SCC File No. 41334

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM A JUDGMENT OF THE QUEBEC COURT OF APPEAL)

BETWEEN:

ATTORNEY GENERAL OF QUEBEC

APPELLANT
(Appellant)

– and –

SGS CANADA INC.

RESPONDENT
(Respondent)

– and –

SYNDICAT DES TRAVAILLEUSES ET TRAVAILLEURS DES INDUSTRIES MANUFACTURIÈRES – CSN
ADMINISTRATIVE LABOUR TRIBUNAL

INTERVENERS
(mis en cause)

– and –

ATTORNEY GENERAL OF CANADA
ATTORNEY GENERAL OF ONTARIO
ATTORNEY GENERAL OF ALBERTA
ATTORNEY GENERAL OF SASKATCHEWAN

INTERVENERS

FACTUM OF THE INTERVENER ATTORNEY GENERAL OF SASKATCHEWAN
(Rule 42 of the *Rules of the Supreme Court of Canada*)

Barbara Mysko
ATTORNEY GENERAL FOR SASKATCHEWAN
1874 Scarth Street, Suite 820
Regina SK S4P 4B3

Tel: (306) 798-3183
Fax: (306) 787-9111
Email: barbara.mysko3@gov.sk.ca

Counsel for the Intervener,
Attorney General of Saskatchewan

D. Lynne Watt
GOWLING WLG (CANADA) LLP
Suite 2600
160 Elgin Street
Ottawa ON K1P 1C3

Tel: (613) 786-8695
Fax: (613) 788-3509
Email: lynne.watt@gowlingwlg.com

Agent for the Intervener,
Attorney General of Saskatchewan

Samuel Chayer
BERNARD, ROY (JUSTICE-QUEBEC)
Suite 8.00
1 Notre-Dame Street E
Montréal QC H2Y 1B6

Tel: (514) 393-2336, ext. 51461
Fax: (514) 873-7074
Email: samuel.chayer@justice.gouv.qc.ca

Étienne Cloutier
MINISTERE DE LA JUSTICE DU QUEBEC DIRECTION DU DROIT CONSTITUTIONNEL ET AUTOCHTONE
Suite 425.17
1200 Route de l'Église
Québec QC G1V 4M1

Tel: (418) 643-1477, ext. 20131
Fax: (418) 644-7030
Email: etienne.cloutier@justice.gouv.qc.ca

Counsel for the Appellant

Pierre Landry
NOËL ET ASSOCIES S.E.N.C.R.L.
2nd Floor
225 Montée Paiement
Gatineau QC J8P 6M7

Tel: (819) 771-7393
Fax: (819) 771-5397
Email: p.landry@noelassocies.com

Agent for the Appellant

Claudia Desjardins Bélisle
Philippe Larochelle
MILLER THOMSON
Suite 3700
1000 De La Gauchetière West
Montréal QC H3B 4W5

Tel: (514) 875-5210
Fax: (514) 875-4308
Email: cdesjardinsbelisle@millerthomson.com
plarochelle@millerthomson.com

Counsel for the Respondent

Kateri Hélène Racine
Vanessa Clermont-Isabelle
LAROCHE MARTIN
Suite 3900
1601 De Lorimier Avenue
Montréal QC H2K 4M5

Tel: (514) 529-4913
Fax: (514) 529-4932
Email: kateri-helene.racine@csn.qc.ca
vanessa.clermont-isabelle@csn.qc.ca

Counsel for the Intervener
Syndicat des travailleuses et travailleurs des industries manufacturières – CSN

Pierre Landry
NOËL ET ASSOCIES S.E.N.C.R.L.
2nd Floor
225 Montée Paiement
Gatineau QC J8P 6M7

Tel: (819) 771-7393
Fax: (819) 771-5397
Email: p.landry@noelassocies.com

Agent for the Intervener
Syndicat des travailleuses et travailleurs des industries manufacturières - CSN

Geneviève Bond Roussel
FITZBACK, BOND ROUSSEL
Suite 18.200
500 René-Lévesque Blvd. West
Montréal QC H2Z 1W7

Tel: (514) 873-3761
Fax: (514) 873-9507
Email: genevieve.bondroussel@tat.gouv.qc.ca

Counsel for the Intervener
Administrative Labour Tribunal

John Provart
Justine Malone
DEPARTMENT OF JUSTICE CANADA
Suite 400
120 Adelaide Street West
Toronto ON M5H 1T1

Tel: (647) 256-0784
Fax: (416) 954-8982
Email: john.provart@justice.gc.ca
justine.malone@justice.gc.ca

Counsel for the Intervener
Attorney General of Canada

Bernard Letarte
DEPARTMENT OF JUSTICE CANADA
Suite SAT-6060
284 Wellington Street
Ottawa ON K1A 0H8

Tel: (613) 294-6588
Fax: (613) 952-6006
Email: bletarte@justice.gc.ca

Agent for the Intervener
Attorney General of Canada

Savitri Gordian
Sean D. Kissick
MINISTRY OF THE ATTORNEY GENERAL OF ONTARIO
Constitutional Law Branch, Civil Law Division
4th floor
720 Bay Street
Toronto ON M7A 2S9

Tel: (416) 455-2765
Fax: (416) 326-4015
Email: savitri.gordian@ontario.ca
sean.d.kissick@ontario.ca

Counsel for the Intervener
Attorney General of Ontario

Marie-France Major
SUPREME ADVOCACY LLP
340 Gilmour Street
Ottawa ON K2P 0R3

Tel: (613) 695-8855, ext. 102
Fax: (613) 695-8580
Email: mfmajor@supremeadvocacy.ca

