under the Act: (a) private institutions receiving, keeping, taking care of, or admitting free of charge the poor; for example: homes, hospitals, day-nurseries, sanatoria, places of refuge, orphan-homes, etc.; (b) similar institutions operated by municipalities.

In order to obtain the advantages offered by the Act, the institution must be recognized by the Bureau of Public Charities (*Assistance Publique*). The list of recognized social welfare institutions is published each year in the *Gazette Officielle*.

However, the government may, on the recommendation of the Bureau of Public Charities, in cases of emergency and absolute necessity, assist, in the manner it sees fit, the welfare activities of the province. It may guarantee the payment of the annual interest on loans contracted by the institutions for welfare purposes.

The province pays one-third of the costs of hospitalization and maintenance of the poor admitted to social welfare institutions. The Lieutenant-Governor in Council decides upon the maintenance cost of the poor. The municipality, where the poor person lives, pays the second third and the institution itself assumes the other third. In some cases the government may increase its contribution.

An almshouse, in order to obtain the prescribed contributions from the municipality and the government, must show, in the manner provided for in the Act, that the person taken in is destitute. To prove poverty, the institution must demand: (a) a request for admission signed and sworn by the destitute person or one of his next-of-kin certifying his poverty; (b) a signed and sworn statement by the mayor or a member of the municipal council establishing the poverty of the sick person, or, in the absence of the municipal authorities, a like statement made by a magistrate after investigation; (c) a sworn certificate from the medical practitioner, describing the physical condition of

the destitute person and declaring the necessity that he should receive hospital care, if he is a sick person who must be admitted to a hospital, a sanatorium, or similar institution.

In case of emergency and absolute necessity, the welfare institution may admit provisionally a sick person, even if all the formalities have not been complied with, provided this is done later to the satisfaction of the Bureau of Public Charities. The Minister of Health may authorize a welfare institution to admit an indigent person just released from a prison.

To take advantage of the provisions of the Act, the institutions must comply with the regulations enacted by the government. However, a Catholic religious institution is obliged to comply only in so far as the regulations do not interfere with the bishop's rights over the order, or with their religious, moral and disciplinary interests.

The institutions must apply wholly to the maintenance or hospitalization of the destitute persons any grant allowed them by the Bureau of Public Charities and the municipalities. They must keep a record of the names of the destitute persons admitted and allow the representative of the Bureau of Public Charities to examine them. Besides, they must furnish to the Bureau of Public Charities, along with a quarterly statement of account, a detailed statement showing the names of the poor admitted, as well as all other information required by law.

It is the duty of any municipal council effectively to look after the poor residing within the limits of its municipality. If a municipality neglects to pay the amount it owes under the Act, it is liable to prosecution before the courts. It must pay the transportation cost of the destitute person residing in its territory, from his residence to the welfare institution, and return.

The municipality must collect the amusement taxes imposed by the Public Charities Act, and pay them entirely to its social welfare fund. Half of that fund, without deduction of the collection or other costs, is transferred to the Provincial Treasury to be allocated to the Bureau of Public Charities. Any amount of money due to the government under the Act constitutes a prior lien ranking immediately after legal expenses.

In order to meet the expenses provided for in the Act a provincial social welfare fund is established by: (a) a statutory part of the taxes collected by the municipalities; (b) taxes collected for licences of amusement premises according to the Licence

Act; (c) taxes collected from race tracks and admission fees to race tracks; (d) the registry fee on devices used in registering bets or wagers at race tracks and taxes imposed on those bets or wagers; (e) an annual grant of \$1,000,000 from the revenue of the Liquor Commission.

Therefore, the Public Charities Act has regard for private initiative in the matter of social welfare; it keeps in force all the provisions of the Civil Code with respect to obligations of persons in that matter, and does not at all affect the autonomy of the social institutions and organizations.

The Bureau of Public Charities was established in 1921.

In order to facilitate the application of the law, the Bureau of Public Charities has divided institutions into classes according to the needs they supply, and the Lieutenant-Governor in Council decides in each case upon the daily cost of hospitalization. The classification adopted from the start, and maintained with some developments up to 1936, was as follows:—

Class A—General hospitals;

Class A-1—First class general hospitals having a minimum of forty beds at the disposal of the poor;

Class A-2—General hospitals having a less improved equipment than the preceding and a minimum of twenty-five beds at the disposal of the destitute;

Class A-3—Rural hospitals with a minimum of fifteen beds at the disposal of the indigent. Certain homes were receiving incurables;

Class B—Sanatoria and hospitals for tubercular patients. Divisions B-1 and B-2.

Class C—Homes;

Class C-1—Homes for the aged;

Class C-2—Homes for epileptics and paralytics;

Class D—Orphanages;

Class D-1—Orphanages-Industrial Schools;

Class D-2—Orphanages;

Class E—Nurseries, maternity hospitals, day-nurseries, and some organizations not providing for hospitalization or not included in the above classes;

Class F—Homes for crippled children.

The rates are subject to revision and adjustment from time to time according to needs.



For purposes of comparison the 1924 and 1936 rates for daily costs of hospitalization are given below:—

	1924	1936	Government's share	
			1924	1936
A-1.. . . . .	2.01	3.00	0.67	1.00
A-2.. . . . .	1.50	2.01	0.50	0.67
A-3.. . . . .	1.05	1.05	0.35	0.35
B .. . . . .	2.01		0.67	
B-1.. . . . .		3.00		1.00
B-2.. . . . .		2.01		0.67
C-1.. . . . .	0.45	0.45	0.15	0.15
C-2.. . . . .	0.57	0.57	0.19	0.19
D .. . . . .	0.36		0.12	
D-1.. . . . .		0.57		0.19
D-2.. . . . .		0.36		0.12
Nurseries.. . . . .		0.54		0.18
Maternity hospitals.. . . . .		0.51		0.17
Day-nurseries.. . . . .		0.06		0.02
F .. . . . .		0.99		0.33
Incurables.. . . . .		1.50		0.50

In May, 1936, an order in council revised both the classification and the rates, in accordance with the table to be found further on.

In order to spare the institutions costly delays, and sometimes losses, the government itself pays the municipalities' share, and attends to the collection.

Subsequent to 1921, thanks to the co-operation of the state, the social welfare institutions have increased in number, especially in the rural districts, and the already existing institutions, more particularly in the cities, have expanded and improved their equipment. In 1921, the available beds for the treatment of the destitute numbered 4,267, and in 1936, 21,604. These figures give a good idea of the progress accomplished. Institutions which were not in existence in 1921 have been established: for crippled children, epileptics, incurables, and others.

If the state does not exert a direct control over the supervision and the internal management of the subsidized institutions, it exerts, at least, some control over the efficiency of their technical service. As a matter of fact, as noted above, the rates, at least for some classes of institutions, are graded. In order to profit by them the institutions must comply with the standards established by the social welfare regulations as to furnishings, equipment, etc. That constitutes a permanent inducement for the institutions to improve the quality of their service.

TABLE SHOWING THE CONTRIBUTIONS UNDER THE PUBLIC CHARITIES ACT TO THE INSTITUTIONS AND ORGANIZATIONS SINCE 1927

—	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Class A-1 .....	405,964	509,207	646,588	1,113,288	1,146,948	1,521,576	1,936,416	2,153,186	2,917,991	2,086,738
Class A-2 .....	26,453	37,601	50,170	37,557	68,510	144,857	242,564	368,935	419,750	497,236
Class A-3 .....	4,021	5,711	7,142	12,203	17,693	24,320	28,489	73,915	199,679	134,179
Class B-1 .....				70,452	198,796	224,924	227,655	234,361	178,581	247,088
Class B-2 .....	239,078	250,271	273,838	232,308	334,205	489,136	504,272	578,884	613,650	677,084
Class C-1 .....	125,079	130,391	147,130	126,894	142,712	161,782	189,454	204,629	229,631	276,267
Class C-2 .....	33,180	39,882	51,954	38,856	49,937	58,527	81,835	126,209	122,066	152,027
Class D-1 .....				4,493	24,150	33,681	46,863	63,624	79,289	117,372
Class D-2 .....	127,176	123,615	147,952	143,868	174,822	209,964	256,072	281,546	286,086	279,429
Nurseries .....	96,604	113,972	153,495	108,080	157,821	175,112	187,123	214,371	256,339	277,501
Maternity hospitals..	9,151	11,820	12,269	14,356	17,833	16,584	20,412	27,709	25,812	21,863
Day-Nurseries .....	4,645	4,280	5,327	2,116	2,984	2,982	3,565	4,322	3,854	4,002
Class F .....					8,771	2,312	1,586	33,785	27,206	33,360
Incurables .....							11,913	12,342	34,047	42,830
Special grants .....	179,521	189,487	267,280	254,994	361,685	331,696	248,154	200,210	244,210	299,117
Annuities on loans...	200,723	226,065	288,765	398,925	703,528	1,170,910	1,206,703	1,290,492	1,298,867	1,386,054
Miscellaneous .....	136,942	146,105	172,520	180,218	205,261	196,157	211,672	160,507	145,087	6,134
Total .....	1,590,540	1,788,411	2,224,632	2,738,609	3,615,660	4,764,124	5,410,054	6,029,032	6,302,120	6,538,388

## CONTRIBUTIONS OF THE MUNICIPALITIES

—	1927	1928	1929	1930	1931	1932	1933	1934	1935-1936	1936-1937
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Rural Municipalities.	78,123	100,849	122,905	204,503	321,452	254,815	330,675	284,682	385,338	409,224
Montreal.....	350,807	387,998	527,482	622,843	771,136	973,679	1,218,882	1,269,948	1,291,375	1,350,290
Quebec.....	74,211	92,565	119,635	150,989	208,457	257,033	253,951	277,703	280,705	286,219
Verdun.....						47,005	44,010	46,112	51,918	60,160
La Tuque.....								10,438	9,370	11,897
Thetford Mines.....								8,346	8,751	8,359
Saint-Jean.....						5,470		9,655	10,278	9,655
Three Rivers.....	8,582	11,541	14,198	19,179		43,170	43,343	45,694	48,123	59,726
Riviere-du-Loup.....								3,762	3,927	4,587
Saint-Jerome.....								4,521	6,166	5,621
Hull.....						37,157	34,677	42,886	29,980	30,381
Cap-de-la-Madeleine.....								6,857	7,378	9,327
Chicoutimi.....								13,128		15,681
Sherbrooke.....	12,391	12,802	14,806			32,712	29,633	26,235	23,964	22,755
Shawinigan.....								15,103	15,920	13,857
Sorel.....								4,984	5,623	6,409
Jonquiere.....								5,522	8,414	9,221
Lachine.....						7,021		7,663	11,279	10,549
Joliette.....								4,937	7,048	7,445
Total.....	524,114	605,764	809,026	997,514	1,301,045	1,648,065	1,955,173	2,098,244	2,205,562	2,338,119

N.B.—From 1927 to 1934, figures for the calendar year; from 1935 to 1937, figures for the fiscal year.

## NUMBER OF HOSPITAL DAYS

—	1923	1924	1925	1926	1930	1935	1936
A-1.....	219,669	232,970		299,904	556,644	1,008,996	1,043,369
A-2.....	3,296	21,671		18,967	17,443	170,070	191,684
B-1.....	39,002	43,770		135,668	35,216	89,290	125,544
B-2.....					173,364	457,948	505,361
C-1.....	267,765	315,693		404,667	42,298	765,438	920,893
C-2.....	10,284	18,893		67,837	102,252	321,280	400,073
D-1.....	381,895	482,860		509,767	11,825	208,656	308,873
D-2.....					599,450	1,191,817	1,164,287
E.....	485,367						
Nurseries.....		348,372			600,445	1,424,109	1,541,674
Maternity hospitals.....		55,227			84,449	151,841	128,606
Day-nurseries.....		225,270			105,782	192,698	200,136
F.....						41,222	50,546
Incurables.....						34,047	42,830
	1,407,278	1,767,276		1,436,810	2,357,195	6,471,558	6,992,948

N.B.—The figures for the intervening years have not been published.

## RECEIPTS OF THE PUBLIC CHARITIES

—	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Pari-mutuels.....	380,166	261,946	421,010	284,575	301,471	262,478	168,978	143,974	112,648	58,990
Admission fees at the races.....	36,783	48,811	37,582	128,894	35,326	31,317	29,090	17,089	9,748	7,899
Race track licences...	37,911	104,083	36,121	39,113	37,202	38,146	34,029	30,314	15,368	4,488
Amusement licences...	72,128	63,746	78,720	61,602	69,745	66,214	63,314	66,922	69,618	68,335
"Sou du pauvre".....	512,658	452,719	676,582	702,066	655,762	772,007	423,745	463,532	440,113	391,922
Collections from the municipalities.....	461,220	125,777	585,730	1,085,751	872,298	1,284,241	1,405,791	1,620,665	2,381,749	2,007,632
Hotel tax.....	274,512	280,505	303,857	308,308	253,839	266,574	537,636	504,301	493,534	499,083
Liquor Commission...				1,000,000	1,000,000	300,000	1,000,000	1,000,000	1,000,000	1,000,000
Licences (machines)...							1,055	955	280	155
Supertax.....									343,937	303,374
Total.....	1,775,380	1,337,588	2,139,603	3,610,308	3,225,654	3,020,977	3,963,048	4,197,171	4,866,994	4,342,162

CLASSIFICATION AND RATES IN FORCE, NUMBER OF  
HOSPITAL DAYS AND CONTRIBUTION FROM THE  
BUREAU OF PUBLIC CHARITIES IN 1937

Number of hospital days	Classes	General Hospitals	Contri- bution
			\$
947,415	A-1	\$3.00.....	1,894,830
415,178	A-2	2.01.....	556,339
34,378	A-3	1.50.....	34,378
		<i>Special Hospitals</i>	
31,944	B-1	\$1.50 convalescents (40 days)....	31,944
27,925	B-2	1.05 convalescents (40 days sub.)	19,547
187,833	B-3	1.50 incurables.....	187,833
112,390	B-4	1.05 chronic diseases.....	78,673
		<i>Homes</i>	
814,502	C-1	\$0.45 aged.....	244,350
350,397	C-2	0.57 aged in need of care.....	133,150
		<i>Orphanages</i>	
.....	D-1	\$0.35 girls 14 to 16 years.....	.....
1,492,688	D-2	0.45 ordinary orphanages.....	448,106
309,723	D-3	0.57 orphanages—industrial schools.....	117,694
		<i>Maternity Hospitals</i>	
90,624	E	\$0.51.....	30,812
		<i>Nurseries</i>	
562,988	F-1	\$0.60 babies up to one year.....	225,195
378,660	F-2	0.54 babies from one to five years	136,317
1,413	F-3	1.05 sick children.....	389
		<i>Day Nurseries</i>	
177,482	G	\$0.12.....	14,198
		<i>Crippled Children</i>	
81,785	H	\$0.99.....	53,978
		<i>Epileptic</i>	
16,569	I	\$0.75.....	8,284
		<i>Sanatoria and Hospitals for Tubercular patients</i>	
133,591	J-1	\$3.00.....	267,182
464,666	J-2	2.01.....	622,652
5,271	J-3	1.50.....	5,271
		<i>Organizations and institutions not providing hospital care</i>	
.....	X	.....	80,100
.....		Destitute settlers.....	2,702
.....		Special grants.....	172,794
.....		Miscellaneous.....	125,938
.....		Annuities for loans.....	1,289,974
6,638 422		Total.....	6,783,289

The summary of the laws has shown that the cost of the maintenance of a child in the reform schools, the industrial schools, is paid, half by the municipality where the child was at the time of his arrest or internment, but that in either case the municipality may be reimbursed by writ of execution on the child's property or that of the persons obliged to look after his maintenance.

Three reform schools exist in the province of Quebec: Montreal (for boys); Laval-des-Rapides (for girls); Shawbridge (for boys).

From 1922 to 1936, the attendance in those reformatories varied from 404 to 778; the number of detention days, from 163,332 to 294,068; the expenditures from \$241,721 to \$257,481; and the government contribution from \$89,881 to \$175,607.

Since 1936, eight industrial schools are in operation in the province of Quebec: at Portneuf, Laval-des-Rapides, Levis, Montreal, Quebec, Sweetsburg, Giffard, Dorchester.

From 1921 to 1936 the attendance varied from 1,889 to 2,496. The days of attendance, from 634,446 to 1,062,897 in 1932, and 828,091 in 1936; the expenditures, from \$315,711 to \$450,221 in 1932 and to \$444,319 in 1936; the government contribution, from \$156,695 to \$332,678 in 1932, and to \$312,974 in 1936.

Of the seven insane asylums of the province, three are in the Montreal district and four in the Quebec district. Bordeaux Hospital (Montreal) is reserved for prisoners, and La Jemmerais School (Quebec) for the feeble-minded capable of education. Lunatics, idiots, or imbeciles who are dangerous, a cause of scandal, affected by a monstrous deformity, or subject to epileptic attacks and incapable, by themselves or through those who are compelled to assist them, of paying the cost, are admitted free of charge. The province and the municipality where the interned person had his place of residence each pay half of the maintenance cost.

The number of interned persons gradually increased from 6,724 in 1926 to 11,649 in 1936; the receipts of the various institutions, from \$2,563,282 in 1930 to \$4,165,747 in 1936; and the expenditures, from \$2,564,668 in 1930 to \$4,158,971 in 1936.

The institutions for the blind and for deaf mutes are subsidized by the Department of Education as educational establishments, on the basis of so much per pupil per year. There are five such institutions and the number of pupils on a yearly average for the last ten years has been approximately 750. The annual grants aggregate about \$150,000. The government pays also the interest on loans as well as a part of the capital. From 1930 to 1937 it has paid \$290,345 on that score.