Agent for the Intervener
Attorney General of Ontario

Jennifer L. Keliher
ATTORNEY GENERAL OF ALBERTA
Constitutional and Aboriginal Law
Suite 1670
639 5th Ave SW
Calgary AB T2P 0M9

Tel: (587) 435-6978
Fax: (403) 297-6381
Email: jennifer.keliher@gov.ab.ca

Counsel for the Intervener
Attorney General of Alberta

D. Lynne Watt
GOWLING WLG (CANADA) LLP
Suite 2600
160 Elgin Street
Ottawa ON K1P 1C3

Tel: (613) 786-8695
Fax: (613) 788-3509
Email: lynne.watt@gowlingwlg.com

Agent for the Intervener
Attorney General of Alberta

TABLE OF CONTENTS

PART I: OVERVIEW AND STATEMENT OF FACTS

A. Overview

1. The Attorney General for Saskatchewan (Saskatchewan) intervenes to make submissions on the tests for federal jurisdiction over labour relations arising from the declaratory power.

2. The distribution of powers must be interpreted consistent with the federalism principle. The federalism principle is animated by the purpose and evolution of the Canadian federal state. The purpose of Confederation was to promote the welfare of the diverse provinces through the best-adapted system available – a federal union. Consistent with this purpose, the evolution of the Canadian federal state has trended toward provincial autonomy and away from the centralizing power of the federal government.

3. The primacy of provincial jurisdiction over labour relations is rooted in the autonomy of the provinces over property and civil rights. Given this autonomy, the power of the federal government to declare works for the general advantage of Canada must be narrowly construed. Care must be taken to ensure that the declaratory power – an anomalous power – is not expanded through imprecise and unclear tests for federal jurisdiction over labour relations.

4. The Court of Appeal's decision expanded federal jurisdiction over federal works pursuant to s. 92(10)(c). The consequence of the Court's reasoning is a legal feedback loop driven by an overly broad test for direct federal jurisdiction over labour relations. This broad test has the effect of expanding the federal declaratory power and providing greater scope for federal jurisdiction over labour relations on a derivative basis.

5. In Saskatchewan's submission, **direct** federal jurisdiction over labour relations pursuant to s. 92(10)(c) is restricted to the operator of a federal work whereas **derivative** jurisdiction is restricted to an undertaking that is indivisible from the operator of that work.

B. Statement of Facts

6. Saskatchewan accepts the facts as described by the Attorney General of Québec.

PART II: POSITION ON CONSTITUTIONAL QUESTIONS

7. Saskatchewan intervenes in this matter in response to the Notice of Constitutional Question, dated March 17, 2025. The Notice includes two questions, both seeking answers to whether SGS Canada Inc. (SGS)'s labour relations fall under federal jurisdiction, by either direct or derivative means.

8. Without commenting on the outcome of this dispute, Saskatchewan's position is that the Court of Appeal erred in law when articulating and applying the direct and derivative tests.

PART III: STATEMENT OF ARGUMENT

A. The Declaratory Power Should be Interpreted Consistently with Federalism

9. Provincial autonomy over local affairs is core to the identity of the Canadian federal state. It is embedded in the distribution of powers; it has prevailed over the early centralizing powers adopted for the purpose of building the nation state. Contextually understood, the principle of federalism calls for a narrow interpretation of the declaratory power.

10. Federalism is one of four central organizing principles of the Constitution of Canada, along with democracy, constitutionalism and the rule of law, and respect for minority rights.[1] These four principles are not isolated compartments but instead "function in symbiosis".[2]

11. Federalism "recognizes the diversity of the component parts of Confederation" while facilitating democracy by distributing power to the level of government most suited to the objective.[3] Constitutionalism and the rule of law preclude "the influence of arbitrary power",[4] and exclusive provincial authority ensures that certain powers are free from centralized, majoritarian control.[5]

---

[1] *Reference re Secession of Quebec*, [1998] 2 SCR 217 [*Secession Reference*] at para 32.

[2] *Secession Reference*, *supra* note 1, at para 49.

[3] *Secession Reference*, *supra* note 1, at para 58.

[4] *Re Manitoba Language Rights*, [1985] 1 SCR 721 at 748.

[5] Donald F. Bur, *Law of the Constitution: The Distribution of Powers*, 2nd ed, (Toronto: LexisNexis, 2023) [*Bur*] at 102, **Book of Authorities [BOA], Tab 1**.

12. Unwritten principles such as democracy, the rule of law, and respect for minority rights, are "part of *the law* of our Constitution, in the sense that they form part of the context and backdrop to the Constitution's written terms."[6] They represent the general principles within which the constitutional order operates and "by which the Constitution's written terms – its *provisions* – are to be given effect".[7] They aid in the interpretation of those provisions.[8]

13. Federalism has greater legal force, rooted in its textual qualities. Federalism is "found in the express terms of the Constitution" even if specific aspects of it are not.[9] It is written in the sense that it is explicitly embedded in the constitutional distribution of powers. It is unwritten only in the sense that it is not distilled nor isolated to a single provision of the Constitution.

14. Constitutional interpretation, generally, necessitates situating the text "in its proper linguistic, philosophical and historical contexts",[10] and applying a broad and purposive approach, sensitive to evolving circumstances.[11] This interpretative approach applies no less to the distribution of powers. The assignments of power are animated by the history, geography, and motivations underlying Canadian federalism, and the development of the modern federal state.

15. Federalism as an early organizing principle for the Canadian nation was the political mechanism by which the great regional diversity of the country could be reconciled with the need for national unity.[12] The purpose of the federal union, as the "best adapted" system to protect the

---

[6] *Toronto (City) v Ontario (Attorney General)*, 2021 SCC 34, [2021] 2 SCR 845 [*Toronto (City)*] at para 50. Emphasis in original.