Subsequent to 1921, besides the Public Charities Act, the operation of which we have just noted, various laws respecting social welfare have been placed on the statutes.

The Adoption Act (Revised Statutes of Quebec, 1925, c. 196), of 1924, reproduced, so to speak, word for word the Ontario Act. The legislature, however, had not sufficiently taken into account the sentiment of the Quebec population and their

traditional conception of that delicate matter. The law was given a bad reception, and criticized so severely that, early in 1925, the legislature had to revise it entirely. The first Act authorized the adoption of children whose parents still lived and seemed to be very broad—excessively broad—in prescribing the qualifications of the adopter. The present Act more clearly states which children may be adopted and carefully defines the qualifications of the adopter. The essential provisions are as follows:—

A married couple living together may adopt a child of either sex. A widower or a widow or an unmarried person of full age may adopt a child of his or her own sex. The adoption is also permitted of a child of different sex than that of the adopter, widower or widow, provided the adoption goes back to a date prior to the death of the consort. The adopter must be twenty years older than the adopted child, and must profess the same religion. Besides, the adopter must be neither the husband nor the wife, nor the brother, nor the sister of the adopted child.

These children may be adopted: illegitimate children, unless either parent has consented to look after their maintenance and their education; fatherless or motherless children, unless anyone of their relations is taking care of them; children whose father and mother have irremediably lost their minds, when no other relatives can take care of them.

The law defines the procedure to be followed in cases of adoption.

From the date of the judgment pronouncing the adoption, the parents, the tutor or the persons entrusted with the care of the adopted child lose all the rights they possess under the Civil Code, and are absolved from all their legal obligations towards him.

The adopted child enters the family of his adopted parents where he acquires all the rights and assumes all the obligations of a legitimate child.

The judgment ordering the adoption may prescribe that the child shall henceforth bear the surname of the adopter. The adopted child inherits from his adopted parents dying intestate, just as if he were their legitimate child. However, he does not inherit from the parents or the relatives of his adopted father and mother. Should the adopted child die intestate, the possessions he has acquired by himself, or through donation or inheritance, are transferred, according to the provisions of the Civil Code, to his adopted parents.

With respect to the possessions he received through donation, will, or inheritance from his natural parents and relations, they are transferred in the same manner as if he had not been adopted.

A judge of the Superior Court may, for very serious reasons, cancel the adoption.

Since 1936, the province of Quebec has adhered to the old age pension system enacted by the federal government. The following is given as a summary of the provincial legislation (1 Edward VIII, c. 1, amended by 1 Edward VIII, 2nd session, c. 5, and by 1 Geo. VI, c. 82) authorizing the provincial government to enter into an agreement with the federal government respecting old age pensions. The same year the federal government extended the benefits of the old age pension to the blind and the provincial government immediately approved the federal proposal. During the 1937 session also, the provincial government enacted a law establishing allowances to needy mothers. (1 Geo. VI, c. 81.) These allowances have not been paid yet, but the budget presented last winter in both branches of the legislature includes estimates for that purpose.

We wish to draw attention to the Act respecting the reform of the Social Welfare Courts. A summary of these various measures is given below.

Under 1 Edward VIII, c. 1, as amended by 1 Edward VIII, 2nd session, c. 5, and by 1 Geo. VI, c. 82, the provincial government may enter into an agreement provided for by section 2 of the federal Old Age Pensions Act (Revised Statutes of Canada, 1927, c. 156).

The administration of the Act is entrusted to a commission appointed by the Lieutenant-Governor in Council.

The said commission decides upon any application for pension. Its decisions must be based on the conditions established by the law and on the federal regulations, and take into account the provisions of the Civil Code relating to alimony.

It has power to amend its decisions, and the law provides for an appeal to a judge of the Superior Court from any decision rejecting an application for pension.

Notice of the granting of a pension may be registered at the office of the registrar of mortgages in whose district the pensioner possesses real estate.

The old age pension is unassignable, non-seizable and exempt from provincial and municipal taxes.

The minister must be advised of the death of any person 70 years of age or over.

The provincial government is authorized to extend the benefit of the Old Age Pensions Act to the blind over 40 years of age when the federal



government establishes a pension for the blind who have attained that age.

The federal Old Age Pensions Act admits the blind to the pensions allowed persons of the age of 70 years, on the following terms: that the beneficiary be incapable of doing work for which the eyesight is essential; that he has reached the age of 40 years; that he does not already draw a pension for blindness; that he be not in possession of an income higher than \$440 a year, should he be a bachelor or a widower without children, or an income higher than \$640, if married or a widower with children. He must comply with the conditions required from the aged.

I Geo. VI, c. 81, provides for certain classes of needy mothers with families. The administration of the Act is entrusted to a board already in existence or to be established, or to a minister.

The board receives applications for allowances, makes the necessary inquiries and decides the issue. It sets the amount of the allowance, taking into account the sustenance the mother is entitled to demand, under the Civil Code, from her children, her kin or her parents-in-law, and the regulations made by the Lieutenant-Governor in Council. It orders the payment of the allowance granted. It must submit a report of its administration to the government.

The following are eligible for allowance: (1) Any mother who is a widow or the wife of an interned husband; who has been a British subject for at least fifteen years and a resident of the province for seven years preceding the application for allowance; who produces satisfactory guarantees of ability to provide children with a mother's care; who is without the necessary means to supply the needs of her children less than 16 years old; and who keeps with her at least two children below 16 years of age, and continues to reside in the province.

(2) Certain grandmothers: when a mother who has been or might have been accepted as eligible for an allowance dies or is interned, the grandmother who keeps with her, and takes care of, at least two children of the said mother, said children being less than 16 years of age, may receive the same allowance as the mother, if she complies with such of the foregoing requirements as apply to her.

All allowances are paid by cheque. The recipient cannot cash the cheque save on her endorsement being certified to by a member of the clergy, the secretary-treasurer of a municipal council, a bank

manager, a justice of the peace, a commissioner of the Superior Court or the secretary-treasurer of a school board.

The allowance paid to a destitute mother cannot be transferred nor garnisheed and is exempt from all provincial or municipal taxes.

In 1937 there was passed by the Quebec legislature Act, 1 Geo. VI. c. 75, respecting the Courts. Division VII of this Act is entitled: Social Welfare Court.

The Lieutenant-Governor in Council may establish a Social Welfare Court for a city or town with a population of over 25,000 souls, or for a group of cities or towns aggregating at least such population. The court is presided over by a judge appointed by the government. The government may also enact that any such court shall be presided over by a judge of the Court of Sessions or a district magistrate.

The court exercises the powers conferred on it by the competent authority. In particular, the judge who presides over the court exercises the jurisdiction provided for under the Juvenile Delinquents Act (19-20 Geo. V, c. 46); chapter 160 (Revised Statutes of Quebec, 1925) Industrial School Act; chapter 189 (Revised Statutes of Quebec, 1925) hospitalization of indigents under the Quebec Public Charities Act; section 7*a* of the Quebec Old Age Pensions Act; sections 22*a* and 46 of 190 (Revised Statutes of Quebec, 1925) admission of the insane to asylums. The judge of a Social Welfare Court shall, in addition, within the territory of his jurisdiction, promote good relations between consorts. For such purpose he shall act as conciliator, when so requested, in any dispute between consorts. He advises such persons as may apply to him in the case of offences committed by juvenile delinquents.

When a Social Welfare Court is established for the city of Montreal, the Juvenile Delinquents' Court in such city shall cease to exist.

Such are the main features of Quebec legislation respecting the charitable activities of social welfare work. There are other laws relating to social welfare: (a) laws regulating salaries and wages; the Workmen's Compensation Act; the law concerning the safety of workers, etc., examined in our first *mémoire*; (b) laws for the relief of unemployment, laws respecting public hygiene, etc., which we intend to review in the chapters relating to unemployment and health services.

## PRIVATE CHARITY

As we have seen, the government subsidizes the hospitals and other institutions which benefit by public charity. But, from the beginning of the depression these institutions were unable to accommodate all cases of hardship. The Dominion, the province and the municipalities come to the aid of the unemployed and their families by means of unemployment benefits and relief work. However, only those who are unemployed within the meaning of the Act are entitled to receive such assistance; moreover this assistance is not sufficient to meet all needs.

Briefly, the government has, so far, given no aid to widows, ailing mothers, invalids, friendless women, crippled or disabled persons, homeless old people who have not reached an age entitling them to a pension, and unprotected youth of both sexes.

The initiative is not the government's in the investigations needed to discover hidden hardship and misery.

What the public authorities thus close their eyes to is taken care of by social welfare organizations which, both public and private, work together smoothly. But in this day and age personal charity cannot accomplish what it could in days gone by when destitution, particularly in our large urban centres, was not so widespread or, more accurately, was not so concentrated as it is today. Henceforward collective charity must cope with collective poverty.

Charity must go further. Living conditions in our day are so complex, so diverse, so fluctuating that charity can no longer confine itself to the usual method of secret almsgiving, whose only object was the temporary relief of poverty or illness. Nowadays we must strive to prevent at least as much as to cure: such is social service according to present-day standards, whether accomplished by public bodies or by private initiative. To this end all waste of money or energy must be avoided; hence the necessity of co-ordinating all welfare undertakings with a view to their increased efficiency. This is the explanation of the study councils and centralized filing-systems, on the one hand; and of the pooling of welfare funds, on the other.

In Quebec province, Montreal was the only city to unite its social service organizations in a federation for the purpose of raising money. Montreal has also established co-ordinating bodies, social service councils, central card-indexing, etc.; but these are still incomplete. In Quebec city there is a central organization of Catholic agencies. We are not aware of any similar organization in other cities. Less densely populated than the metropolis, and comparatively less overtaken by pauperism, they can manage, for the present at any rate, with a less elaborate organization.

Montreal's welfare agencies were united into four groups, based on nationality and religion: the Montreal Council of Social Agencies, founded eighteen years ago, and which established the Financial Federation, an outgrowth of Federated Charities, a communal fund for Protestant agencies; the Federation of Jewish Philanthropies, the oldest organization of its kind in the city; the Federation of Catholic Charities, central body of English-speaking Catholic social service organizations; finally, the *Fédération des Œuvres de Charité canadiennes-françaises*, under which are grouped a certain number of French-speaking Catholic agencies.

## I

The Protestant population of the province, mostly resident in the metropolis, aims to follow the organization methods of Protestants in the other provinces rather than the Catholic system. The reasons for this are quite evident. We must add that they furnish a magnificent example of methodical and efficient action. Endowed with greater resources than the Catholic population, more particularly the French; having to deal with a smaller number of cases; and being in contact with the large cities of England and the United States, where social welfare organization is already far advanced, the Protestants of Montreal have succeeded, better than the French-Canadian population, in organizing their welfare agencies along the lines of the most recent developments in social service. Preventive services are developed to the highest degree; every effort is made to preserve the family and the home, to help and encourage the

person on relief; in a word, to quote the modern formula of charitable work: "To help the poor to help themselves." This point of view is undeniably the right one. Not only must a Catholic not disdain such an example; rather should he praise it, for if the thought which animates him in his acts of charity differs slightly from that of his Protestant brethren, this thought does not go so far as to exclude, rather does it lay stress on, every effort to ensure the greatest possible technical and social efficiency. If, as so happens, the French-Canadian Catholics have been slow to organize their social welfare activities along modern lines, it was for all sorts of reasons other than a question of principle, as we shall see.

The Montreal Council of Social Agencies, then, in a province where social works, despite state-aid, are still in the hands of private initiative, presents a magnificent example of methodical and coherent organization. It groups together, either directly through the affiliation of the undertaking itself, or indirectly through the affiliation of its own social service organization, the principal agencies of preventive or remedial aid, material or moral, of the city's Protestant population—which, we repeat, represents the great majority of the Protestant population of the province. It co-ordinates their activities and thus ensures the highest possible degree of efficiency.

According to their objective, the organizations affiliated to the Montreal Council are divided into four groups corresponding to the main modern divisions of social service.

The Montreal Council of Social Agencies comprises: (1) self-supporting organizations; (2) those in receipt of aid from the community chest of Federated Charities. The latter group includes the 32 bodies given in the list below, plus the Montreal Council of Social Agencies itself.

Among the self-supporting agencies, a certain number, like the hospitals, orphan asylums, homes and others not of a hospitalizing nature, receive grants from the "Assistance publique."

In 1936 the Financial Federation, which has charge of the annual Federated Charities campaign, contributed the following amounts to the divers member organizations:—

Big Sister Association.. . . .	\$ 6,775
Boys' Association.. . . .	12,789
Boys' Home.. . . .	23,611
Brehmer Rest Preventorium.. . . .	1,498
Canadian National Institute for the Blind.. . . .	4,800
Child Welfare Association.. . . .	21,280
Child Welfare Health Service.. . . .	18,451
Children's Bureau.. . . .	57,235
Daily Vacation Schools.. . . .	1,500
Day Nursery.. . . .	7,247

Diet Dispensary.. . . .	8,704
Family Welfare Association.. . . .	173,145
Girls' Cottage Industrial School.. . . .	10,660
Griffintown Club.. . . .	13,868
Industrial Rooms.. . . .	4,613
Infants' Home.. . . .	14,152
Ladies Benevolent Society.. . . .	12,597
Mental Hygiene Institute.. . . .	17,407
Montreal Industrial Institute.. . . .	2,181
Montreal Council of Social Agencies.. . . .	12,836
Montreal Council Handicapped Workers' Bureau.. . . .	1,976
Murray Bay Convalescent Home.. . . .	2,888
Negro Community Centre.. . . .	4,659
Orphans' Home.. . . .	6,148
Parks and Playgrounds Association.. . . .	20,018
Prisoners' Aid and Welfare Association.. . . .	3,793
Protestant Bureau for Homeless Men.. . . .	5,716
Sheltering Home.. . . .	3,529
Society for the Protection of Women and Children.. . . .	17,018
University Settlement.. . . .	14,408
Victorian Order of Nurses.. . . .	84,941
Westmount Social Service Association.. . . .	8,423
Women's Directory.. . . .	17,054
Young Women's Christian Association.. . . .	48,222

**\$ 672,567**

Protestant Employment Bureau (designated subscription)	16
Financial Federation.. . . .	34,703
Subscription designated for a special purpose.. . . .	5,500

**Total Expenditure.. . . . \$ 712,786**

## II

The Federation of Jewish Philanthropies is the oldest collective social welfare fund in Montreal. The Protestant population first founded the Montreal Council of Social Agencies, which in turn established the Financial Federation, which handles the annual fall drive for the Federated Charities. The Jewish population already had their own community charities' chest before the Montreal Council had organized theirs. But in Jewish Philanthropies centralization goes much further than under the Montreal Council: the latter simply collects the funds necessary and distributes them among the various agencies in proportion to their requirements; Jewish Philanthropies take charge themselves of the welfare organizations. They have one office, one treasury, one accounting system. All their activities centre in the headquarters at Baron de Hirsch Institute. An important saving is thus made in administrative costs. Whatever agencies are not provided for out of the common treasury are, needless to say, under separate management.

Such a measure of centralization is feasible among the Jewish population which, small in numbers, supports only a limited number of organizations. The extent of the Protestant activities in Montreal would make it much more difficult in their case. It would be practically impossible in the case of the Catholic population. Besides, the nature of the social service agencies created by the



latter and the decided decentralization that is a marked feature of its social organization would operate against any such administrative concentration.

Like the Protestants, the Jews have co-ordinated their social good works, without any definite recognition of an identical conception of social welfare. The works concerned have mostly to do with aid and assistance. The problem of prevention receives a certain amount of attention, but not to the same extent as among the Protestant organizations. No doubt the explanation is to be found in the peculiar situation of this race in our country and throughout the world. The following is a list of the agencies patronized by the Jewish population of Montreal (which comprises the very great majority of the Jewish population of the province) and financed by the Federation of Jewish Philanthropies:—

	1936
Family Welfare.. . . .	\$85,808
Le Cimetière.. . . .	2,266
Assistance juridique (Legal Advisory Bureau).. . . .	5,621
Hebrew Old People's Sheltering Home.. . . .	35,351
Herzl Dispensary and Hospital.. . . .	11,042
Mount Sinai Sanatorium.. . . .	72,570
Juvenile Aid.. . . .	3,327
Hebrew Ladies' Sewing Society.. . . .	493
Neighbourhood House.. . . .	4,540
Jewish Employment Bureau.. . . .	30,081

Over and above these organizations entirely financed by the Federation (save where there is a government grant) the Federation pays subsidies to the following: Young Women's Hebrew Association; Canadian National Institute for the Blind; Jewish Service; Montreal Convalescent Home; Shawbridge Boys Farm and Mackay Institute for the Blind and Mute.

Finally the Jewish population has organized and patronizes a certain number of self-supporting activities: Young Men's Hebrew Association, endowed by Sir Mortimer Davis; Young Hebrew Malbish Aruim Society; Laurentian Fresh Air Camp; Jewish Central Hospital; Women's Auxiliary of the Jewish Hospital; B'Nai Brith Camp; Hebrew Consumptive Aid Society; Council Camp; Hebrew Educational Institute (free education of poor Jewish youth); Hebrew Ladies Relief Society (distributes provisions among poverty-stricken families); Bikur Cholim Society (material assistance to sick persons); Workmen's Circle Centre Club; Women's Social Service (free milk distribution to the poor); finally, Occupational Therapy for patients at Mount Sinai Sanatorium.

### III

The agencies supported by the Federation of Catholic Charities are divided into three groups: relief and social service; hygiene and health; aid in and through institutions:—

	1936
Catholic Welfare Bureau.. . . .	\$112,746
Family Welfare Division	
Children's Division	
Unmarried Mothers' Division	
Care of the Aged	
Catholic Employment Bureau.. . . .	3,600
Parish Production Unit.. . . .	1,900
Catholic Men's Hostel.. . . .	6,233
C.W.L. Residential Club.. . . .	6,240
St. Martha's Home.. . . .	3,240
Homeless Catholic Boys.. . . .	6,500
Business Girls' Bureau.. . . .	2,480
Catholic Girls' Association.. . . .	5,210
Colonies de vacances.. . . .	3,000
St. Patrick's Orphanage.. . . .	8,000
St. Ann's Day Nursery.. . . .	1,379
Canadian National Institute for the Blind.. }	2,500
Association for the Blind.. . . . }	
Victorian Order of Nurses.. . . .	6,000
Child Welfare Association.. . . .	1,000
Mental Hygiene Institute.. . . .	500
Social Service Exchange.. . . .	222
Canadian Welfare Council.. . . .	500

This shows the very close co-operation existing between English-speaking Catholic works of charity and Protestant charitable activities. This is readily understood: except religious beliefs (and here, moreover, in both instances, charity is given precedence over every other consideration) nothing divides them: they are of the same language and the same nationality.

### IV

The Fédération des Œuvres de Charité canadiennes-françaises was organized in 1933. The end in view was to increase the tempo and to meet, by any and all means, the crying needs that our traditional institutions were no longer in a position to care for; and to attain this objective through methods combining efficiency and the smallest possible outlay. The French Canadians make up two-thirds, almost three-quarters, of the entire Montreal population, and their situation may be stated thus: greater needs, less resources. Furthermore, as we have already noted and will have occasion to mention again, their traditions in the matter of aid and assistance had not prepared them for team-work, nor for the systematic organization, following tried and proven plans and methods, of what is called social welfare. This explains why they were not so prompt to set about it as were the other elements of Montreal's population.



The Fédération des Œuvres de Charité canadiennes-françaises comprised, at the time of its last campaign, twenty-two agencies whose purpose was the alleviation, in one form or other, of poverty and hardship. Some of these bodies made a direct attempt at preventive work. On the whole, the organizations are more or less the same as those which go to make up the English speaking federations:—

	1936-37
La Société Saint-Vincent de Paul.. . . .	\$142,200
L'Assistance maternelle.. . . .	70,200
L'Aide à la Femme.. . . .	2,350
Les Œuvres de Notre-Dame de la Merci.. . . .	2,700
L'Asile de Nuit St. Jean-Baptiste	
La Maison Ignace Bourget	
Le Refuge de Notre-Dame de la Merci	
L'Assistance publique.. . . .	4,500
Les Aveugles.. . . .	9,000
Les Camps d'été.. . . .	25,395
Les Grèves	
Le Camp de Santé Bruchési	
Le Grillon de l'Aide aux Enfants Infirmes	
La Colonie de vacances Jeanne-d'Arc	
Les Cantines scolaires.. . . .	8,100
La Fédération d'Hygiène Infantile	
(Free milk distribution in the parishes)	
Les Patronages.. . . .	3,285
Le Secours aux chômeuses.. . . .	2,250
L'Assistance féminine.. . . .	900
L'Aide aux prisonniers.. . . .	1,000
L'Union Nationale française.. . . .	2,160
Conseil Catholique d'Etudes et de Service Social.	1,845

The above list, complete as regards the Fédération des Œuvres de Charité canadiennes-françaises, is far from giving an accurate idea of the number or scope of Catholic welfare activities in Montreal. Every parish has its own, often quite numerous. Certain parishes, such as St. Stanislas, seat of the Institut Notre-Dame du Bon Conseil, have organized social welfare work in the people's homes. Most, not to say all, of the institutions under the direction of the religious orders have what they call their activities of out-door relief. For instance the Asile de la Providence has established the Œuvre de la Soupe (Soup-Kitchen). In 1937, La Soupe, as it is commonly called, distributed 358,355 meals; beyond that it helped 1,711 families, made 4,386 visits to the poor, treated 4,917 sick persons in its dispensary, filled 4,516 doctors' prescriptions, dressed 2,900 wounds, distributed \$10,000 worth of food and clothing among paupers, contributed \$3,500 to the protection and education of orphans, obtained 39,672 days of hospitalization for 175 old people. And this organization is financed by its own efforts! To give some idea of the extent of this "out-door relief" performed by the religious orders, we give here the statement of the activities of the Institut des Soeurs de la Providence for the year 1937: the nuns of the 48

houses of the Institut, both charitable and educational, cared for 5,038 ailing patients in their own homes, making 34,787 visits and watching through 618 nights; they made 22,916 visits to the poor and gave help to 4,691 families, served 588,585 free meals and made distribution of money and clothing to the value of \$35,870. The dispensaries of the Institut treated 31,282 patients, filled 21,357 prescriptions and dressed 22,442 wounds.

This order is established throughout the province, but the main centres of its activities are in Montreal. We must insist, at this point, that the great number of religious orders are in the same position, no less generous, no less devoted. These figures give some idea of the scope of the help thus distributed and the services rendered to the poor—and all this is entirely unknown to 98 per cent of the population. No census has ever been taken—and this is unfortunate—of the organizations which accomplish their tasks in silence. This lack should be remedied at the earliest possible opportunity. Such is the intention of the Conseil des Œuvres, created by the Fédération. The lack of co-ordination obtaining at the present time, and the consequent duplication, occasion a waste of energy and money and open the door to fraudulent practices, since physical and moral bankruptcy sometimes go hand-in-hand.

When the census has been completed the agencies will be in a better position to co-ordinate their activities, thanks to the parish card-indexing and the central filing-system at headquarters. A beginning has already been made in the case of the central system; although not applied, as yet, to the organizations under the Fédération, it has already given excellent results.

Not only does the Fédération not include in its groupings all relief agencies; it pays practically no attention to those welfare societies whose purpose is moral guidance and education, etc.

This is so with respect to the Œuvre des Foyers and the numerous feminine activities centred in the Fédération Nationale Saint-Jean-Baptiste; as also of the services among youth, created or reorganized in recent years, under the prompting of the Action Catholique group, and concerning which we shall have something more to say further on. In Montreal the Association Catholique de la Jeunesse Canadienne (A.C.J.C.) has been in existence for some thirty years. Lately it has become the co-ordinating organization of youth activities. At the same time it has made a slight change in its program, aiming to accomplish, to some extent

at least, for Catholic youth, the services performed by the Y.M.C.A. for Protestant youth. It runs the Palestre Nationale, a recreative centre for physical culture, intellectual pursuits, etc.

In Quebec city, Catholic agencies are being well organized: all are being grouped under the general heading of Action Sociale Catholique.

Action Sociale Catholique is a legally constituted organization having as its aim the promotion of the interests of the Catholic Church in the diocese of Quebec. Its main methods are education and action.

This education has as its objectives: (1) development of the Catholic conscience; (2) education of the Catholic social conscience; (3) the study of social problems; (4) to make Catholic life known, by three methods: (a) study clubs; (b) lectures and conventions; (c) the press.

Its activities extend to associations: (1) religious; (2) moral hygiene; (3) benevolent; (4) economic.

Headquarters for diocesan activities are in the office of Action Catholique. The organization is under the direction of a standing committee composed of nine members, besides a director general. A diocesan committee gives special attention to women's activities.

Among the agencies affiliated to the Federation we may mention:—

(1) The diocesan *Association Catholique de la Jeunesse Canadienne* (young men's section) grouping the associations of young industrial workers, agricultural workers, students, etc.; the *Association Catholique de la Jeunesse Canadienne Féminine*, the young women's section of the *Association Catholique de la Jeunesse Canadienne*, under which are grouped the feminine associations corresponding to the young men's societies mentioned above; the *Scouts Catholiques*; the *Guides Catholiques*; and the *Œuvre des Terrains de Jeu*.

(2) The benevolent societies include the *Saint-Vincent de Paul*, the *Œuvre de la Protection de la Jeune Fille*, the *Œuvre de Notre-Dame du Bon-Conseil*, *La Ligue de la Jeunesse féminine*, the *Œuvre Protectrice des Immigrants catholiques*, the *Secours aux Colons*.

(3) The professional groups: (a) *Conseil général des Syndicats catholiques*; (b) *Cercle Marie Rollet des Institutrices de Quebec*; (c) *Cercle des Instituteurs catholiques*; (d) *Association des Gardes-Malades catholiques*; (e) *Association des Hôpitaux* (a group made up of those entrusted with the management of hospitals, having as its aim the furtherance of the common interests of Catholic hospitals); (f) *Union Catholique des Cultivateurs*.

Briefly, all the Catholic organizations in the city, for whatever purpose, are thus centralized and co-ordinated. This ensures increased efficiency. There remain to be grouped together those undertakings whose purpose is aid and assistance: they should be provided with a proper indexing and accounting system. Also out-door relief in the people's homes should be developed. Apparently, all these improvements have been initiated.

In the other cities of the province, in so far as we have been able to ascertain, there is no central co-ordinating body for these agencies. In Three Rivers the organizations function independently of one another. Most of the work is performed by the Saint-Vincent de Paul, through its branches in the parishes. The same is true of Sherbrooke and St. Hyacinthe.

Outside of Quebec and Montreal the chief charitable organization and, in many cases, the only one, is the St. Vincent de Paul. This society has been accomplishing its apostolate in Canada since 1846. Today it has spread to all Catholic centres, with branches in every city parish and the smallest villages. All the unfortunate, of every description, appeal to the St. Vincent de Paul. The society performs its task in silence, with absolute disinterestedness, paying no heed to the race or creed of the destitute who come to it for help. The following statistics will give some idea of the scope of the society's activities.

In 1936 there were enrolled in the *Société St. Vincent de Paul* 5,515 active members and 2,059 honorary members, in Canada, spread among 259 branches (*conférences*), 28 local councils, 3 central councils and 1 head council.

A total of 19,332 families, the equivalent of 97,000 persons, were visited. The Society's receipts amounted to \$402,303 (including the balance brought forward from the previous year); its expenditures were \$395,975.

The St. Vincent de Paul is established principally in the province of Quebec where, in 1936, it came to the aid of 15,895 families; its receipts were \$345,991 and its expenses, \$349,490.

The 1936 statistics give a fairly accurate idea of the normal activities of the society. In 1931, 1932 and 1933 it was entrusted with the distribution of relief in a number of cities throughout the province—by special request of the civil and religious authorities.

After the St. Vincent de Paul the most important organization among the Catholic population is probably the *Association Catholique de la Jeunesse*

*Canadienne*, with its specialized youth movements. Properly speaking this is not a relief organization, but an association of a religious character whose purpose is educational—although certain youth groups like the *Jeunesse Ouvrière Catholique* give aid and assistance, in every way, material, intellectual and moral, to their members. We have already enumerated the young people's associations belonging to the *Association Catholique de la Jeunesse Canadienne*. *La Jeunesse Agricole* (J.A.C.) has a membership of 5,000; *La Jeunesse Etudiante* (J.E.C.), 7,000; *La Jeunesse Indépendante* (J.I.C.), 2,000; *La Jeunesse Ouvrière* (J.O.C.), 42,000; *La Jeunesse Universitaire* (J.U.C.), 200; *La Jeunesse des patronages* (J.G.P.), 400. Each specialized movement strives to attain, besides its main purpose, the further aim of physical and mental training, and to this end provides libraries, homes, athletic centres, employment service, vocational guidance, etc.

Needless to say, this short review cannot be expected to impart any complete knowledge of the numerous benevolent and other activities in the province of Quebec. We had neither the time nor the means for a general census. However, these few figures do give a comprehensive view of how these bodies function. Their co-ordination is by no means thorough, is in fact insufficient. The main organizations, such as the St. Vincent de Paul and the *Association Catholique de la Jeunesse Canadienne*, are co-ordinated to some extent by the Conseil Central. Less extensive agencies are more or less centred around the parish. In the smaller places lack of co-ordination is of little or no consequence. This is not so in the large centres like Montreal. In the interests of these welfare agencies themselves, some order should be brought into this multitudinous array. These organizations would thus be enabled to accomplish their ends with a greater measure of efficiency. No doubt this improvement will come in time.



## CHAPTER VI

### GENERAL COMMENTS

#### I

The Social Insurance Commission, which had been asked in 1931 to make a survey of social welfare agencies in the province of Quebec presented to the government a series of recommendations, carefully studied and weighed, and based on the analysis of considerable evidence. Some of those recommendations have been implemented; an attempt has been made to follow others; while the rest are still being ignored.

As regards child welfare, the two main recommendations of the Commission tended to: (1) the establishment of a provincial bureau to be in charge of all questions concerning children; (2) the organization of agencies for child welfare similar to the Children's Aid Societies of Ontario, in cities of 25,000 in population or more. Other and less important recommendations followed up the first two.

The first of those two recommendations is still to be implemented, but the second is by way of being carried out. In May, 1937, the *Société d'Adoption et de Protection de l'Enfance*, which fulfils to a large extent the wishes of the Commission, was organized in Montreal. This agency, legally constituted, and subsidized by the Bureau of Public Charities has for its first object the placing of children without a family (adoption); but as shown by the second part of its name, it concerns itself with all the problems of indigent children. This agency is already guardian by proxy of the children it receives from all foundling institutions, and we hope it will soon be the legal guardian of all the children in its care. The children received from foundling institutions are placed in families, after investigation, according to the adoption act, and the agency keeps up visiting and protection until adoption is legally concluded.

It must not be forgotten that in the province of Quebec, at least among Catholics, adoption is first and foremost an act of charity. The child is received free of charge, without any kind of remuneration. Between the 31st of July and the 31st of December last, the *Société* placed 165 children, adoption being the ultimate object. Moreover, it still investigates old cases of adoption

previously arranged by private maternity hospitals. During the same six months, 180 cases were settled, where it was considered that the child would enjoy normal and decent conditions of living. In other cases, the child is taken back and placed under better conditions.

Montreal is still the only place to benefit from an agency of the kind. However, the St. Dominique Orphans' Home, in Three Rivers and the St. Vincent de Paul Crèche, in Quebec, maintain private branches for adoption which work in collaboration with the Montreal Society.

As soon as its organization is complete, and it has the necessary staff at its disposal, the agency intends to extend its protection to all classes of indigent children, including those who leave the industrial schools and orphans' homes, and whom it is necessary to guide, even to protect from the *milieux* into which these children may be thrown.

In short, it may be said that if the problem of child welfare is still not solved in Quebec, it is at least recognized, and measures are being taken to arrive at a solution as quickly as possible. The French-Canadian population is accustomed to a very simple order of social welfare, and was somewhat bewildered by the sudden changes in its economy. The most pressing situations received attention first, and the institutions which had always been the final recourse were, according to tradition, the ones to be utilized. It is found, today, that certain limits in that direction must be recognized. There is now a tendency towards preserving and re-establishing the home, and towards assistance in the home. There is no question of condemning the institution, but it must be kept in its proper place, and retain its own part in the general scheme.

Such is the spirit which presides over the work of the *Société d'Adoption et de Protection de l'Enfance*. Let us hope that the recommendation of the Social Insurance Commission may be entirely implemented, that agencies of the same type may be established outside Montreal, and that the provincial government will subsidize them ever more generously out of the Public Charities funds.

The child is the core of the family. The Protestant population has done a great deal to



develop assistance to families; it may even be said that family welfare is the backbone of all its welfare work. For the same reasons as in the case of children, French Canadians have more or less neglected direct assistance to families, at least in the sense usually given today to the organization of social welfare.

There is evidence of a change of opinion in that direction also. The federation of French Canadian charitable agencies has undertaken the establishment of a system of social case-work, based on the family. Following up the same plan, the bureau on family welfare will be complemented by an organization of visiting nurses, of the same class as the *Victorian Order*. These social service activities receive full co-operation from the religious authorities, and the Archbishop of Montreal has even sent a young priest to the United States, to study social service methods.

Indeed, the training of a staff is the most pressing problem of all. There are local centres of study, such as schools of social hygiene, of social work, of family and social education, which might, if necessary, give theoretical training. But such training remains incomplete, if there is not also, and at the same time, work in the field. For that purpose, it will doubtless be necessary to send our young people to foreign parts; it may even be necessary to send outside, temporarily, for the heads of the staff.

But we must proceed gently, for we deal here with psychological factors. Any attempt at reform which does not take into account the peculiar character of the population, of its traditions, etc., will inevitably come to grief. Therefore, in training the staff, it will be necessary to depend as much at least on the methods of the peoples of the same ethnical and psychological descent as on American methods which are considered as more practical in some places but were planned for a different kind of population. It is quite possible they might not work out in the desired way in this province.

Several of the other recommendations of the Social Insurance Commission have been implemented.

(1) Old age pensions have been in effect since the 1st of August, 1936. On the 28th of February, 1938, 46,240 individuals benefited, and \$13,676,784 had been distributed.

(2) Pensions for the blind came into effect on October 1, 1937; on February 28, 1938, the province had distributed, under that heading, \$51,323 to 566 blind people.

An Act for allowances to destitute mothers was adopted and the budget for the fiscal year beginning on July 1, 1938, contains an item for that purpose.

Regarding the Act on Public Charities, the Commission made further recommendations, of more or less importance, some of which have been implemented. Moreover, during the last provincial session, the Minister of Health stated he planned a complete reform of the structure of that Act, and of the Bureau of Public Charities. If our information is correct, it is planned to maintain the principle which rules at present: division of costs between the government and the subsidized institution or agency. But the municipalities' share would be replaced by a general tax collected by the municipality and paid in to the Public Charities fund. Moreover, there would be a return to the system of personal contribution, however small, by the indigent. Finally, there would be simplification of the machinery for subsidizing. The subsidies would be paid in advance, from month to month, so as to save the institutions from the expense caused by the present method. Furthermore, we believe that out-door agencies, especially those occupied in social case-work in the home, may be allowed to benefit from the Public Charities funds.