[7] *Toronto (City)*, *supra* note 6, at para 54. Emphasis in original.

[8] *Toronto (City)*, *supra* note 6, at paras 54, 55.

[9] *Toronto (City)*, *supra* note 6, at para 50.

[10] *R. v Big M Drug Mart Ltd.*, [1985] 1 SCR 295 at para 117.

[11] *R. v Comeau*, 2018 SCC 15, [2018] 1 SCR 342 at para 52.

[12] Peter W. Hogg and Wade K. Wright, *Constitutional Law of Canada*, loose-leaf (2024-1) 5th ed, vol 1 (Toronto: Thomson Reuters, 2024) [*Hogg*] at 5-15, 5-16, **BOA Tab 3**.

provinces' "diversified interests", was to promote the welfare of the provinces.[13] Such union was to be adopted only if it could be implemented on terms that were "just" to the provinces.[14]

16. Maintaining unity in the face of such diversity was then, as it is now, a delicate balancing act. The answer was to distribute authority such that the federal or national government would be "responsible for matters of national importance" and the provincial governments for matters of "local importance".[15] Thus, the Quebec Resolutions recognized that the "general Government" would be "charged with matters of common interest to the whole country" whereas the provinces would be "charged with the control of local matters in their respective sections".[16]

17. Hence, the assignment to the provinces of the exclusive power to make laws in relation to "all matters of a merely local or private nature in the province", pursuant to s. 92(16) of the *Constitution Act, 1867*; and to make laws in relation to all local works and undertakings other than those specified exceptions, pursuant to s. 92(10) and 91(29). More generally, the whole of the provincial legislatures' exclusive powers, pursuant to s. 92, advance the ability of the provinces to manage their local affairs.

18. In this system, Parliamentary power to legislate in relation to matters of national importance is limited. The national concern doctrine under P.O.G.G. is "residuary" to "the provincial heads of power".[17] It does not grant power to Parliament over matters under the exclusive powers of the provinces. Even where Parliament is permitted to make uniform laws over property and civil rights, the consent of the applicable provincial legislatures is required.[18]

---

[13] John A. Macdonald, *Drafts of the Quebec Resolutions, final version as debated and adopted in the legislature of the Province of Canada*, March 15, 1865 (MG 26 A, Vol 46 at 18210-18216) [*Quebec Resolutions*], no 2. *Constitution Act, 1867*, (UK), 30 and 31 Vict, c 3, reprinted in RSC 1985, App II, No 5 [*Constitution Act, 1867*], **Preamble.**

[14] *Quebec Resolutions*, *supra* note 13, no 1.

[15] *Hogg*, *supra* note 12, at 5-15, 5-16.

[16] *Quebec Resolutions, supra* note 13, nos 1 and 2.

[17] *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11, [2021] 1 SCR 175, at para 89.

[18] *Constitution Act, 1867*, s. 94.

19. Maintaining the autonomy of the provinces to manage their local affairs is a cornerstone of the Canadian federal system. It serves to preclude an excessive concentration of power in a central government that lacks the direct experience of, or accountability for, provincial economies or cultures. It is consistent with the principle of subsidiarity, that is, that "law-making and implementation are often best achieved" at an effective level of government that is "closest to the citizens affected".[19]

20. To be sure, the early manifestation of Canadian federalism disclosed a measure of provincial subordination relative to the federal government.[20] By some accounts, Canada in 1867 was in law "a quasi-federal" state.[21] The *Constitution Act, 1867* was "an act of nation-building"[22] and the development of certain works and undertakings were "of particular importance to the new nation".[23] "[S]ome works and undertakings were of sufficient national importance that they required centralized control."[24]

21. Constitutional manifestations of this early centralizing force included the federal declaratory power; the powers of reservation and disallowance; and the power pursuant to s. 93 to enact remedial education legislation. However, as the Court observed in the *Secession Reference*, "although the federal power of disallowance was included in the *Constitution Act, 1867*, the underlying principle of federalism triumphed early".[25] Local authority over works and

---

[19] *114957 Canada Ltée (Spraytech, Société d'arrosage) v Hudson (Town)*, 2001 SCC 40, [2001] 2 SCR 241 at para 3.

[20] *Hogg*, *supra* note 12, at 5-17, 5-18, 5-19, **BOA Tab 3**.

[21] Patrick J. Monahan, Byron Shaw, and Padriac Ryan, *Constitutional Law, 5th ed* (Toronto: Irwin Law, 2017) [*Monahan*] at 108, **BOA Tab 4**.

[22] *Secession Reference*, *supra* note 1, at para 43.

[23] *Consolidated Fastfrate Inc. v Western Canada Council of Teamsters*, 2009 SCC 53, [2009] 3 SCR 407 [*Consolidated Fastfrate*] at paras 38, 39.

[24] *Consolidated Fastfrate*, *supra* note 23, at para 36.

[25] *Secession Reference*, *supra* note 1, at para 55. See, also, *Monahan*, at 108-109, ftnts 15, 17, 18. Although it saw significant use in the late 19th century, the last use of the disallowance power was 1943; the last time the federal government considered using of the federal power to enact

undertakings had been the preferred path to economic development.[26] Moreover, a federalism that was "just" was a federalism where provincial autonomy could flourish.