## II

To summarize the preceding chapters, here are the methods of treatment for the sick, the invalids and handicapped, and destitute of all categories in the province of Quebec.

Children are protected through the provisions of the Civil Code, of which we have already given a synopsis. Neglected and destitute children, orphans and illegitimate children are sheltered, thanks to private charity, by institutions, orphans' homes, industrial schools, crèches, Child Welfare Societies and by the *Société d'Adoption et de Protection de l'Enfance*; as we said before, the latter agency will be given more and more responsibility in problems concerning destitute children. Child welfare has been somewhat neglected, but great strides are being made towards its solution, thanks to the co-operation of private charity, traditional institutions and the Bureau of Public Charities.

Destitute mothers still must depend on private charity.<sup>1</sup> They will soon benefit from allowances. Maternal assistance has been in the hands of agencies whose work has expanded considerably, in the last few years, in Montreal, in Quebec, in Sherbrooke; all these agencies are subsidized through the funds of the Public Charities Bureau.

<sup>1</sup> As of August, 1938.

Deserted wives are protected through the provisions of the Civil Code on obligations arising from marriage, the obligation of the husband to maintain his wife, and separation from bed and board. For the rest, if destitute, they are dependent on private charity, and will soon benefit from allowances to destitute mothers.

Families are responsible for the maintenance of old people according to the provisions of the Civil Code (obligations of children towards their parents). Destitute old people receive a pension from the government. Those yet unable to benefit from the Old Age Pension Act are assisted by private charity or by the old people's homes subsidized by the Public Charities funds.

The blind are entitled to a pension after the age of forty. Institutions subsidized by the Bureau of Public Charities shelter blind young people, educate them in preparation for earning a living; there are volunteer agencies to protect them and especially to work towards the prevention of blindness. There are special institutions for the deaf and dumb. (Institution des Sourds-Muets, Institution des Sourdes-Muettes, for Catholics, the Mackay Institute for Protestants.)

The subnormal individuals, mental defectives and epileptics may take advantage of schools, asylums, hospitals, etc. The Protestant population enjoys the benefits of an institute for mental hygiene. The French Canadians are still without an institution of that kind. We shall have further occasion to mention that question under the heading of health services for the province.

Montreal maintains two schools for handicapped children, one for French-speaking children, the other for English-speaking children.

Necessitous individuals receive medical care in clinics run through private charity or in the out-patients' departments of hospitals, all these agencies being subsidized by the Bureau of Public Charities. Volunteer organizations give home-care to the sick: doctors, visiting nurses (from the Victorian Order, the Metropolitan Life), municipal health services, health units, etc.

But there is no provision, either in the statutes, in the organization of our economic and social life, or in our set-up of welfare agencies, to take care of the large family. What a paradox in a province and among a population where large families are the general rule.

### III

In the province of Quebec, the methods of relief spring from private initiative subsidized, where institutions and some volunteer agencies are concerned, by the government.

Among Catholics, both institutions and agencies are organized under the protection of the Church, for reasons we studied in a previous chapter. The Bureau of Public Charities supplies the agencies with part of their funds and expects to retain some sort of control. Moreover, the Bureau of Public Charities requests partial reimbursement from the municipalities. Some problems arise from the very fact that several authorities have their say in the matter.

We shall deal first with the relationship between Church and state. As we said before, institutions under religious orders are autonomous as to internal regulation, moral and technical management. They only come under the ruling of the Bureau of Public Charities if such ruling is first approved by the bishops. Their freedom is therefore complete. From that point of view, the religious authorities have full control. If the institution is not the property of a religious congregation, the management then belongs to a board of directors or governors.

From an administrative standpoint, the Bureau of Public Charities makes certain rules which must be followed by institutions desirous of receiving subsidies. As these subsidies are on a *per capita* and *per diem* basis, the institutions have to keep up most detailed statistics on all assisted cases and present statements. The Bureau then checks these statements, for audit purposes, with its copies of certificates on the poverty of indoor cases. As far as the province is concerned, this financial control is exercised in the office of the Bureau of Public Charities. For the rest, the institutions are completely independent as to administration.

From the standpoint of technical efficiency, it must be remembered that the Bureau of Public Charities in certain cases sets up standards which correspond to stated rates. It thereby maintains indirect control, and the institutions desirous of receiving higher subsidies must equip and fit themselves in consequence. But direct control still remains in the hands of the technical staff of the institution, the doctors or medical superintendents being, in some cases at least, appointed by the universities, whose reputation and success are closely allied with the reputation and success of the institutions, especially where general hospitals and some specialized institutions are concerned.

There is practically no central control. We are rather dealing with interlocking authorities, all co-operating with each other, and each leaving to the others complete freedom. Needless to say, such a system is not altogether without defects. In some ways, it might be better for one single authority to have full control, for the sake of both internal economy and the technical and administrative efficiency of the institutions. But in the present state of affairs, who could be entrusted with full control?

True, the government supplies some of the funds, but not all, not even the largest share; for, as we explained before, the religious communities' contribution to the relief of illness and hardship is much larger than that of the province. Moreover, the government is the last comer in matters of social work. It would be presumptuous if it tried to dictate to institutions it did not help to establish but merely assists, especially as these same institutions save the government millions each year.

Should the Church be entrusted with such control? The Church never aspired to administrative and technical control of institutions which depend morally on its jurisdiction, but go altogether beyond the same jurisdiction in the discharge of their duties. Still, these institutions sprang from its philosophy, they have expanded and multiplied under its tutelage. The Church must therefore keep the guiding hand over them.

As for social workers who practise their profession in these institutions, enjoying an unlimited field of action there, they can hardly aspire to general control. There is thus only one possible formula: loyal co-operation between the three forms of authority. And that, at present, is the prevailing state of affairs.

The Bureau of Public Charities collects from the municipalities one-third of the costs of hospital care for the indigent. Particularly since the depression, several of the poorer municipalities have been unable to make payment. There is an accumulation of \$4,000,000 in arrears. A large number of these municipalities, we are told, have asked the government to amend the Act respecting the Quebec Bureau of Public Charities in such a way as to free them from the obligation to pay. Some of them may be lacking in good will; certainly they are lacking in public spirit and social sense. But it remains obvious that a large number of urban and rural municipalities, profoundly affected by unemployment, are financially unable to contribute. That is doubtless why the government might be inclined to act in the suggested direction.

Is the present organization efficient? It is generally believed that dependence on private initiative, rather than the government, makes for economy. But is the present organization able to meet the needs? In some respects, yes; but in others, no.

As regards indoor relief, in institutions such as general hospitals, asylums, orphans' homes, etc., we have it on good authority that the province is quite sufficiently equipped. All the more so because, as we noted before, measures have been or will soon be taken to relieve somewhat our institutions through child placing and home relief for families; and that is the direction in which all efforts must tend. Institutions of a more special type, such as day-nurseries, pre-kindergarten schools, even patronages are still not numerous enough. But this question is closely allied with problems of child welfare, and we have said already that provision is being, or soon will be made to cover the whole problem.

Other special institutions, such as sanatoria, and hospitals for tubercular patients, for the insane, for the general treatment of psychopathic patients, and for the treatment of cancer, are too few. We shall return to the question under the heading of health services.

A word on the technical efficiency of charitable institutions. Let us first mention the staff. The medical staff of our Quebec hospitals can stand comparison with a good average of the other provinces and countries. The English Protestant hospitals in Montreal have secured the services of a larger number of highly reputed specialists than the Catholic hospitals.

French-Canadian physicians incline rather to the methods of the French school of medicine. Some of them enjoy high reputations. For reasons which spring from the same deep causes as the whole social problem in the province, the French-speaking people have not yet secured all the specialists they need, especially in the struggle against some of the worst diseases: tuberculosis, insanity, cancer; neither have the French Canadians well organized research centres. But there are efforts in that direction. In the last analysis, it is a question of funds.

The hospital staffs may be appraised both in quality and quantity. We have already said that, in a general way, the staff supplied by the religious communities brings to social services a training which is the fruit of very long experience and solidly-established traditions—thanks to the perennial character of these communities. This



continuous experience, from the viewpoint of staff training, has undeniable advantages, also found in teaching establishments with long approved methods. On the other hand, a staff so recruited may cling to rigid methods, and show little pliability in the face of changing conditions. Religious communities are more inclined to be slow in changing because of their remoteness from the world, the progress of which they find it hard to follow. But this disadvantage is largely compensated by the spirit which inspires them: devotion, sacrifice, abnegation being their *raison d'être*; they are in duty bound to tend towards the highest perfection in the accomplishment of duties chosen and embraced, not from self-seeking motives, but for love of God and their fellowmen.

The presence of a numerous, duly qualified staff is of the first importance in a charitable institution. The proportion between the number on the staff and the number of inmates varies necessarily according to the object of the institution. In the course of the investigation already mentioned, Mr. Saint-Pierre noted many facts relevant to the subject. At the Youville Orphans' Home, in Quebec, he found 5.6 inmates for each member of the staff, in the St. Sauveur Orphans' Home, 5.5; in the establishments of the Sisters of Charity of Quebec, as a whole, the average is 4.5 inmates for each member of the staff. The Sisters of Providence have 2.5 inmates for each member of the staff in their institution for the deaf and dumb (females); 4.6 at the Laprairie Orphans' Home, and 3 at the Hospital St. Joseph, Three Rivers. The average is 3.3 inmates for each member of the staff in the establishments of the Grey Nuns as a whole.

These proportions are more than satisfactory and, generally speaking, will be found to prevail, with slight variations, from one establishment to the other, and between one community and the other. Judging by the answers received to our own inquiries, the proportions have changed very little in the last few years.

Social agencies, especially those which are to serve the French-Canadian population in large centres, present three problems. The first is co-ordination among the agencies. The four Federations in Montreal more or less meet the situation, but the French-Canadian Federation does not comprise a majority of agencies. We need a larger organization which would embrace all the agencies active in a given place. Second, there is the problem of synchronization between social agencies and institutions and finally, that of organization and general-

ization, as far as possible with available staff and financial resources, of out-door services:—help to families, visiting nurses, etc. The present lack of co-ordination causes waste of energy and funds.

To come to the last question which arises in administration of Social Service, what is the relationship here between the Dominion and the provincial governments? We are back to the highly controversial question of the jurisdiction of governments in social matters. Relief to the poor, as distinct from unemployment relief, is the sole responsibility of the provinces. For that purpose, the province of Quebec has its own organization and judging by opinion repeatedly expressed, the people are jealous of their autonomy on this score. The utmost they would accept from the Dominion would be federal aid by grants or subsidies earmarked for such a particular purpose, as the struggle against venereal diseases, cancer, and mental diseases; or for educational campaigns to be conducted by local organizations. The Dominion might also, according to a recommendation often voiced by some specialists, appoint technicians and specialists and then lend them to the provinces, thereby assisting in the establishment of health or relief services.

There remains the problem of pensions. The Dominion pays three-quarters, the province one-quarter. Old age and blind people's pensions are non-contributory. In the case of the blind, that may be justified, but whether old age pensions should be non-contributory, is controversial. Let us admit that there was urgency, and that any other method was at the outset impossible. But one may be permitted to ask what stands in the way of starting immediately a gradual substitution of the contributory for the present system. Many are of the opinion that free pensions are anti-social, because they tend to destroy foresight, thrift and the sense of responsibility to one's self and one's dependents; they are also uneconomic, as they become a heavy burden on public budgets, necessitating taxation which encumbers production; moreover, they may cause political out-bidding.

It is considered that a contributory system is free from those defects. Every one would benefit from such a scheme. The government might contribute to the pension fund, or it might guarantee a minimum pension. The employee would pay in a percentage of his salary, the employer a percentage of his monthly pay-sheet. The statutory age for eligibility to a pension might be set between 60 and 70 years of age, the contributor being free



to choose any one year between these two limits. As conditions vary sometimes to the point of contradiction, between one province and another, each might make the regulations locally considered desirable.

Judging from opinions expressed generally at present, the province of Quebec is not likely to give up its autonomy in social legislation. The situation here differs in all respects from the situation in other provinces. A comparison between the Quebec system of relief and the Ontario system is sufficient to prove it. As many people see the problem, yielding of part of its jurisdiction by the

province would establish a precedent for the loss of the rest of its autonomy. Indeed, if the province gives way on social legislation it must also give way on related questions over which the Dominion government would need jurisdiction to carry out a program. And social legislation is closely related to the Civil Code, from its rules governing agreements as to employment, and salaries to its provision for child welfare and the protection of destitute old age. The province is deeply attached to that code for it represents the matrix, the very foundation of its institutions and its very own expression on matters of social relationship.

## CHAPTER VII

### UNEMPLOYMENT

#### LEGISLATION

The first federal statute establishing unemployment relief was given royal assent on September 22, 1930. It placed \$20,000,000 at the disposal of the federal government as a means of fighting unemployment. On the 26th of September, an order in council placed the administration of the Act in the hands of the Minister of Labour, and fixed the rules which should govern the use of the funds. In consequence of these rules, the provinces were invited to conclude agreements with the federal government, with the object of undertaking relief works, the cost of which should be shared by the Dominion, the provinces and the municipalities.

On the 22nd of October of the same year, an agreement was concluded between the federal government and the province of Quebec. A sum of \$2,850,000 was granted to the province for works to be undertaken by the municipalities and finished by the 1st of July, 1931. The federal government agreed to pay 25 per cent of the costs to the amount of the above sum; the provincial government was to contribute an equal amount, and the balance of 50 per cent was to be borne by the municipalities. However, the municipalities which could not contribute to such a large extent were to be relieved, the other two governments agreeing to an increase in their responsibility, as long as they were not charged with more than 80 per cent. Moreover, the federal government promised to supply 40 per cent of the cost of works undertaken by the provinces themselves as measures of unemployment relief. For the trans-Canada highway, the federal contribution was to be as high as 50 per cent.

Out of the \$20,000,000 at its disposal, the federal government kept \$4,000,000 intended for distribution as direct relief in districts where works could not be undertaken. In consequence of the agreement with the provinces, the cost of relief grants was to be borne equally by the Dominion, the provinces and the municipalities, each contributing a third. In the unorganized districts, the Dominion and the provinces were to contribute equally.

It must also be remembered that it was understood between the federal government and the railroads that the latter would spend \$25,000,000

in different undertakings. In consequence of this understanding, the railroads were to undertake works in the province of Quebec with a total value of \$935,000.

To implement its agreement with the federal government the Quebec government appointed an Unemployment Commission, the duty of which was to study the applications of the municipalities and to assign to each its fair share, either of works or relief allowances.

Out of 1,418 municipalities in the province, 1,241 applied for grants. To arrive at the amount to be assigned to each, the Commission considered the size of the population, the number of unemployed, the causes of local unemployment, the chances of improvement and the nature of the works already undertaken. Out of the 1,241 municipalities which filed applications, 1,080 were granted a certain amount, and 161 refused the grant. The financial situation of the municipality and the chances of local improvement governed the percentage to be paid by each municipality.

The relief allowances were only granted to municipalities where the works already undertaken were not sufficient, or of a nature unlikely to improve the position to any marked degree.

Where the amount granted to some municipalities was not sufficient, the Commission had to make further grants. That step was taken so as to allow the municipalities to employ their unemployed within their own borders, and to prevent further exodus to the already overcrowded cities, where the cost of living is higher.

During the following session, the provincial government passed an Act, 21 Geo. V, c. 2, ratifying the agreement made with the Dominion a few months previously.

Unlike the Act passed in 1930, which limited to a stated amount the sums for unemployment relief, the federal Act of 1931 authorized the government to expend "such moneys as may be deemed expedient for relieving distress, providing employment and maintaining order and good government throughout Canada."

As in the federal Act, there is no limit set in the agreement between the province and the Dominion

as to the amount to be contributed by the governments towards the cost of works and direct relief. The federal Act of 1931 left the provinces and the municipalities free to fix wages, provided these salaries shall be fair and not lower than those paid by the federal government in the same district for the same kind of labour. The Act also provided that at least 40 per cent of the amounts granted should be paid as wages to the needy. The agreement between the province and the Dominion was ratified through c. 2, 22 Geo. V.

The Relief Commission then sent all the municipalities instructions defining the object of the federal statute. It emphasized the fact that the Act was intended to insure the support of the unemployed, and that it was essential not to admit all comers to the works, as well as to restrict the purchase of material in every way possible, and whenever necessary, to divide the work in shifts, so as to give all the needy a chance to work.

The 1931 Act expired on the 1st of March, 1932, and the Dominion government passed the statute entitled "The Unemployment and Farm Relief Continuance Act, 1932," which in effect continues the 1931 Act to the 1st of May, 1932. The same thing was done each successive year: the federal government renewed, with more or less important amendments, the acts on relief, and the provincial government did likewise.

So as to avoid repetitions, we shall henceforth confine our examination to the agreements between the province and the Dominion.

The agreement signed in 1932 did not provide for the performance of public works, but for the equal participation of both governments in the distribution of relief. However, it authorized the completion of works undertaken in consequence of the 1931 convention, and which could not be concluded on the date agreed upon.

The same year, an agreement concerning the establishment of unemployed on the land was concluded between the province and the Dominion. It provided that the federal government, the province and the municipality concerned would contribute each a third of a sum of \$600 per family, with the object of allowing the families of unemployed to meet their own needs. It was agreed that the federal contribution should be paid as soon as the province and the municipality made disbursements, that the total expenditure for each family, including all capital and current expenditure, should not exceed \$500 for the first year, a minimum of

\$100 being held back for subsistence during the second year of settlement. The agreement was to run for two years, and expired on March 31, 1934.