22. Following the early settlement of Canada there was a movement away from the centralized federal power of 1867. This movement included, as examples, the power of disallowance falling into disuse; the reservation power becoming effectively obsolete; and the federal power to enact remedial laws becoming obsolete.[27] In a similar vein, the declaratory power has been used only sparingly in recent years.[28]

23. As early as 1883, the Privy Council held that the Provincial legislatures are supreme and have the same authority as Parliament.[29] Provinces are not subordinate to a central authority; rather, the orders of government are coordinate.[30] In this system, each province "[retains] its independence and autonomy" and sits "directly under the Crown as its head".[31] Even flexible, cooperative federalism should not "erode the constitutional balance inherent in the Canadian federal state".[32]

---

remedial education laws was 1896; and the last use of the power of reservation was 1961, against the policy of the federal government.

[26] *Consolidated Fastfrate*, *supra* note 23, at paras 36, 38, 39.

[27] See, *Hogg*, *supra* note 12, at 5-21, 5-22, 5-23, **BOA Tab 3**. See also: *Bur*, at 103, ftnt 474, **BOA Tab 1**. Hogg (5-21) and Bur (102) argue that, while the power of disallowance technically still exists, it is unlikely that the provinces would recognize its use.

[28] *Hogg*, *supra* note 12, at 22-22.

[29] *Hodge v R*, 8 AC 117 (UK JCPC) (Dec 15, 1883), at 132, in Richard A. Olmsted, *Decisions of the Judicial Committee of the Privy Council relating to the BNA Act, 1867 and the Canadian Constitution 1867-1954*, Vol 1, at 199, **BOA Tab 2**.

[30] *Re Initiative and Referendum Act*, [1919] AC 935, 48 DLR 18 (UK JCPC) [*Re Initiative*] at 22.

[31] *Reference re Securities Act*, 2011 SCC 66, [2011] 3 SCR 837 [*Reference re Securities Act*] at para 71; *Re Initiative*, *supra* note 30, at 22.

[32] *Reference re Securities Act*, *supra* note 31, at para 62.

24. Thus, although this Court confirmed the validity of disallowance and reservation in 1938,[33] the modern Canadian federal state had already begun to take shape. Evidently, what were "on paper" sweeping powers did "not provide the entire picture"[34] and ultimately, the early centralizing powers were bound to lose their relevance.

25. In the present day, the powers of disallowance and reservation have been described as "moribund on the basis that they are inconsistent with the principle of federalism".[35] While their abandonment has hindered their substantive consideration and precluded explicit acknowledgment of their status, the impacts of the federal declaratory power persist due to the continued existence of declared works.

26. While the declaratory power is not moribund, the modern system of coordinate powers necessitates that it be narrowly construed.

B. The Declaratory Power Should be Narrowly Construed, Consistent with the Framework of Section 92(10)

27. The declaratory power under s. 92(10)(c) must be interpreted narrowly, in a manner consistent with the overarching framework of s. 92(10) – that is, that federal jurisdiction over works and undertakings is the exception to what is otherwise provincial jurisdiction. The reasoning in *Ontario-Hydro*[36] supports this approach.

28. Section 92(10) of the *Constitution Act, 1867* "embodies the dual principles of local and centralized decision making that are essential to balancing local diversity with national unity."[37]

---

[33] *Reference re The Power of the Governor General in Council to Disallow Provincial Legislation and the Power of Reservation of a Lieutenant-Governor*, [1938] SCR 71.

[34] *Secession Reference*, *supra* note 1, at para 55.

[35] *Monahan*, *supra* note 21, at 109, **BOA Tab 4**. See also, *Secession Reference*: "[m]any constitutional scholars contend that the …power of disallowance has been abandoned" (para 55).

[36] *Ontario Hydro v Ontario (Labour Relations Board)*, [1993] 3 SCR 327 [*Ontario Hydro*].

[37] *Consolidated Fastfrate*, *supra* note 23, at para 31.

Provincial regulation of works and undertakings is the rule; federal regulation, the exception.[38] The declaratory power is an exception to provincial legislative competence rather than an affirmative federal head of power.

29. As an "extraordinary"[39] power that enables the federal Parliament to unilaterally "increase its own powers and diminish those of the provinces",[40] the declaratory power sits uncomfortably within the Canadian federal system. It is "inconsistent with the fundamental equality of the two orders of government".[41] The anomalous nature of the power calls for restraints.

30. Its use is reasonably subject to specific form constraints – a declaration is valid only when made by law, not by regulation; it must be included in the body of the statute, not in a preamble; and its assertion must be explicit.[42] It must be sufficiently precise to allow for the identification of the works to which it applies.[43]

31. A valid declaration is also subject to well-established substantive limits. It may apply to a work and to an undertaking, but it will not apply to an undertaking that does not include a work.[44]

32. A declaration made pursuant to s. 92(10)(c) will not grant plenary jurisdiction to the federal government.[45] Provincial laws of general application continue to apply to the work as long as these laws do not touch an integral part of Parliament's jurisdiction over the work.

---

[38] *Consolidated Fastfrate*, *supra* note 23, at para 28, citing *Northern Telecom Ltd. v Communications Workers of Canada*, [1980] 1 SCR 115 [*Northern Telecom*] at 132.

[39] *Ontario Hydro*, Iacobucci J., *supra* note 36, at 398, citing *Laskin's Canadian Constitutional Law* (5th ed 1986), vol 1 at 627.

[40] *Hogg*, *supra* note 12, at 22-22, **BOA Tab 3**.

[41] *Monahan*, *supra* note 21, at 394, **BOA Tab 4**.

[42] *Mémoire de l'appelant*, at para 47.

[43] *Jorgenson v Attorney General of Canada*, [1971] SCR 725 [*Jorgenson*] at 736, 737.