The province assumed the responsibility for the administration of the project, for the choice of families and the land, the settlement of the families on the land and the disbursement of public funds. A back-to-the-land committee was formed; it included a representative of the federal government, and of the two railroads—with which arrangements had been made for the transportation at reduced rates of the settlers and the goods for their establishment. This "back-to-the-land" movement, in the province of Quebec, was generally known, later, as the "Gordon Plan." The agreement was renewed in 1934, providing a further contribution of \$100 per family, for the settlers still unable to maintain themselves at the end of the two-year period of settlement—this contribution to be divided on the same basis as the main account.

The agreement signed on July 26, 1933, extended the one signed in 1932, as far as cash relief was concerned. The Dominion government agreed, moreover, to contribute to the municipal undertakings to the amount of one-third of the salaries paid, on condition the province would contribute the same. It also granted 50 cents per 8-hour day to each needy person employed on road-making undertaken by the provincial government; for the trans-Canada highway, the contribution rose to 60 cents a day.

The agreement signed on October 24, 1934, provided an entirely different division of costs. Instead of assuming a percentage of the cost, the federal government agreed to pay to the province monthly grants-in-aid; the agreement provided that for each of the months of August and September a provisional advance of \$600,000 be paid the province pending the determination of the amount of the monthly grant. Later the amount of the grant was fixed at \$500,000 per month for the period of August, 1934, to March, 1935, and the overpayment of \$200,000 in August and September was adjusted by equal deductions from each of the \$500,000 grants from October, 1934, to March, 1935. From April, 1935, to November, 1935, the grants were continued at \$500,000 per month.

Generally speaking, the municipalities continued to contribute 33·3 per cent, but considering their financial difficulties, the provincial government had to come to the help of some of them. The share of the defaulting municipalities to which the

Dominion government had so far contributed 50 per cent was now assumed in its entirety by the provincial government.

At the conclusion of the Dominion-Provincial Conference held in December, 1935, the Dominion government decided to increase its contribution for the months of December, 1935, January, February and March, 1936. The grant to the province of Quebec was increased to \$875,000 per month.

In 1936, the policy of relief works and direct relief combined prevailed again. In consequence of an agreement signed on the 3rd of November, the federal monthly grant for relief was fixed at \$743,750 for the months of April, May and June, 1936, and \$669,375 for the months of July, August and September, conditional upon a readjustment for the other six months. That year, the federal contribution came to a total of \$8,255,625.

The Dominion government agreed to pay 50 per cent of the costs of works, to an amount of \$2,750,000. The agreement on the "back-to-the-land" movement was renewed, but on a different basis. The new agreement, called the Rogers-Auger Plan, provides, for the settlement of unemployed on the land, disbursements not to go beyond \$1,000 per family, over a period of four years. It also provided for an additional contribution on behalf of the families settled in consequence of the previous agreement, to the amount of \$80 per family during the fourth year and \$70 during the fifth year of settlement on the land.

The agreement concerning the employment of unemployed single men on farms did not, for the province of Quebec, provide for any remuneration to the farmers, but an allowance of \$7.50 a month for the labourers.

The 1937 agreement continued the 1936 one, in regard to direct relief and works. The works contribution was fixed at \$1,400,000 for new enterprises, and to \$268,240 for undertakings not yet completed. The Bilodeau-Rogers agreement was signed at the same time. The federal government agreed to contribute 50 per cent of the training to be given to young unemployed, to the amount of \$220,000.

Here follows a statement of the amounts spent by the Dominion, the provincial government and the municipalities towards unemployment relief from 1930 to June 30, 1937:—

	Province	Dominion	Municipalities	Total
	\$	\$	\$	\$
Administration.....	2,150,502			2,150,502
Works:				
Public Works and Labour Dept.	10,079,328	8,584,266	9,405,866	28,069,460
Maintenance of Bridges.....	87,601	33,990		121,591
St. Augustin Wing.....	1,498,382			1,498,382
Government Properties.....	78,396			78,396
Highways.....	2,701,336	1,127,067		3,828,403
Mining Roads.....	247,930	315,000		562,930
Colonization.....	290,930	248,735		539,665
Colonization Roads.....	1,955,177	221,682		2,176,859
Colonization Zoological Gardens.....	37,629	37,371		75,000
Bureau Prov. Hygiene.....	10,998			21,996
	19,138,209	10,579,109	9,405,866	39,123,184
Direct Relief:				
Public Works and Labour Depts.	32,062,296	36,107,547	29,596,844	97,766,687
Colonization Department.....	1,702,336	827,447		2,529,783
Colonization Department Aid to Settlers.....	4,546,142	626		4,546,768
Farmers' Son Settlers.....	6,299			6,299
	38,317,073	36,935,620	29,596,844	104,849,537
Back-to-the-Land Gordon Plan.....	110,145	110,342*	110,380	330,867
Total.....	57,565,427	47,625,071	39,113,090	144,303,588

\*This figure is taken from Provincial Statistics. The Dominion Bureau of Statistics gives \$165,428 as the amount.

Some discrepancies are to be noted here between Relief Expenditures in Quebec as shown by Dr. Grauer and those shown by Mr. Minville:—

#### (1) Provincial Share

Dr. Grauer uses the figures extracted from the Public Accounts of the province for the questionnaire of the Public Accounts Inquiry.

These agree with Mr. Minville's figures, with the exception that Mr. Minville has not, apparently, included the provincial contributions to Relief Works of Municipal and other authorities, amounting to \$4,197,000. There is a slight difference as to the figures for each category of relief, due to the fact that the division of the Dominion contribution as between Direct Relief and Relief Works had to be estimated as it is not shown in the Public Accounts.

#### (2) Dominion Share

Dr. Grauer uses the figures supplied by the Dominion Department of Finance which are actual cash payments by the Dominion under each Relief Act while the figures used by Mr. Minville doubtless include the amounts claimed by the province but not yet paid by the Dominion.

#### (3) Municipal Share

*Direct Relief*—Dr. Grauer has made an estimate on the basis of Montreal expenditures, arriving at the amount of \$39,648,000. This figure compares with the amount of \$30,902,000 reported for 10 cities (Quebec City not included) by the Association of Mayors and Municipalities up to December 31, 1936.



*Relief Works*—Dr. Grauer uses the figures supplied by the Dominion Commissioner. These include only Municipal expenditures on works shareable with the Dominion.

These figures are exclusive of the administrative costs borne by municipalities and additional allowances granted by some of the larger municipalities. Under those two headings, Montreal's annual contribution comes to \$1,200,000. It is estimated that, from January 1, 1937, to March, 1938, the costs of unemployment relief came to a total of nearly \$30,000,000, increasing the total given above to \$175,000,000.

But these statistics do not give a complete picture of the efforts made by the province towards relieving unemployment. For instance, the settlers established as a result of co-operation with the Dominion, represent but a small percentage of the families encouraged to go back to the land by the provincial Department of Colonization.

Since 1930, the following amounts have been spent on settlement schemes by the province:—

1929-30.. . . . .	\$ 1,838,772
1930-31.. . . . .	1,918,174
1931-32.. . . . .	3,418,509
1932-33.. . . . .	3,196,805
1933-34.. . . . .	1,758,769
1934-35.. . . . .	2,060,138
1935-36.. . . . .	6,757,722
1936-37.. . . . .	7,545,719
	<hr/>
	\$28,494,608

Here is the number of parishes set up:—

1930.. . . . .	2
1931.. . . . .	29
1932.. . . . .	13
1933.. . . . .	4
1934.. . . . .	8
1935.. . . . .	35
1936.. . . . .	13
1937.. . . . .	6
	<hr/>
	110

Generally speaking, one may safely say that a parish numbers 200 families, and is worth at the minimum, from \$300,000 to \$350,000. The greater number of 20,000 or more families settled in the 100 parishes set up since 1930 were recruited among the unemployed. They enjoy the advantages of free rent, free water supply, and other privileges which, in the cities, would cost at least \$200 a year. If their work on the land or otherwise is estimated to have a value of \$100 it follows that these 20,000 families' earnings come to an approximate \$6,000,000 a year.

The same may be said of the other departments, such as those of Highways, Public Works, etc. In the course of the last year alone, the Department of Highways spent \$17,000,000, \$2,000,000 of which was spent in unemployment relief works proper. Since 1930, the Provincial Secretary has built 400 new schools in settlement districts, meanwhile maintaining medical aid services. If all of that is put together, plus the non-subsidized municipal works, it may be said that so far, relief has cost the province a minimum of \$175,000,000, exclusive of federal contributions.

## CHAPTER VIII

### ADMINISTRATION

Until the start of the depression, the province of Quebec was without a cohesive and comprehensive system of outdoor relief. Moreover, the general unemployment of 1930-31 set an enormous problem which demanded the attention both of the province and of the large municipalities which were severely affected. The institutions were not large enough to lodge and feed the destitute thousands, the numbers of which grew alarmingly.

In consequence, the enormous task of distributing relief to the unemployed, at the beginning of the depression, was, in the province of Quebec even more than elsewhere, left in the hands of private organizations, or at least accomplished in co-operation with them. In Montreal, the distribution of relief was given to the St. Vincent de Paul Society, acting jointly with the Protestant and Jewish organizations. Even today, special services for the distribution of unemployment relief are only found in large centres.

The provincial Unemployment Commission, appointed in the autumn of 1930, was dissolved at the end of the fiscal year. The work was carried on by a branch of the Public Works Department. It was later taken over by the Department of Lands and Forests, and finally, in 1936, by the Department of Labour.

The province always left a large measure of autonomy to the municipalities in everything regarding the use of relief funds, such as distribution, size of allowances, etc., being content to ratify, with or without amendments, the rules applied by each one. In 1933, the Commissioner of Unemployment Relief addressed to the municipalities general instructions which have, since then, been used as a basis for municipal rules and regulations.

Three or four points in those general instructions may be emphasized.

(1) The only municipalities eligible for grants are those unable to provide unaided for their own indigent. That is why some quite important municipalities, not greatly affected by unemployment, have received little or no unemployment relief grants. Example: Westmount.

(2) According to the spirit as well as the letter of the federal statute, the relief allowance must only cover food, clothing, fuel and shelter. Therefore,

a municipality desirous of providing for other needs, such as lighting, medical care, etc., must do so at its own expense.

(3) The only persons entitled to relief are those who conform to the definition of the unemployed given by the Act itself, and expressed in the following words by Mr. Purvis, Chairman of the National Employment Commission: "a person able to work, who is out of employment, or has no other means of support and who, therefore, is unable to provide for his own needs and those of his family, because of lack of employment, but not because of physical or mental handicap." That is the rule closely followed by the province.

Therefore, those entitled to relief are: (1) any head of family in the above circumstances who has exhausted his resources and cannot receive help from his relations; (2) any single person in the same position. However, this single person is not considered entitled to relief if living or able to live with his or her family.

The unemployable unemployed, such as old people, cripples, the sick, remain charges of the municipality or private charity. This rule is liable to diverse interpretations and gives rise to many difficulties.

(4) In return for the relief granted, the municipalities were, in all cases possible, to provide employment. Some municipalities never failed in this, for instance, St. Hyacinthe. Others came to it, witness Sherbrooke, Verdun, St. Lambert, Lachine. But it was not possible everywhere, especially in large centres like Montreal, and we shall see that one of the most serious, most pressing problems of the hour is the re-employment of the unemployed.

The province pays two-thirds of the regular allowances (food, clothing, fuel and shelter), keeping back one-third out of the federal grant. The municipalities assume responsibility for the last third as well as for: (a) the costs of administering relief; (b) any addition it may be desired to make to the regular allowance. However, in the case of defaulting municipalities, or in the case of those in difficult financial circumstances, the province and the Dominion together may assume the full responsibility.

The relationship between the province and the municipalities is governed by these instructions. In large centres, the procedure is the following *mutatis mutandis*: the municipal division of unemployment relief prepares an estimate of the amounts to be distributed the following month. This estimate is submitted to the provincial authorities who approve (or make amendments to) the estimate, and return it to the municipality. The municipal council then places the estimated amount, out of its own resources or through a loan, at the disposal of the unemployment relief branch. The municipality then presents its bill for repayment from the province and the Dominion. On receiving the account, the Provincial Treasury pays an average of 65 per cent of the amount due the municipality. The balance is kept back until a complete audit of the accounts has been made. This causes numerous delays, the cost of which must be assumed by the municipality.

In rural districts as well as in small centres, the distribution of relief comes under the Department of Colonization, working jointly with the Department of Labour. The same general rules prevail. The Department of Colonization tries, as far as possible, to find for the destitute families enough employment to save them from too much hardship. In small centres where it was impossible for all unemployed to secure work, direct relief was distributed, and local welfare organizations were called on to help. In January, 1937, the Department of Colonization made a ruling that all those in receipt of direct relief, in the counties under its jurisdiction, should give a day's labour for each \$2 received. The monthly allowances, at first reckoned at \$4 for the head of the family and \$1 for each dependent, were increased in January, 1937, to \$6 for the head of the family and \$2 for each dependent. In accordance with the rules, the inspectors of the department oversee the distribution of relief and make sure that the regulations of the department are followed on all undertakings. Since June, 1937, the Department of Colonization only takes care of invalid indigents, except in some districts of the north coast.

## II

In the province of Quebec, Montreal is the centre which feels the unemployment problem in its acutest form, and with all its consequences. The reason for it is very simple: in prosperous times, Montreal is a centre of employment, and in times of uncertainty and depression, it becomes a dumping ground. Until 1930, the metropolis had at its disposal a

very simple scheme of public welfare, which was hardly sufficient to meet the sudden rise in unemployment. There were gropings and fumbings. The first period was laborious, even confused. It will suffice here if we note the more important phases of the organization of unemployment relief since 1930.

Between 1930 and 1933, unemployment relief came under a commission of aldermen, under the chairmanship of the mayor. The main object of the commission was to find the best manner of coping with unemployment; also, it acted as an employment bureau to engage men for the relief works undertaken at that time by the governments jointly with the city.

An advisory board comprising the head of the Municipal Public Welfare Service, representatives of the most important welfare organizations and a few aldermen assisted the first commission. The board was charged with the distribution of relief allowances, through the large welfare societies, such as the St. Vincent de Paul Society for the French-speaking, Catholic population, and the welfare federations for the other ethnical and religious groups.

That improvised method of organization hardly proved successful. After an investigation by the governments, the aldermanic committee recommended the establishment of another committee, the objects of which would be: (a) the administration of relief in such manner as to allow the control of funds; (b) the setting up of a method of relief which would permit the exaction of labour in return for allowances; (c) the study of means to stimulate the building industry in the city; (d) the apportionment of labour on all municipal works either under the control of the city or under contract; (e) greater effort to obtain from the federal government larger contributions for allowances as well as for public works.

Following these recommendations, an independent commission (called the Terreault Commission) was appointed by the executive committee. It administered unemployment relief in 1933 and 1934; reorganized the staff, instituted a scale of allowances, and a system of vouchers, which it soon replaced with payment by cheque, for all allowances.

In August, 1934, the Terreault Commission was replaced by another independent commission, called the Panet Commission, which completed the reorganization undertaken by the first. During this latter regime, the city decided to add extra amounts for lighting, medical care and rent to the allowances.



During the summer of 1937, after the provincial government interfered and an investigation had been made by the city, the Panet Commission was dissolved and a municipal service for unemployment relief was appointed, under the direction of a superintendent. Today, the service numbers a staff of 550 approximately, divided into ten branches. The costs of administration run to an approximate \$700,000 annually, which is about 4.5 per cent of the total cost of relief.

Before he is entitled to relief, an unemployed man must fulfil the conditions mentioned in the Act, and have lived three years in Montreal. Every one in receipt of relief must have an identity card.

So as to encourage the relief recipients to self-help, the service for unemployment relief, after an agreement with the government, established a weekly margin of earning below which the allowance is maintained. In the case of families, the margin is \$3 for each member able to work as long as the total is not higher than the allowance. The provisions of the Civil Code regarding the obligations of children to their parents and parents to their children are applied.

In the case of persons asking for relief for the first time or asking to be re-entered on the relief list, consideration is given to previous earnings. Scales of earnings have been set up and determine the delays laid down for all applicants, so as to keep out, as much as possible, the seasonal or temporary unemployed, and force them to live on their own resources, as they had to do before the depression.

The city is wholly responsible for the costs of administering relief, for medical care, electric light and some share of rentals.

On the whole, its share varies between 45 and 50 per cent of the total cost.

In May, 1932, the number of relief recipients was 78,346, but it grew rapidly until it reached 280,096 in April, 1933. The decrease has been constant since. In December, 1937, it had come down to 121,275. Between May, 1932, and December, 1937, the city distributed \$75,606,269 in direct relief.

Quebec is in the same case as Montreal, but on a smaller scale. The allowances and the regulations are the same, except for small details. However, Quebec makes no provision for medical care, and the allowance for lighting is the same for all relief recipients, in winter and in summer, e.g. 15 cents per week. In 1935, the city distributed \$925,195 in direct relief, the number of recipients representing an average of 17,000. In 1936, the

corresponding figures were \$1,395,198 with an average of 19,000 recipients; in 1937, the cost was \$1,157,275, and the average 16,000.

The city of St. Hyacinthe has distributed no direct relief since 1932. Each year, it has undertaken works out of its own resources and with grants from the two governments. During the winter, snow removal supplies the necessary employment. The somewhat particular case of St. Hyacinthe may be explained through the fact that the local industries were not greatly affected by the depression. The labourers were most affected. St. Hyacinthe has a population of 14,000 or 15,000 souls.

Sherbrooke is a city of about 30,000 population; it has always exacted labour in return for allowances. These allowances varied from \$2.95 a week for one person to \$13.85 for a family of fifteen persons. Since the 1st of January, 1938, direct relief has been abolished. Thanks to a \$75,000 grant from the provincial government, remedial works will keep the unemployed busy until the first of July.

The city of Verdun is a suburb of Montreal, recently settled, and containing already a population of 63,500 souls. This population is recruited mostly among clerks and workmen. At one time, one-quarter of the population had to be assisted. Without going into details, it may be said that no other city tried more consistently to avoid financial catastrophe, while trying to save the population from undue hardship. Verdun tried all methods of relief: direct relief combined with works, direct relief alone, works in return for relief with a premium to the recipients, and finally, works in return for relief; distribution of goods, vouchers, cheques, bank notes; municipal commission, independent commission, etc. Since January, 1932, the number of those on relief has been consistently on the decrease. From 15,458, it had come down to 5,972 at the beginning of March.

During the last months, Verdun has exacted labour from every relief recipient. By an agreement with the provincial government, the latter pays the wages, while the city supplies material. Work is paid for at the rate of 40 cents an hour, according to a scale which runs from \$3.20 a week for a single person to \$17.60 a week for a family of 14 persons. On December 31, 1937, the city had distributed \$4,528,246 in direct relief, and performed \$1,505,119 worth of works.

Lachine is like Verdun, a small suburb of Montreal. In consequence of an agreement concluded for a year with the provincial government, it sup-



plies its relief recipients with employment, at an average rate of \$37,500 a month, \$25,000 of which is supplied by the provincial government, and \$12,500 by the municipality. Labourers receive 35 cents an hour, and craftsmen are paid union rates. Work is at will, but whoever refuses to work or stays away from work is not assisted. The replacement of free allowances by employment has brought the number of assisted families down from 1,200 in May to 500 in July.

From the start, Lachine provided for relief charges through a municipal tax. In four years, its share of allowances and remedial works amounted to \$1,250,000.

The greater number of the small cities in the province thus abolished free relief, in the course of last year. Some received no grants from the government, like Terrebonne, Ville Saint-Pierre,

St. Lambert; others received grants, like Hull, Granby; others still were completely dependent on the government, like Aylmer, St. Jérôme, Montreal North, Cap de la Madeleine, Joliette. In all of those cities, free allowances were replaced by work; rules vary more or less from one city to another in regard to the hours of labour, the monthly or weekly allowances, the rate of pay, all of them however being reckoned so as to insure to the unemployed a standard of living superior to the one possible under direct relief. In these small centres, a few unemployed remain in the care of the municipality or the province, but the abolition of free or nearly free relief is a material improvement.

Here follows a statement of the amounts paid out in direct relief in the most important cities of the province from 1932 to 1937 inclusive.

#### CLAIMS OF THE MUNICIPALITIES FOR DIRECT RELIEF BETWEEN MAY, 1932 AND DECEMBER, 1937

—	1932	1933	1934	1935	1936	1937	Total
	\$	\$	\$	\$	\$	\$	\$
Cap-de-la-Madeleine.....	45,824	147,479	150,246	183,267	182,154	154,816	863,789
Chicoutimi.....	261,482	488,944	596,037	523,362	478,369	314,911	2,663,098
Grand'Mère.....	40,806	77,658	67,680	80,653	75,145	40,630	382,583
Granby.....	5,967	18,885	9,438	12,560	23,483	14,537	84,852
Hull.....	132,089	313,067	286,176	339,325	336,637	181,898	1,589,195
Joliette.....	13,852	32,582	39,731	27,261	57,771	39,977	211,175
Jonquière.....	60,797	243,282	267,788	231,011	259,107	169,751	1,231,737
Lachine.....	63,779	388,783	376,244	422,837	410,499	193,312	1,775,456
Longueuil.....	874	6,441	4,229	27,803	35,104	20,000	94,452
Montreal.....	4,516,509	14,967,318	15,202,386	15,002,618	14,022,249	11,895,189	75,606,269
Quebec.....	171,137	667,703	723,546	919,617	1,390,229	1,149,168	5,021,400
Rivière-du-Loup.....	6,025	26,642	36,339	55,717	46,313	61,010	232,047
Saint-Jean.....	12,800	51,498	43,752	45,325	77,413	33,498	264,265
Shawinigan.....	135,605	283,513	277,367	276,386	230,633	65,118	1,268,592
Sherbrooke.....	78,000	155,406	152,258	130,282	121,436	40,509	677,891
Sorel.....	14,950	52,865	89,093	85,224	83,295	94,034	419,462
Thetford Mines.....	37,650	33,734	32,345	40,829	40,240	9,887	194,685
Three Rivers.....	208,634	412,200	368,500	375,651	382,251	416,584	2,163,820
Verdun.....	293,500	1,043,537	819,415	888,486	900,695	459,938	4,405,571

## CHAPTER IX

### UNEMPLOYMENT RELIEF

The major problem resulting from unemployment is evidently the suppression of unemployment. But it is not that point that we intend discussing here. We shall confine our remarks within the more modest limits of the technical, administrative and juridical difficulties resulting from the present methods of unemployment relief: (a) the administrative problem; (b) the problem of the relations existing between the municipalities and the province; (c) the problem of federal-provincial relations.

#### I

The principal aim must be to reduce to the greatest possible extent the number of those who are in receipt of relief. The province instructs the municipalities to give as much work as possible in return for the aid granted. In the rural centres and in a number of urban centres this rule has been adhered to, in a general way. For nearly a year, outside of Quebec and Montreal, it has been followed everywhere.

The problem assumes another aspect in a large centre like Montreal where those without work are legion. There is not always work for everyone; moreover, if the great majority of those on relief are willing to work in return for the help given them, there is always an unwilling minority. The unwilling ones influence the willing; hence the protests which are echoed at the city hall, in the provincial legislature, etc. Several attempts have been made to require labour in return for relief assistance. They failed for the reasons stated above; and also because the ordinary ration has to be supplemented to some extent to compensate for the slight increase in expenses that working imposed on the relief recipient. But the city's finances do not permit of extra help being doled out. In the opinion of people well-acquainted with the situation in Montreal, it would be impossible, in view of the present state of things and the general attitude, to demand labour from all on relief without running the risk of demonstrations and even disorder. The number of people on relief is still far too great; moreover, these people have assumed an attitude which it will take a long time to change. The transition from the system of free

relief to that of work-relief demands the closest co-operation between the various classes of employers and the Unemployment Relief Service. This method could gradually reduce the number on relief and at the same time get rid of the hot-heads who, in their very inclination for inaction, find the strength to become leaders. With time we might thus succeed in controlling the situation sufficiently to introduce the system of work-relief.

The system of allocating relief in proportion to family charges, and not forbidding of weekly earnings, is fair in its intentions; but in practice it usually has the result of turning away from regular work the heads of large families. As a matter of fact these families, in many cases, receive a higher income than they were accustomed to in normal times. Under no circumstances would they be willing to go back to regular employment. And it is precisely this class of relief recipients who are the most costly.

Experts are of opinion that it might be advisable, in computing the ration allowed to large families, to take into account the wages previously earned by the head of the house and to adjust the allocation accordingly—in order to prevent chronic low-earners from becoming permanent charges on the unemployed rolls.

The loud publicity given at the start of the depression to the organization of relief for the unemployed in Montreal, coupled with the attraction that the big city always exerts on the population from one end of the province to the other, drew to the metropolis a multitude of people who barely earned their living where they were. They came from everywhere. It has even been stated that certain municipalities found it profitable to pay the fare of the destitute who were leaving town. The City Council endeavoured to eliminate this costly immigration by decreeing what is called the "residential" qualification and identity cards.

In truth, it takes more than that to remedy the situation: the provincial government might follow the example of Ontario and permit the big cities to recover either from the original municipalities the cost of the assistance granted these out-of-town people, or to send them back where they came from; at the very least the municipalities concerned should

supply information requested concerning their residents who have applied for relief. Some families leave a farm or other property in the country and come to the city to live on relief.

We shall not dwell any further on problems of this nature: new ones crop up every day. No matter how well organized unemployment relief agencies may be they cannot foresee all the tricks inspired by fraud and deceit.

## II

Relations between the municipalities and the province give rise to two main problems: the first, of a legal character; the second, financial, proceeding from the first.

The first arises from the very interpretation of the term "chomeur" (unemployed person). General instructions issued by the Provincial Unemployment Service were made the basis of municipal regulations. There may not have always been absolute agreement between the unemployment relief branch and the Provincial Treasury, but on the whole they came to some understanding. But a few months ago, with the avowed purpose of clearing up doubtful cases, a dual order issuing from the office of the Provincial Auditor apparently made the situation still more complicated. The first of these orders instructed the municipalities to withhold all further relief from certain classes of persons who up till then had been in receipt of unemployment benefits: persons on the public charities rolls; persons living as man and wife out of wedlock; longshoremen and others who had had temporary employment; unmarried mothers, etc.

The second order, meant for the auditors of the province, took up point by point the former regulations and attempted to make them clearer.

The consequence of this intervention on the part of the Provincial Treasury was to throw back upon private charity the classes of persons listed. The charitable agencies, and more particularly the federations, seeing their budgets overburdened, made representations and then took common action in an appeal to the municipal authorities. Finally the city had to make up the agencies' deficit. No saving appears to have resulted. Some people claim that the result has been just the opposite, since it is sometimes more costly to assist certain needy classes by private than by public relief.

This first problem gives rise to another, a financial problem. On receipt of the accounts from the municipalities the Provincial Treasury usually

pays out some 65 per cent of the amount due by the province (including the Dominion's contribution). The remainder is paid out only after the accounts have been audited. But the different interpretations made of the regulations bring unavoidable delay to the final settlement; and we are informed that this is particularly true since the Provincial Auditor issued his recent instructions. The said delays are all the more costly to the municipalities since the latter have made heavy loans from the banks. Montreal spends thousands of dollars each year on this score.

The best way to put an end to the vexing question of the interpretation of the word "chomeur," and to abolish these financial costs, it has been explained to us, would be for the province to adopt towards the large municipalities the same policy as that adopted by the Dominion government towards the provinces: a lump sum, computed on the basis of the contributions made for the previous months and years, and paid in advance each month. The municipality would then have to govern itself accordingly, making good any deficit resulting from its prodigality. Besides, the province would continue the necessary supervision.

As things are today, Montreal's contribution to the total of unemployment relief varies between 48 and 50 per cent, while Toronto's share does not go beyond 35 to 39·5 per cent. It is evident that Montreal is carrying too heavy a portion of the burden. It is imperative to put into operation at the earliest possible moment the measures suggested above, and thus allow the metropolis to set its financial house in order: the situation, indeed, has reached a stage where the city's economic stability is threatened. But the suggested measures would not bring efficient results without the co-operation of the employers. The municipality has the right to demand from all classes of employers—governments first of all—their unfailing support. No employer, for instance, should hire labour without applying to the Employment Service. As to the recruiting of the labour needed for the remedial works ordered by the government, this should be prepared well beforehand, in agreement with the Unemployment Relief Service: the latter would take advantage of the opportunity to rid its relief rolls of those who are inclined to sink into a life of idleness, of the fathers of large families whose upkeep costs the most; in a word of all those whom, for some reason or other, it would be in the general interest to put back in employment.

## III

Judging by remarks heard in different quarters, two major problems arise from this question of the relations between the province and the Dominion: (1) the distribution among the provinces of the federal contribution to unemployment relief; (2) the jurisdiction of the two authorities in this matter of relief to the unemployed.

The federal government's contribution to the provinces which, at first, was set at one-third the amount expended, has, since 1934, been paid over in the form of monthly allowances from which the province must take care of existing needs. This allotment represents, in fact, nearly always one-third of the amount spent for unemployment relief purposes; this is proven by the statistics already quoted.

The rule of setting the Dominion's share at one-third the amount expended tended unavoidably to bring about results of an arbitrary nature: it did not take into account the circumstances of time and place, the standard of living, etc., or any of the factors which make the situation differ from one part of the country to the other. As a matter of fact a glance at the statistics of the amounts disbursed by the Dominion government up to March 31, 1937, shows, as between provinces, such discrepancies as are difficult to explain at first sight. Prince Edward Island received \$1,073,647; Nova Scotia, \$6,724,722; New Brunswick, \$4,472,772; Quebec, \$45,124,623; Ontario, \$77,843,508; Manitoba, \$19,033,996; Saskatchewan, \$42,047,295; Alberta, \$12,892,355; British Columbia, \$19,805,563.

The difference between Ontario and Quebec is particularly noticeable since both provinces are more or less on a par in the matter of population, industries, etc., and the number of unemployed (as defined by the Act) and of those in receipt of relief has always borne about the same ratio to their respective populations.

To give a closer view of the problem we have made the comparison between the provinces on the basis of assisted persons-months and unemployed persons-months. Owing to the lack of complete data concerning the number of persons on relief in 1931-32 and 1932-33 (April-March), we have been unable to make the computation for those years.

On the monthly basis of the number of persons in receipt of relief, Prince Edward Island received from the Dominion government, under the Relief Act of 1933, an average of \$2.38; Nova Scotia, \$1.97; New Brunswick, \$1.34; Quebec, 0.82;

Ontario, \$1.94; Manitoba, \$2.31; Saskatchewan, \$1.19 (\$1.01 in the drought areas, \$1.70 in the rest of the province); Alberta, \$1.74; British Columbia, \$2.36.

The other years give the following figures:—

—	1934	1935	1936
	\$	\$	\$
Prince Edward Island.....	4.91	7.17	7.42
Nova Scotia.....	1.90	4.84	5.23
New Brunswick.....	2.47	3.25	4.13
Quebec.....	2.83	1.76	2.33
Ontario.....	2.98	3.36	3.81
Manitoba.....	2.47	3.25	4.54
Saskatchewan.....	3.30	3.23	3.55
Alberta.....	3.05	2.30	3.00
British Columbia.....	3.04	2.23	2.90

The above figures are not given as being absolutely accurate: They represent an effort to establish the relative proportions, showing the amount expended monthly by the federal government for the benefit of each person in receipt of relief in the various provinces during the years mentioned. Since the report of the Dominion Unemployment Commission, which was the source of statistics on which our calculations were based, gives no information respecting the number of people on relief during the month of March in each year, we had to compute an approximate average according to the figures of both the preceding months and those that followed. This does not affect the result as a whole, the second decimal of the averages alone being slightly changed.

There follow the supplementary figures based on unemployed persons-months. The comparison has been limited to two years and to the eastern provinces, where the analogy is closer. On this basis Prince Edward Island received from the Dominion Treasury, under the 1933 Relief Act, \$5.67; Nova Scotia, \$7.48; New Brunswick, \$4.75; Quebec, \$3.52; Ontario, \$6.56. Following are the figures for 1936: Prince Edward Island, \$20.12; Nova Scotia, \$18.71; New Brunswick, \$17.31; Quebec, \$9.58; Ontario, \$13.57. (It is a known fact that in 1933 the free allowance was the general rule, while in 1936, considerable work has been carried on in all the provinces.)

Let us point out that it is difficult, if not impossible, to find an absolutely accurate comparison basis. The unemployed-month basis ignores the dependents. From one province to another the number of dependents for each unemployed varies directly with the average size of families. With regard to the month-assisted-person basis, it ignores



the fact that the allowances are calculated according to the family obligations and from a decreasing scale, according to the number of dependents. Thus a large family, say of twelve, receives proportionately less than a family of four. Therefore, the provinces where the average family is small, will receive proportionately more than those where the average family is large. Neither basis takes into account the form of relief: free allowance, work, settlement on the land, etc., which vary in cost. The provinces which have carried on considerable work have spent more than those that have retained the free allowance.

	Month-assisted- person	Month-employed
Prince Edward Island.. . . .	\$2.38	\$5.67
British Columbia.. . . .	2.36	
Manitoba.. . . .	2.31	
Nova Scotia.. . . .	1.97	7.48
Ontario.. . . .	1.94	6.56
Alberta.. . . .	1.74	
New Brunswick.. . . .	1.34	4.75
Saskatchewan (province as a whole).. . . .	1.18	
Quebec.. . . .	0.82	3.51

During the year April, 1936-March, 1937, generally, when relief work was everywhere in progress, the provinces are in the following order:—

	Month-assisted- person	Month-unemployed
Prince Edward Island.. . . .	\$7.42	\$20.12
Nova Scotia.. . . .	5.23	18.71
Manitoba.. . . .	4.54	
New Brunswick.. . . .	4.13	17.31
Ontario.. . . .	3.81	13.57
Saskatchewan.. . . .	3.55	
Alberta.. . . .	3.00	
British Columbia.. . . .	2.90	
Quebec.. . . .	2.33	9.58

The provinces and the municipalities formulate their unemployment relief policy but the Dominion has taken the initiative by defining unemployment, fixing the conditions of the allowance, and imposing from the start the regulation of the three-part apportionment of the costs. This combination of federal, provincial and municipal initiative gave the results shown by the above figures—results which seem unsatisfactory to everybody.

As is seen, Quebec comes generally last. How can this be explained? Within the outlines laid down by the Dominion, each province worked out an unemployment relief policy which seemed best to correspond to the requirements, resources and general standard of living of the population, the whole somewhat controlled by a psychological factor the attitude of the state and, generally, of the people toward the expenditure. Thus, the province of Quebec is, among all the provinces of the Confederation, one of the least involved in debt. It has always been reluctant to accept the

Dominion government's largesse, when this largesse occurs as an incitement to expenditure. That is a symptom. Quebec's attitude has been the same in dealing with unemployment. It received less because it asked for less. But if it asked for less that was because it somewhat instinctively feared excessive obligations.

This attitude in such circumstances is doing Quebec an ill turn. The case of unemployment would be somewhat similar to, though a little more complicated than, that of the old age pensions which the province was long reluctant to institute, but to the cost of which, owing to the force of circumstances, nevertheless it had to contribute its share.

At all events, if the scheme of the three-part apportionment of the costs of unemployment must be maintained, it would be advisable to revise entirely the basis of the contributions.