[44] *Ontario-Hydro*, *supra* note 36, at 368 (La Forest J.).

[45] *Ontario-Hydro*, *supra* note 36, at 339-340 (Lamer C.J.: Nor is the P.O.G.G. power plenary); 363 (La Forest J. speaking to "laws of general application"); 402 (Iacobucci J.).

33. Beyond these established limits, the courts have grappled with discerning the proper nature and scope of the declaratory power considering the balance sought to be achieved by federalism.

34. In *Ontario-Hydro*, a majority held that the declaratory power should be interpreted narrowly. Then Chief Justice Lamer, "fully agree[d]" with Iacobucci J. (along with Sopinka J. and Cory J.) that Parliament's power "must be limited" in order to show respect for provincial power while giving due recognition to the relevant federal interests.[46]

35. According to Iacobucci J., the central rationale for the narrow interpretation is Canada's federal system of government. A limit on Parliament's jurisdiction is "consistent with the interpretation of the declaratory power as a 'narrow and distinct' power in order that the power not seriously encroach on provincial jurisdiction".[47] Respect for the principle of federalism shows up in the courts' "traditional approach to division of powers questions" which involves "balancing federal and provincial powers" as applied through various doctrines such as "mutual modification, double aspect and pith and substance".[48]

36. The language of s. 92(10)(c) provides more reason for a narrow interpretation. Whereas ss. 92(10)(a) and (b) explicitly cover both "works" and "undertakings", s. 92(10)(c) lists only "works" as being subject to the declaratory power. Not once in the successive drafts from the Quebec Resolutions to the *Constitution Act, 1867* was the word "undertaking" proposed to be included.[49] Given the primacy of the Constitution's text, it is necessary to assign meaning to the full language of the provision; a failure to address an explicit distinction between clearly related provisions[50] invites an incomplete and incorrect interpretation.

---

[46] *Ontario Hydro*, *supra* note 36, at 340.

[47] *Ontario Hydro*, *supra* note 36, at 403 (Iacobucci J.), citing Dickson C.J. in *General Motors of Canada Ltd. v City National Leasing*, [1989] 1 SCR 641 at 671.

[48] *Ontario Hydro*, *supra* note 36, at 403.

[49] *Compilation of primary documents to assist in interpreting Local Works in Section 92(10) of the Constitution Act, 1867*, PrimaryDocuments.ca, Ver 2, Part 1 (April 2023) [*Primary Documents Report*].

[50] See, for comparison, Lamer J. in *Ontario Hydro*, *supra* note 36, at 348.

37. Moreover, while La Forest J. rejected the notion that the declaratory power must be read narrowly to conform to the principle of federalism, he acknowledged that it "fits uncomfortably in an ideal conceptual view of federalism".[51]

38. In determining the scope of the declaratory power, it is necessary to consider the purpose underlying the distribution of powers while giving sufficient attention to the central organizing principles of the Constitution. The very real legal questions about the coherence of the federal system should be addressed, not through unreliable political forces, but through a proper application of the federalism principle.[52]

C. Jurisdiction over Grain Elevators Arises from the Declaratory Power

39. Direct federal jurisdiction over grain elevators extends no further than the "operators" of the elevators.

40. In *Eastern Terminal*, Duff J. advised that a federal declaration would transfer to Parliament the legislative capacity it required, but did not have, to regulate elevators and their operators.[53] The result was the federal declaration over grain elevators, presently embodied in s. 55 of the *Canada Grain Act*.[54]

41. Pursuant to s. 55, it is the *work* (grain elevator) that is declared to be to the general advantage, not any *undertakings* that participate in the elevators' activities. A work is a physical thing, not a service; whereas an undertaking is "an arrangement under which…physical things are used."[55] More specifically, an "undertaking" is an "organization" or "enterprise".[56]

---

[51] *Ontario Hydro*, *supra* note 36, at 370 (La Forest J.).

[52] By comparison, see, *Ontario Hydro*, *supra* note 36, at 372 (La Forest J.).

[53] *The King v Eastern Terminal Elevator Co.*, [1925] SCR 434 at 447.

[54] *Canada Grain Act*, RSC 1985 c G-10 [*Grain Act*], s. 55 (FR: 55).

[55] *Regulation & Control of Radio Communication in Canada, Re*, [1932] AC 304, [1932] 2 DLR 81 (UK JCPC) at 86; *Shur Gain Division, Canada Packers Inc. v C.Q.W.*, [1992] 2 FC 3 (FCA) [*Shur Gain*] at 28.

[56] *Westcoast Energy Inc. v Canada (National Energy Board)*, [1998] 1 SCR 322 [*Westcoast Energy*] at para 47, citing Hogg, *Constitutional Law of Canada*, loose-leaf ed, Scarborough, Ont: Carswell, 1992 (updated 1997, release 2) at 22-4.

42. Much of the grain elevator case law arises in the regulatory context. These cases are instructive for determining jurisdiction over the regulatory framework[57]; however, they are not wholly transferable to assessments of jurisdiction over labour relations. What they do indicate, however, is that the locus of the regulatory framework is the operator of the grain elevator.

43. The declaration over grain elevators does not mean that "any activity carried on in them automatically becomes a federally regulated activity".[58]

D. Labour Relations is Presumptively a Provincial Matter

44. The Court of Appeal's decision too easily set aside the presumption of provincial jurisdiction over labour relations.