As to federal and provincial jurisdiction in unemployment relief, two propositions occur: (1) that which, on the ground that unemployment is a national problem, seeks to lay the entire burden upon the central government (2) that which, comparing unemployment relief to public charities, denies jurisdiction to the Dominion, but demands its financial assistance.

The following is, reduced to its simplest expression, what seems to our mind to be the current opinion among the French Canadians of the province of Quebec—among those, it goes without saying, who are competent to pass an enlightened judgment on so far-reaching a problem.

(1) The responsibility towards all classes of needy proceeds in a way by concentric radiation, from the family to the state through intermediate institutions: first the family, then the trade organization (the syndicates, for example), the municipality, the county, the province. We have quoted the provisions of the civil law and of the laws based on the civil law. It may happen that, by default of the most directly interested institutions, the municipality is compelled to assist the destitute—an obligation defined by the laws, and especially by the Municipal Code and the Public Charities Act.

(2) But when, owing to an unemployment crisis such as ours, the proportion of the needy reaches, as in 1932-33-34, one-fourth, even one-third of the population, it stands to reason that the resources of the municipalities are insufficient to meet the situation. They must then turn towards higher powers, and ask for their co-operation. In what proportion?

(3) At this point various considerations must be taken into account, which may be reduced to two.

(a) Constitutionally unemployment, a relief problem, falls within the competence of the provinces which may deal with it as they please. That is, they may either share the burden of it with the municipalities or assume it entirely. Whatever may be their choice, the responsibility in that matter lies with them. As unemployment relief costs rise beyond the financial means of the municipalities, it is normal that they turn towards the province.

(b) In fact, since unemployment in Canada as elsewhere is a result, among other causes, of the intense industrializing policy of the last 25 or 30 years, and since the provinces have jurisdiction over natural resources and so preside, to a large extent, over the trend of economic development, the responsibility for the present state of affairs does fall on them.

For instance, it is known that in the Province of Quebec, early after the War, many people thought the industrializing policy was proceeding too rapidly. These anxieties are still growing, and today there is a strong feeling in favour of economic decentralization and rural re-establishment. These widespread convictions support in some way the appeals to the province by the municipalities financially overburdened by unemployment.

(4) Does that mean that the Dominion is considered free of all responsibilities? Even if it is not held responsible constitutionally for unemployment, the same reasoning may be readily applied to it as to the provinces. (a) The Dominion has also contributed, it is said repeatedly, with all its powers which are great, from control of the customs tariff to control of the financial policy, to the hasty industrializing policy; and already, for this one reason, it is held responsible for the greater part of the present state of affairs. (b) Furthermore, through its immigration policy it attracted, in a few years time, thousands of foreigners, many of whom, today, depend on the relief funds. These foreigners brought over here supposedly to settle on the land, have poured, at the first opportunity, into the cities. A few figures, it seems, will support this statement. In Montreal alone, out of 151,352 assisted persons on the 31st of October, 1936, 15,228 or 10 per cent were foreigners: Italians, Jews, Polish, Scandinavians.

On the same date, the 31st of October, 1936, there were in Montreal 117,054 foreigners from all sources who, besides providing a large quota of

assisted persons, were displacing, if not a corresponding number, at least a considerable number of native born in the plants, in the shops, in the trades, etc. So it is that in the province of Quebec there has long been opposition to any immigration—opposition which is strengthened by the crisis and the swelling of the labour market.

For all these reasons there is a widespread sentiment in the province of Quebec that the Dominion has a share of responsibility, political if not legal, for the present state of affairs, and that it must assume its share of the burden.

Does that mean that one would be willing to surrender to the federal government entire jurisdiction in the matter of relief?

The problem is looked upon in two ways: (a) political; (b) legal.

The reasoning concerning the first aspect is based: (a) on the geographical and economical differentiation of the country which means that, from one area to another, the needs, interests, and aspirations of the people sometimes differ diametrically; (b) on the ethnic differentiation which is inconsistent with the geographical unity of some parts of the territory, and adds moral border lines to the physical border lines; (c) on the necessity, not of suppressing, but of respecting these regional particularisms—which are an enrichment of the country. There lies the duty of federal government. It is the duty of co-ordination.

And the question now raised is: If the federal government, after seventy years of systematic efforts, has failed to conciliate the general economic interests of the Confederation—in transport, commerce, finance—and failed at a time when social differentiation was not so accentuated as today, what will occur from now on if the Dominion, through unemployment relief, has to meddle with the intimate social life of the various groups forming the population? Will not the task be beyond its powers? Either the Dominion would take into account differences in conditions and in standard of living, or it would not take them into account. In the first instance, justice would demand that it take the difference in standards into consideration when levying taxes as well as in the distribution of relief grants—which would certainly produce administrative complications. In the second case, the people enjoying the higher standard of living would probably complain about insufficiency, while the people on the lower standard of living would be inclined to settle down on relief. The case, though more complicated, would resemble that of the old age pensions which are hardly sufficient in

the larger centres where the cost of living is high and where it is impossible for pensioners to obtain additional resources, but which bring prosperity to families in areas where the standard of living is low and where lodging, water, fuel, even part of the food cost almost nothing.

That is, on the political side of the problem, the reasoning (reduced to its simplest expression) that may be heard every day in the French-Canadian centres already mentioned.

There remains the legal aspect. The opinion of the province of Quebec on this point has been expressed several times, by political heads, and by social experts, and what they say may be said to correspond to the inner sentiment, more felt than analyzed, of the people. In a few words it is that the federal government will not take over unemployment to maintain it, but to rid the country of it as soon as possible. If the Dominion is shouldered with an obligation, at the same time it must receive the means of fulfilling that duty. To attain its object, it will be induced to legislate not only on unemployment, but on all related subjects: labour agreements, wages, labour regulation, even trade regulation within the provinces.

The Dominion might very well take over the entire body of labour legislation leaving the provinces helpless to safeguard their autonomy. Having yielded on the main point, they would see the courts decide in favour of the central government on all points related thereto. The very nature of the Dominion government would force it to legislate from the standpoint of the majority of Canada's population. Since labour legislation has deeply-grown roots in civil law, the province of Quebec would face the danger of seeing an entire section of its civil law slowly fall into disuse. This is a thing that, for reasons already mentioned, French Canadians cannot countenance.

The unemployment problem being what it is, with political and juridical aspects, the best way of solving it, and the one that would meet with the widest approval in Quebec, seems to be that the province should assume full responsibility (adjustments to be reached with the municipalities, depending on conditions in each case) and that the Dominion government, by relinquishing taxation, should allow the province to collect the funds necessary to its requirements.

## CHAPTER X

### HEALTH SERVICES

Following is an outline of the laws respecting hygiene and public health.

In 1936, by 1 Edward VIII, c. 29, the provincial Parliament established a Department of Health. The Minister of Health is the head of it, assisted by a deputy minister and officers appointed by the Lieutenant-Governor in Council. He supervises and directs the application of the laws respecting hygiene and public health; the Quebec Public Health Act enacted in 1932 (c. 186, Revised Statutes of Quebec, 1925), the Sanitary Units Act passed in 1928 and amended in 1933.

The Public Health Act creates a Provincial Bureau of Health and bestows upon it all the powers necessary to the protection of public health. The Minister of Health, under 1 Edward VIII, c. 29, is the Director of the Bureau. As such he is entrusted with: (a) favouring by all means thought appropriate the development of public health (1 Edward VIII, c. 29); (b) co-operating with the Dominion government in the proper application of federal health laws in the province; (c) encouraging scientific studies relating to public health; (d) compiling statistics of births, marriages, and deaths and the causes of death; (e) causing researches to be made on the prevalence and causes of diseases, particularly epidemics, and on any subject related to public health; (f) supervising the establishment of municipal boards of health; (g) giving instructions and advice on steps to be taken to protect public health and avoid epidemics; (h) organizing county or municipal groups of sanitary units; (i) supervising health conditions in the lumber camps, mining camps, and other similar establishments.

The Provincial Health Board is composed of eight persons. The Director, the Chief Inspector and the Secretary of the Provincial Board of Health are *ex-officio* members of it. The other five members are appointed by the Lieutenant-Governor in Council from among the medical men of the province who have practiced for at least five years: they hold office during pleasure. The council gives advice on all questions relating to public health and on the sanitary regulations enacted by the Lieutenant-Governor in Council or by the municipalities.

On the recommendation of the Minister of Health and on the advice of the Health Council,

the Lieutenant-Governor in Council may enact and sanction regulations respecting health.

Subsequent to 1928, all municipalities of 5,000 souls or over which do not form part of a county sanitary unit must establish a health service directed by a physician appointed by the Lieutenant-Governor in Council on recommendation of the municipality. In the municipalities where no board of health exists, the Minister of Health may order the Municipal Council to appoint three persons who shall constitute the Municipal Board of Health. The municipal boards of health inform the municipal councils on health matters and they serve as substitutes in the enforcement of the Provincial Health Act, or of the regulations enacted by the Lieutenant-Governor in Council. If no Board of Health exists in the municipality, the secretary-treasurer or the mayor has all the powers and duties of the Board of Health.

The Minister of Health, the Municipal Council, or its Board of Health have the right to define insanitary conditions in buildings, wells, cesspools, etc.

The remainder of the Act includes provisions respecting unhealthy conditions, drainage and drinking water, foods and beverages, contagious diseases, health in industrial establishments, health services in case of epidemics, the distribution of small pox vaccine, the prevention of venereal diseases, etc.

Sanitary units were established by the Act, 18 Geo. V, c. 69. They are set up by the Lieutenant-Governor in Council on the request of a county or of a group of counties, on the recommendation of the Director of the Provincial Bureau of Health. Their main object is to protect and to promote public health. A medical officer, delegated by the Director of the Provincial Bureau of Health, is in charge. He has the powers and privileges of the inspectors of the Provincial Bureau of Health and of the municipal boards.

The government may set aside for the establishment and maintenance of the sanitary units half the annual estimate of each. The County Council has the right to levy, by resolutions, a tax on taxable property, between 1/5 (for the first year) and half the estimate fixed by the Provincial Bureau of Health. The independent city or town muni-



cipalities of any county where a sanitary unit exists may entrust the latter with the care of their public health, on the understanding that they contribute *pro rata* to the unit costs.

The 1928 Act was entirely amended in 1933 by 23 Geo. V, c. 74. Since then the sanitary units established under the previous Act are permanent health organizations. The Lieutenant-Governor in Council may establish some units, when he sees fit, in the counties which have not any. The sanitary unit remains under the control of the Minister of Health. It is concerned with the enforcement of the Health Act, and in a general way of all measures intended to protect and promote public health.

Every county municipality where a sanitary unit is in operation must pay each year to the Provincial Treasurer a sum equal to 0.015 per \$100 of taxable assessment. If that sum is not sufficient the government pays the difference.

## II

The Department of Health has at its disposal an annual estimate of \$750,000 to \$800,000.

The Vital Statistics Service, under an agreement entered into in 1926, compiles vital data for the Dominion government, which it furnishes with copies of birth, marriage and death certificates. This service proceeds through local collectors; parish priests, clergymen, secretary-treasurers of municipalities, themselves in connection with the county or district sanitary units. As the method of computation was changed in 1926, it is impossible to compare the present statistics with those of the years prior to 1926.

The Sanitary Engineering Service looks after water supplies, and supervises works of sanitation.

The Epidemiology Service, as indicated by its name, is entrusted with the prevention of contagious and infectious diseases. It issues a weekly, bi-monthly and monthly report of the reported cases, and organizes the prevention of epidemics.

The Nutrition Service is concerned with propaganda in nutritional matters and the establishment of standard diets: the Industrial Hygiene Service deals with occupational diseases. In addition, it acts as technical adviser to the Department of Labour in health matters.

The Laboratory Service, reorganized in 1928, includes three sections: the Laboratory of Bacteriological Diagnosis, the Laboratory of Serology and the Laboratory of Chemistry and Sanitation. The organization of a Laboratory of Industrial Hygiene is in progress.

For inspection purposes, the province is divided into twenty-one sanitary districts served by as many health officers responsible to the department.

Among the projects of the Provincial Bureau of Health in recent years mention must be made especially of the campaigns against tuberculosis, infant mortality, and venereal diseases.

Since 1923, sixteen anti-tuberculosis dispensaries have been instituted which, counting the three in Montreal and one in Quebec, make up 20.

In 1929, the placing of children with private families was instituted to protect them from contamination by tuberculosis (Grancher System). There are now three prevention centres situated in Montreal, Quebec and Three Rivers.

Child welfare centres are added each year to the already existing ones, and the campaign against infant mortality has already produced remarkable results. So it is with the campaign against the venereal diseases: more than 80 centres for examination and treatment are in operation.

The main municipalities of the province have their own hygiene service: Montreal, Verdun, Lachine, Westmount have well organized services and are in a position to meet the requirements of the hour. At Quebec, Sherbrooke and Hull the organization is not so well advanced: the reorganization of the Quebec service is in progress. The city of Three Rivers forms a health unit. This is the first experiment of its kind.

The municipal services carry on locally the functions discharged by the Department of Health for the Province as a whole.

The province of Quebec was the originator of the health units in Canada. The first were inaugurated in 1926. The staff of the health unit is composed of a health officer, visiting nurses with special training, a sanitary health inspector, and office employees. The health officer is the director of the unit.

The work of the health units includes: (a) child nursing homes and distribution of vaccines; (b) school inspections; (c) education of the general public, of the mothers and the pupils in particular; talks, lectures, moving pictures, etc.; (d) campaign against contagious diseases; in short, everything concerning hygiene and health. The work program is prepared in advance, even a year ahead, and then carried out systematically.

The present organization is much superior to that existing before the institution of the health units. The district inspector was serving a population of 100,000 and even 150,000 persons. The

health unit is serving a county, with a population which does not exceed 20,000. It has at its disposal the necessary staff. In any case health education is making rapid progress. At present 39 counties, with a population of 1,065,000 are organized in health units.

### III

The results achieved in late years by the provincial health organization are encouraging. If a comparison is made, for instance, of the death rates in 1926 and in 1937 a marked improvement is noted.

—	1926	1931	1936	1937
General death rate (per 1,000 population).....	14.2	12.0	10.2	11.1
Infant death rate (per 1,000 population).....	142.0	112.9	82.8	100.8
Tuberculosis (per 100,000 population).....	121.5	110.1	93.3	.....
Diphtheria (per 100,000 population).....	15.8	10.6	5.1	8.7
Other contagious diseases (per 100,000 population).....	161.7	96.8	7.2	.....

The 1937 increase of the general death rate, of infant mortality and of deaths caused by diphtheria is explained by rather accidental causes.

Infant mortality is generally high among prolific races. This is true in the province of Quebec. Better organization in the Provincial Bureau of Health has succeeded during the past few years in effecting a considerable reduction of the infant mortality rate, which fell from 147.5 per 1,000 in 1926 to 94.1 in 1935 in the cities, and from 137.8 in 1926 to 90.7 in 1935 in the rural centres, the general rate of the province being 142 in 1926, 92.2 in 1935, and 82.8 in 1936.

Good results have been obtained in the campaign against tuberculosis, but the problem remains a serious one.

The campaign against venereal diseases has been carried on strenuously, and with encouraging results. More than 80 centres for examination and treatment are in operation. Contrary to what was going on formerly, those infected do not hesitate today to undergo treatment. There has been a marked decrease in the number of new patients and of treatments and consultations.

—	1931	1936
Number of Sanitary Units.....	23	30
Child Nursing Homes.....	1,039	4,906
Examinations of Babies and of Prescholastic aged children.....	32,172	101,341
Visits to Babies and to Prescholastic aged Children.....	82,304	201,019
Visits to Private Houses (Contagious Diseases).....	7,008	8,682
Immunization against Diphtheria.....	53,770	57,617
Travelling Hospitals.....	1,965	2,402
Attendance at Lectures on Health.....	289,585	270,961
School Children Examined.....	126,660	115,756

### IV

Does this mean that nothing further can be achieved? On the contrary. Although the infant mortality rate has been lowered to a considerable extent, it is still too high. In the rural centres, it is the duty of the sanitary units to educate the people in health and child welfare matters.

In the cities the same work is imperative, but is complicated by two factors: (a) the abnormal death rate of illegitimate children—which forced our attention on the problem of the crèches; (b) the insanitary condition of houses.

A considerable task is to be performed yet in the campaign against tuberculosis. Thanks to the anti-tuberculosis dispensary of the cities and to the travelling hospitals of the sanitary units, the examination is fairly well organized. A minimum of 1,000 beds should be added, we are told, to the sanatoria and to anti-tuberculosis hospitals already existing. Two sanatoria will soon be opened, and an educational campaign has just been launched which will last for three years. Like that of infant diseases, the problem of tuberculosis is intimately connected with housing, in the cities at least.

With the campaign against cancer and mental diseases, the province of Quebec is not alone concerned.

Quebec was one of the first, if not the very first province in the Dominion to organize a campaign against cancer. Its *Institut du Radium* was even used as a model for the other provinces. Since then, for lack of resources, it has been surpassed at least in the scope of the organization. The important thing to do is to encourage early examination—which implies first the education of the public—and then to provide treatment and hospitalization facilities.

The mental diseases are, along with cancer according to Alexis Carrel, the great menace confronting our mechanized, agitated world, but this

is a universal problem. The province of Quebec has already put forth considerable effort in order to contend with mental diseases. It remains to improve on the existing institutions, to complete them and to extend their work. During the last few years the number of patients has increased, if not at an accelerated rate at least with an alarming regularity. Some hospitals were enlarged: 1,500 beds were placed at Saint-Jean de Dieu and the government has just guaranteed a loan of \$750,000 with which the Protestant hospital at Verdun will be enlarged. Beds should be added at Saint-Michel-Archange hospital, also at Bordeaux hospital. But the most urgent problem is the organization of the examination and the classification of the sick, the curable on the one hand, and the incurable on the other. Something was undertaken in that direction, but much more remains to be done. In fact, we are told by an expert, it would be better, before undertaking any reform, to submit the whole present organization to a searching investigation from which would emerge a restoration program covering the whole of the problem. That would be the most effective means, it seems, to provide the organization with the maximum of effectiveness at the minimum cost.

Let us point out another fact of recent date: the decreasing birth-rate. The birth-rate which, in 1926, was 31.4 per 1,000 population, declined to 23.7 in 1937. This regression is steady, so that

if the slackening of marriage during the worst years of the crisis has something to do with it, that should not be considered as the only cause. One must rather take it as the consequence of the change of conditions of life of the population. Actually, in Montreal, the birth-rate was 19.11 in 1936. That is a decrease of 1.01 from 1935, of 3.5 from the average of the five year period 1931-1935 and of 5.74 from the average of the ten year period 1927-1936. With its million population Montreal affects the provincial rate importantly.

As regards health and hygiene the Dominion government exerts its own initiative in several directions, some of which are of international scope and others, like the application of the Pure Food and Drugs Act, the Patent Act, etc., are national in character. Furthermore, the federal authorities co-operate with the provinces in their efforts towards the improvement of sanitation and health, through grants or some other form of help. The Dominion government could very well increase such assistance to the provinces; for instance, through participating in educational campaigns concerning social diseases like cancer and tuberculosis, mental diseases, etc. The wish was expressed that interprovincial committees should be formed for that purpose, to which the Dominion government would bring in co-ordination, in order to standardize the action throughout the country.

## CHAPTER XI

### HOUSING

#### WORKMEN'S HOUSING ACT

In 1914 the Quebec legislature passed an "Act to assist in the construction of dwellings in towns and villages" (4 Geo. V, c. 47; today, c. 129, Revised Statutes of Quebec, 1925). This law authorized the municipalities to guarantee, both as to capital and interest, the loans contracted by companies organized with the aim of building dwellings of an accepted standard, on proof being adduced that: (1) the proper housing of the population demanded additional dwellings; (2) the aim of the company was to help in providing suitable houses and not to make greater profits than those allowed under the Act (6 per cent); (3) the company, without recourse to further loans than the one it wished guaranteed, was in a position to carry out a definite program of housing construction.

From 1914 to 1918 the said Act was inoperative. During the last years of the War and the immediate post-war years, there was a housing shortage in the cities.

In 1919, following a Dominion-Provincial Conference, at which the housing problem had been discussed, the Dominion government decided to put at the disposal of the provinces a loan of \$25,000,000, to be distributed *pro rata* of population. The loan, at the rate of 5 per cent, was to be for 20 or 30 years. Quebec's share was finally fixed at \$8,666,500.

At the session of 1919 the provincial Parliament enacted the "Act providing for the Construction of Workmen's Dwellings and for Advances to Municipalities."

By the terms of this Act, the Minister of Municipal Affairs, with the approval of the Lieutenant-Governor in Council, was given authority to: (1) prepare a housing plan for the province; (2) appoint a director of housing; (3) advance to cities and towns such part of the funds advanced to the province (by the Dominion) as he might deem fit. The municipality wishing to borrow was bound to enact a by-law to this effect, stipulating: (a) that the municipality wished to borrow in order to purchase land, to carry out the improvements necessary to the execution of a

housing plan, to build houses itself or to advance money to persons desirous of erecting dwellings in accordance with the provisions of the Act; (b) that the loan would be advanced to the municipality for a period of 20 years or, in certain cases, of 30 years, at 5 per cent and other terms to be determined by the ministerial council (Section 4).

The loans thus contracted by the municipalities did not affect their general borrowing power (Section 5.) The municipalities were not bound to establish a sinking fund: however, the Minister of Municipal Affairs could demand that they obtain adequate guarantees from the persons to whom they made advances (Section 6).

Under Section 7 of the Act municipalities were authorized:—

- (1) To acquire or erect houses.
- (2) To advance the money lent by the province to persons so requesting for the purpose of housing construction.
- (3) To make advances to building societies of the kind specified under 4 Geo. V, c. 47.
- (4) To have transferred to themselves by the owner the land on which the latter wished to build a home, provided that the buildings erected on said land would be the property of the municipality.

The cost of the house, land included, was not to be in excess of \$4,500; the municipality not to advance more than 80 per cent of the total value, in the case of individuals, or more than 85 per cent in the case of building societies.

The loan was for 20 or 30 years, redeemable in annual instalments or at maturity.

The Act of 1914 and that of 1919 made up together what was called "The General Housing Plan of the Province." The 1919 law, however, was the fundamental part of the plan.

The Act remained in operation until March 29, 1924, when all loans were suspended by the Dominion government.



A total of \$7,369,689 had been advanced to 28 municipalities; a total of 2,100 houses had been built, 210 by the municipalities themselves, 1,190 by building societies and 700 by individuals.

It may be said that from the financial point of view the plan was a failure. The Dominion government suffers no loss, since it recovers from the province. The latter has recourse against the municipalities. It is the municipalities that foot the bill. Of the 28 municipalities, 16 have already repaid their loans. The other 12 still owe \$671,572, against which a sinking fund of \$388,372 has been accumulated.

This does not mean that the operation was beneficial to the municipalities. Among those that

have made repayment Chicoutimi, St. Lambert, La Tuque, Quebec, were heavy losers. Those whose payments are still outstanding are hard put to it to meet their obligations.

Several causes may be blamed for the failure of the plan, in particular high financial charges and speculation which were everywhere evident in connection with the undertaking. A few municipalities, like St. Laurent for instance, did not suffer any loss. This is so because they were extremely prudent, advancing to contractors only 60 per cent of the building costs or else handling the construction operations themselves in a most conservative manner.

## CHAPTER XII

### WHAT IS REQUIRED

Judging from statistics issued by the building trades since 1930, the housing shortage must be more or less general throughout the province. Since the depression started, building operations have proceeded very slowly: during the seventeen years from 1920 to 1936 the annual average was \$23,704,380 for Montreal, \$3,689,487 for Quebec city and \$31,518,644 for the province as a whole. In the six years from 1931 to 1936 the average falls to \$11,090,290 for Montreal, \$1,554,633 for Quebec and \$13,882,150 for the province; a drop of 50 per cent in the provincial average. It is therefore evident that a considerable delay must be made good everywhere.

Did not the Director of Montreal's Town Planning Commission declare, some months ago, that Montreal would suffer this year from a shortage of 24,000 houses? We have no data for the other parts of the province.

The Dominion Housing Act of 1935 (25-26 Geo. V, c. 53) did not spur building activities in the province of Quebec. It is needless to analyze this well-known law. We merely recall that, in the Finance Minister's own words, the object of the Act was "to stimulate building, thus lightening unemployment and allowing Canadian families, particularly those of limited means, to become home-owners." As at January 30, 1938, a total of 539 loans to the amount of \$4,613,933, had been granted in Quebec province. As a consequence, 986 houses had been built.

Where lay the blame for this comparative failure? We have not succeeded in obtaining any satisfactory explanation. Some claim that the equity of 20 per cent, which the borrower must hold is too high. In Montreal, apparently, the failure is also blamed on the very nature of the housing problem.

As a matter of fact this problem is of a rather complicated nature in the metropolis. According to a joint investigation made in 1934-35 by the Montreal Board of Trade and the City Improvement League—the inquiry was renewed by the Town-Planning Branch of the Metropolitan Commission—this problem bears mostly on the low-salaried classes. This class of the population is very large: 180,700 families were living on an

income varying between \$550 and \$1,250 per annum; half of these people had a yearly income of between \$550 and \$750. This means that some 80,000 or 85,000 families cannot afford to pay more than from \$9 to \$12 per month in rent. It is these conditions that breed slum-dwellers.

Meanwhile, with proper housing within the reach of low-salaried families completely lacking, there are several thousand vacant houses. The latter numbered 13,000 in 1933 and 9,000 in 1934. Some people are of opinion that 50 per cent of these vacancies may be explained by the fact that two and even three unemployed families share the same house. But there remains the fact of an excess of houses in a city where, on the other hand, there exists an acute housing shortage.

The reason for this is that the great majority of the present style of houses were built at such a cost and are mortgaged to such an extent that, from an economic standpoint, they cannot be rented below \$25 to \$35 a month. Since 1930-31 it has been hard to find tenants for these houses. A number of them are occupied by unemployed persons who, in the beginning, were given shelter free-of-charge by the landlords; the latter receive, at the present time, a monthly rent of from \$6 to \$12 from the Unemployed Relief Service. The houses are let at a loss; with no repairs and no upkeep, they are deteriorating and falling into the slum class.

This is apparently one of the reasons why the Dominion Housing Act of 1935 produced only mediocre results in Montreal. The provisions of the Act do not allow the building of a dwelling that may be rented at less than \$22 per month. And there exists, precisely, an over-supply of the type of house which may be built under the Act.

The above analysis has shown us certain of the main factors in Montreal's housing problem. There are within the city a certain number of slum dwellings, not in separate districts but more or less spread through several sections. The Board of Trade investigators estimated their number at some 3,000 out of a total of 213,000 houses in Montreal. This scattered condition makes it all the more difficult to undertake remedial measures in the form of mass demolition and reconstruction.

But slum-clearance would not be a solution of the housing problem; far from it. The investigators state that to meet the needs of the low-salaried classes there should have been available since 1934 some 70,000 cheap or low-priced houses. To safeguard the interests of the small property-owners, already hard-pressed, and to avoid subjecting them to competition that would prove overwhelming in their case, the investigators suggested that the building of these houses be spread over a period of 20 years, 4,000 being constructed each year; the attendant rise in the population would thus be taken care of.

The investigation carried on by the Town-Planning Board of the Metropolitan Commission reached about the same conclusions, save on certain matters of detail. The Metropolitan Commission favours a certain financing system which would enable the tenant with steady earnings to become the owner of his own home.

Beyond the two characteristic features noted above, the housing problem in Montreal presents certain aspects which must not be lost sight of. For instance, the comparison is often made between Montreal with its 13 per cent of home-owners, and Toronto where the proportion is 78 or 80 per cent. The explanation of this difference is to be found in a number of factors deriving from the characteristic traits and the economic situation of the inhabitants of both cities.

(1) The average wealth is not so great in Montreal as in Toronto;

(2) The family is larger and tries to adapt its dwelling-place to its varying needs: smaller in the beginning, larger when the family has reached its full development, then smaller once more when the children have settled in homes of their own. This causes people to move from one house to another;

(3) The large number of people in the average family also serves to explain in part the general preference for flats where housework is reduced to a minimum;

(4) Salaries are generally lower in Montreal than in Toronto;

(5) The price of land and construction costs are higher in Montreal;

(6) Employment is less permanent, which explains why a great number of workers, even with sufficiently high wages, are not in a position to settle down in their own homes;

(7) Finally, the necessity of moving conflicts with the people's traditional inclination: they become attached to their district, to their institutions, etc. From this standpoint the parish should be given its due measure of importance as a social unit. The Metropolitan Commission's investigation revealed that 95 per cent of the 2,000 families visited preferred to remain in their district;

(8) Finally, if we add to Montreal the neighbouring towns such as Outremont, Westmount, Verdun, etc., which are the real residential sections of Montreal, the percentage of home-owners is considerably increased.

All this must be borne in mind when looking into Montreal's housing problem.

Outside of Montreal no serious study, at least to our knowledge, has been made of the housing problem. Several experts are of opinion that in most of the cities in the province this problem is both of a qualitative and of a quantitative nature. Some are even inclined to believe in the existence of a rural housing problem, at least in the villages.

The chief thing that must be done first of all is for the province to adopt a definite housing policy, incorporating into city charters general regulations respecting building operations.

The Housing Improvement Act operates along the same lines as the 1935 Housing Act. As at the end of February, 1938, the loans advanced within the province under this legislation reached a total of some \$1,500,000, of which \$882,000 went to Montreal and \$132,250 to Quebec City.

## CHAPTER XIII

### REFORMS GREAT AND SMALL

The normal trend of social welfare organization is towards centralization. In England, in the United States, in Germany, in France and Italy, the aim is uniformity in action, in diverse degrees, and according to different formulae.

In the Province of Quebec, notwithstanding a few partial efforts for co-ordination, the organization of social welfare is still remarkable for its scattered condition. But in some circles, it is considered that now is the time to reduce to uniformity a scattering which, perforce, must be expensive. The formula is not far to seek: a general plan conceived according to a few simple rules; method and cautious perseverance.

In concentrating in the same department the services for hygiene and public welfare, the government created the central nucleus from which must in the future spring all initiative. For instance, there is no reason why the application of the so-called social legislation should be in the hands of the Labour Department, while the insurance branch comes under the Treasury.

The Health Department might become the Department of Health and Social Welfare, adding to its present services one for social welfare, and later, one for state insurance. The health service might have as many branches as necessary, and would see to the administration of the Act wherever it applies. The public assistance bureau, as it does today, would take care of institutions. The Social Welfare Department would administer the so-called social laws, and would keep a record of the agencies. If, eventually, pensions should become contributory, the insurance branch should come under the Social Welfare Department, in the very nature of things.

These different services would make the fullest use of the outside organization and staff, especially of the health units, which make a very valuable contribution to the application of social legislation.

According to the same general program, municipal health and public assistance services should be under one head, to be called municipal services for health and welfare. In large cities like Montreal, where unemployment relief threatens to become a permanent institution, it might be tied up to the welfare services, as a branch of public assistance. Of course, in large cities, the provincial

organization would keep its own offices, not in order to replace municipal services, but to round them off.

### UNEMPLOYMENT INSURANCE

From the legal standpoint, the argument respecting unemployment insurance in nowise differs from that already advanced on the subject of old age pensions and of unemployment itself. Once the provinces renounced their jurisdiction in this matter that very act would authorize the Dominion government to legislate on all points relating thereto. Since there is reason to believe that the federal authorities, anxious to make conditions as uniform as possible from one end of the country to the other, and to standardize the insurance system, would be inclined to enact legislation respecting hours of work, wages and labour contracts generally, the provinces would incur the risk of sacrificing part of their autonomy in the matter of labour legislation. Inasmuch as Quebec's labour enactments are based on the Civil Code, an entire chapter of this Code might be altered or might lapse.

From the sociological viewpoint, unemployment insurance, as do other legislative measures of a social nature, appears more or less advisable in Quebec province. We have set out, rather at length, in an appendix to our survey of the trade-union situation, the serious nature of the rural problem in the province of Quebec. For our part, we consider, and we know that most of the economists and sociologists who have studied the situation agree with us, that the exodus from the countryside and the extreme congestion in our cities, notably in Montreal, are chiefly responsible for the economic instability of today. Any enactment tendency to further improve the lot of the industrial worker, to create at least the illusion that city workers lead an easier, more secure life, would almost inevitably accelerate the movement away from the land, unless equal advantages were assured to the rural population and steps taken to ensure the improvement and progress of living conditions in the country districts. The city worker already enjoys the protection of the law in the



matter of wages, hours of labour, accidents and diseases resulting from employment, etc. The rural worker has nothing of all that; hence, he turns his gaze towards the city as to a sort of paradise where there is an end to the sufferings of all those of his class who have succeeded in escaping from the land and the village.

We have always maintained, and our last two years of study at first-hand have convinced us more than ever, that the best and most expedient form social legislation could assume in the province of Quebec, would be a broad and audacious policy of economic decentralization and rural re-establishment. Some of our most urgent urban problems would be immediately lessened thereby, to an astonishing degree.

Briefly, unless advantages equal to those granted city workers were assured to the people of the country districts, social legislation, as things stand today, might well work more harm than good. To our mind the same holds true of unemployment insurance—despite our genuine respect for the Social Insurance Commission.

In the matter of social agencies, the Protestant population of Montreal sets a fine example of organization. The Catholics of our large cities should also organize federations, which should act as connecting links with public welfare services. Institutions, through their outdoor activities, should be affiliated to these federations, just as all private agencies should be. The federations would organize confidential exchanges of information and supervise their efficiency. The federations should be subsidized by public relief agencies.

The time seems auspicious for family welfare organization. Many have expressed the wish to see for that purpose: (a) in every city, a secretariat or family welfare bureau; new agencies for child

welfare, for the purposes of (1) protecting the family as far as possible; (2) relieving overcrowding in institutions. The federations of social agencies would take the initiative towards such activities.

However, certain lesser reforms already mentioned by the Social Insurance Commission, should not be lost sight of because of these more important ones. Among the lesser ones may be mentioned: (a) amendments to the Act on Guardianship and to the Industrial Schools Act, in regard to children; (b) revision of the Industrial Establishments Act, in regard to industrial hygiene.

All these reforms may be accomplished without cost and without upsetting any of the essentials.

In the province of Quebec, the organization of social welfare is in the hands of private initiative, and Catholics are agreed generally that it must so remain. Let the state intervene to make up the deficiency, to complete, but never to displace or dominate. Indeed, if the trend to greater uniformity in action is theoretically desirable, it is nevertheless essential not to forget that organization in social welfare is tied up with a certain number of conditions, two of which at least are essential: (1) resources, and (2) the needs and traditions of the population to be organized. It is unnecessary to insist on the first, for it is obvious that only that part of the national revenue which is not absolutely indispensable for economic life should be applied to social services. As to the second, two points should be remembered: (1) in questions of social reform, the degree of urgency as to different measures may vary between one nation and another, and between one period and another; (2) all social interference is of a psychological nature, and failure would be inevitable if we relied on methods which would overlook the character of the population, its temperament, its customs and tradition.