45. Labour relations is presumptively a provincial matter pursuant to s. 92(13) – the power over property and civil rights.[59] The provincial power is exclusive.[60] Parliament has "no authority over labour relations as such".[61]

46. Provincial jurisdiction is the general rule, and federal jurisdiction is the exception.[62] The exception arises only where undertakings, services and businesses, having regard to the functional test, can be characterized as federal.[63] Only two circumstances satisfy the test. "Direct" jurisdiction arises when the employment relates to a work, undertaking, or business within the legislative

---

[57] For eg, *Jorgenson, supra* note 43; *Murphy v C.P.R.,* [1958] SCR 626; *Chamney v R.,* [1975] 2 SCR 151; *R. v Klassen,* 20 DLR (2d) 406 (MB CA) leave to appeal to SCC refused (November 30, 1959) [*Klassen*] (*Klassen* pertains to mills, not elevators).

[58] *Saskatchewan v Saskatchewan Wheat Pool (No. 2)*, 89 DLR (3d) 755 (SK CA) at para 32.

[59] *Toronto Electric Commissioners v Snider*, [1925] AC 396, [1925] 2 DLR 5 (UK JCPC).

[60] *Oil, Chemical and Atomic Workers v Imperial Oil*, [1963] SCR 584; *Northern Telecom*, at 132.

[61] *Construction Montcalm Inc. v Minimum Wage Commission*, [1979] 1 SCR 754 [*Construction Montcalm*] at 768.

[62] *Northern Telecom*, *supra* note 38, at 132, citing *Construction Montcalm*.

[63] *Four B Manufacturing v United Garment Workers*, [1980] 1 SCR 1031 at 1045.

authority of Parliament; "derivative" jurisdiction arises when the employment is an integral part of a federally regulated work or undertaking.[64]

47. Regardless, both forms of jurisdiction are derivative in the sense that Parliament has no original jurisdiction over labour relations. The second category of jurisdiction is doubly derivative.

a. Pursuant to Sections 92(10)(a) and (b) the Presumption is Directly Rebutted Only in Relation to the Operator of a Federal Work or Undertaking

48. With respect to ss. 92(10)(a) and (b), direct federal labour relations jurisdiction attaches only to an operator of a federal work (a federal undertaking) or to an operator of a federal undertaking that exists without a work (a highly theoretical construct).

49. In the case of a federal work, the relationship between the work and the undertaking is key. The relationship must be "direct", that is, the undertaking must be an operator of the work.

50. Federal jurisdiction over labour relations is determined on a functional basis. Direct federal jurisdiction results where a work or undertaking's "essential operational nature brings it within a federal head of power".[65] Whether the undertaking is federal is based on the nature of the operation having regard to the normal or habitual activities of the business as a going concern.[66]

51. The question is focused on the "nature of the operation" having regard to the activities; it is not focused on the nature of the activities, writ large. A court must consider what the activities disclose about the nature of the operation.

52. An undertaking whose essential operational nature – as disclosed by its activities – is as an operator of a federal work or undertaking will qualify for direct federal jurisdiction.

---

[64] *Re Industrial Relations and Disputes Investigation Act (Stevedores Reference)*, [1955] SCR 529.

[65] *Tessier Ltée v Quebec (Commission de la santé et de la sécurité du travail)*, 2012 SCC 23, [2012] 2 SCR 3 [*Tessier*] at para 18. The language used is "work, business or undertaking".

[66] *Tessier*, *supra* note 65, at paras 18, 19.

53. Stevedoring, for example, is not subject to direct federal jurisdiction because stevedoring, as an activity, is not inherently federal, and a stevedoring company cannot operate a federal shipping undertaking; rather, stevedoring may be subject to federal jurisdiction only if found only to be integral to a federal shipping undertaking.[67] Therefore, federal jurisdiction over stevedoring arises only through the derivative test.

54. The same is true of freight forwarding. Freight forwarders are not "themselves engaged in the interprovincial transport of freight".[68] A "requirement for federal jurisdiction over transportation undertakings is that the undertaking itself physically operates or facilitates carriage across interprovincial boundaries."[69] A transportation undertaking is an operator only if it performs the interprovincial carriage.

55. A communications undertaking, on the other hand, will be subject to federal jurisdiction where it is "operating and providing interprovincial telephony services".[70]

56. Thus, while certain types of activities are more likely to lead to a conclusion that the undertaking is federal, other types of activities, such as stevedoring,[71] are less conclusive. As with freight forwarding and communications, stevedoring activity is assessed in relation to the relevant aspects of shipping, whether they be provincial or federal in nature.[72]

57. While less likely to support a finding of federal jurisdiction, construction activity is also assessed in terms of its relationship with the relevant works or undertakings, such as local works or undertakings or federal airports or telecommunications companies.[73]

---

[67] *Tessier*, *supra* note 65, at paras 28-34.

[68] *Consolidated Fastfrate*, *supra* note 23, at para 48.

[69] *Consolidated Fastfrate*, *supra* note 23, at para 44. (Emphasis added.)

[70] *Consolidated Fastfrate*, *supra* note 23, at para 64. (Emphasis added.)

[71] *Tessier, supra* note 65, at para 28.

[72] *Tessier*, *supra* note 65, at para 28. Stevedoring does not necessarily cross provincial boundaries and therefore it cannot qualify for direct federal regulation under ss. 92(1)(a) or (b).

[73] *Construction Montcalm*, *supra* note 61, at 775.

58. The Courts in *Ramkey* and *Telecon Inc.* applied this basic framework for direct federal jurisdiction.[74] Both of these cases involved federally regulated telecommunications companies. In neither case did the Court go beyond considering whether the undertaking in question was an operator (or owner).

59. In *Ramkey*, the Ontario Court of Appeal considered whether Parliament had direct jurisdiction to regulate the labour relations of a contractor who performed work primarily for Rogers – a federally regulated telecommunications company – and who had a small unit of construction workers. The unit's work for Rogers involved placing new lines and supporting infrastructure while maintaining existing infrastructure.

60. The question of direct jurisdiction was swiftly disposed of: "Ramkey is a local work and does not itself own or operate a federally regulated telecommunications network".[75]

61. Similarly, in *Telecon Inc.*, the Federal Court of Appeal considered whether Parliament had direct jurisdiction to regulate the labour relations of a company involved in "supplying a telecommunications system, connecting residential and non-residential customers to the telecommunications system and building and maintaining that system".[76] As with *Ramkey*, the Court easily disposed of the question:[77]

> There is no dispute that Telecon is not itself a federal undertaking and does not operate a telecommunications network; the applicant is right to argue that direct federal jurisdiction is excluded in the present case…

62. In Saskatchewan's submission, the *Telecon* approach is the more conceptually accurate of the two. Whether an enterprise *owns* a federal undertaking is a question about its corporate

---

[74] *Ramkey Communications Inc. v Labourers' International Union of North America*, 2019 ONCA 859 [*Ramkey*], 149 OR (3d) 1, leave to appeal to SCC refused 38979 (May 7, 2020); *Telecon Inc. v International Brotherhood of Electrical Workers (Local Union 213)*, 2019 FCA 244 [*Telecon Inc.*], 439 DLR (4th) 558.

[75] *Ramkey*, *supra* note 74, at para 33.

[76] *Telecon Inc.*, *supra* note 74, at para 34, citing facts as characterized by the Canada Industrial Relations Board.

[77] *Telecon Inc.*, *supra* note 74, at para 33.

relationships that does not technically determine direct jurisdiction; whether it *is* a federal undertaking is a question about its operational nature as disclosed through its activities. Nonetheless, the Court's concern with the question of ownership demonstrates its apt attention to the *relationship* between a work and the undertaking.

63. An undertaking must be found to be an "operator" in order to qualify for direct federal jurisdiction over labour relations pursuant to s. 92(10)(a) and (b). If, on the other hand, it only "facilitates" the operation, jurisdiction must be assessed under the derivative test.

b. Pursuant to Section 92(10)(c), the Presumption is Directly Rebutted Only in Relation to the Operator of a Federal Work

64. The general principles under ss. 92(10)(a) and (b) apply to s. 92(10)(c). However, pursuant to s. 92(10)(c), direct federal jurisdiction over labour relations attaches only to an operator of a federal work. Again, the key is the relationship between the work and the undertaking, but only a narrow type of relationship will qualify.

65. Federal jurisdiction over an operator arises because a declaration, which explicitly covers only a work, "incorporates a work as a functioning unit". The functional unit brings within federal authority not only "the physical shell or facility but also the integrated activity carried on therein".[78]

66. The inquiry is, again, functional. Where an undertaking's essential operational nature is to operate a federal work, it qualifies for federal jurisdiction. As explained in *Shur Gain*, "Parliament has the power to legislate with respect to the labour relations of an undertaking that has no other activity than that of operating a federal work".[79]

---

[78] *Ontario-Hydro*, *supra* note 36, at 363, citing *Laskin's Canadian Constitutional Law* (5th ed 1986) vol 1 at 629. See also, *Commission du salaire minimum v Bell Telephone Co. of Canada*, [1966] SCR 767 at 771-72; *Bell Canada v Quebec (Commission de la santé et de la sécurité du travail)*, [1988] 1 SCR 749 at 816-17, 826 and 833.

[79] *Shur Gain*, supra note 55, at 37.

67. In the present case, the Tribunal administrative du Travail ("TAT") applied a framework for direct federal jurisdiction similar to that applied by the Courts in *Ramkey* and *Telecon Inc.*[80] As the TAT observed, in the absence of the declaration pursuant to s. 92(10)(c), grain terminals come within provincial competence. Grain elevators themselves – as opposed to all undertakings that participate in the elevators' activities – were declared to be for the general advantage of Canada:

> [98] Ce qui est déclaré être à l'avantage du Canada sont les terminaux à grain et non pas toutes les entreprises qui participent aux activités de ces terminaux. SGS n'a aucune installation, aucun terminal à grain, aucun élévateur ni silo et ne fait pas le commerce des grains.

68. Therefore, the TAT left the question of jurisdiction to be determined based on the derivative test.

69. The Court of Appeal, on the other hand, did not perform a functional inquiry. It did not limit the inquiry to determining whether SGS was an operator of a grain elevator. It focused not on the nature of the operation as disclosed by its activities, but on the nature of the activities. The Court considered whether certain activities performed by SGS – the analysis, inspection and certification of grain at grain facilities situated in ports – were subject to direct federal jurisdiction.[81] The Court did not consider whether the essential operational nature of SGS, as disclosed by its activities, was the operation of the declared work.

70. Inspecting grain is not an inherently federal activity. In fact, a choice was made in the early pre-Confederation discussions to deny the federal government the power to legislate in relation to inspections. General powers of inspection were proposed and then struck during the Quebec discussions in October 1864.[82] By focusing on the *activities* instead of SGS's *essential operational*

---

[80] *Syndicat des travailleuses et travailleurs des industries manufacturières - CSN c SGS Canada inc.*, 2021 QCTAT 1021 at paras 93 to 99, **Appellant's Record [AR], vol I, at 16**.

[81] *Procureur général du Québec c SGS Canada inc.*, 2024 QCCA 460 [*SGS CA*] at paras 66-97, **AR, vol I, at 66-80**.

[82] *Primary Documents Report*, at 23.

nature, the Court improperly transformed provincial, or at the very least neutral, activities into activities with a federal aspect.

71. As with stevedoring, the activities of analysis, inspection and certification do not inexorably lead to a conclusion that the operation and therefore the work or undertaking is federal. At the direct jurisdiction stage, a court does not consider "extra-provincial stevedoring"; that analysis is deferred to the derivative test. By attaching the concepts of "grain at grain facilities" to the activities, the Court erroneously presumed that the analysis, inspection, and certification of grain are inherently federal labour relations activities.[83]

72. The Canadian Grain Commission ("CGC")'s statutory responsibilities[84] do not automatically transform those activities into inherently federal activities for labour relations purposes. Nor do they automatically transform a company that performs these activities into an operator of a federal work.

73. The Court of Appeal's decision effectively expands the declaratory power by finding direct jurisdiction, not over the operator of the work, but over activities (performed by a third party) considered to be integral to the activities of the elevators.

74. Under s. 92(10)(c), the question is whether the undertaking operates the declared work. In Saskatchewan's submission, to find that a related undertaking is an operator there must be a direct line of responsibility between the work and the operator; there must be control by the operator over the work; and the operator must be the cause of the work functioning. These criteria are consistent with an enterprise that is tasked with determining how a work is organized, how it is to be used, and how to provide a benefit to others[85].

---

[83] *SGS CA*, *supra* note 81, at paras 66-67, **AR, vol I, at 66-67**.

[84] *Grain Act*, *supra* note 54, s 14 (FR: s 14). These include responsibilities for establishing grain grades and standards and implementing a system of grading and inspection.

[85] See, *Bur*, *supra* note 5, at 1209. As explained by Bur, while works and undertakings may be "linguistically distinct they are inextricably related according to their purpose" (1210).

c. An Integrated Undertaking is Indivisible from the Operator of the Federal Work

75. In applying the derivative test, the Court of Appeal did not correctly consider the relationship between SGS and Viterra.

76. An undertaking qualifies for derivative federal jurisdiction only if it is "functionally connected to the federal undertaking in such an integral way that it lost its distinct provincial character and moved into the federal sphere".[86] The Court must find that the related undertaking is indivisible from the operator of the federal work.

77. The relationship between the related operation, the employees subject to scrutiny, and the federal operation is key.[87] The primary question is whether the relationship of the related operation to the core federal undertaking is vital, essential or integral.[88] However, that is not the end of the inquiry. Even if the work performed by the employees is vital to the federal undertaking, the presumption will not be overturned if the work is an insignificant part of the employees' time or a minor aspect of the essential ongoing nature of the operation.[89]

78. The relationship must be considered from two directions:

a) Is the federal undertaking dependent on the related undertaking?

b) Are the services provided to the federal undertaking important to the related undertaking?[90]

79. The Court of Appeal failed to consider whether the Superior Court's dependency reasoning was correct. With the exception of the Court of Appeal's single, broad statement that Viterra

---

[86] *Tessier*, *supra* note 65, at paras 45, 55; *Westcoast Energy*, at para 124 (McLachlin J.).

[87] *United Transportation Union v Central Western Railway Corp.*, [1990] 3 SCR 1112 [*Central Western Railway*] at 1138-39.

[88] *Northern Telecom*, *supra* note 38, at 132.

[89] *Tessier*, *supra* note 65, at para 50.

[90] *Tessier*, *supra* note 65, at para 46.

"dépend entièrement de la Division pour l'exportation de son grain"[91], the Court focused entirely on whether the services provided to the federal undertaking had been established as important for the related undertaking.

80. Furthermore, the Superior Court had found that the evidence did not clearly define the proportion of dependence for each of the grain elevators under consideration.[92] Instead, it relied for the dependence criterion on the legislative framework authorizing companies to carry out inspections.[93] The determination of integration must be on a functional basis. To treat the legislative framework as critical is to sidestep the functional question and empower the federal government to unilaterally extend its jurisdiction over local works beyond what was intended by s. 92(10)(c).

81. In Saskatchewan's submission, a related undertaking will not be indivisible from the operator of the work where:

a) the dependence of the federal undertaking on the related undertaking is insignificant[94];

b) there is only a "mutually beneficial commercial relationship"[95] or the relationship is a straightforward one between owner and client or general contractor[96];

c) the related undertaking is focused on performing services that supersede what is required to operate the grain elevator, to respond to customer preferences; or

---

[91] *SGS CA*, *supra* note 81, at para 39, on appeal from *Procureur général du Québec c Tribunal administratif du travail*, 2023 QCCS 1186, **AR, vol I, at 60-61.**

[92] This statement did not apply to the Montreal terminal.

[93] *SGS CA*, *supra* note 81, at paras 28, 39, **AR, vol I, at 58, 60-61.**

[94] *Tessier*, *supra* note 65, at para 19, citing *Commission du salaire minimum*, and para 32.

[95] *Central Western Railway*, *supra* note 87, at 1147.

[96] *Ramkey*, *supra* note 74, at para 64.

d) the related undertaking must retain a separate identity to perform its role (impartiality).

82. All of these issues are critical considerations in assessing whether there was sufficient integration.

83. Given the significant connectivity of the modern economy, Saskatchewan asks the Court to carefully weigh the consequences for the division of powers if s. 92(10)(c) is "used to sweep into the federal sphere the many local enterprises that supply products or services to, or are otherwise connected to," federal undertakings.[97]

PART IV: SUBMISSION ON COSTS

84. Saskatchewan does not seek costs and submits it should not be liable for costs.

PART V: REQUEST FOR ORDER

85. Saskatchewan respectfully requests the opportunity to make oral submissions, 10 minutes in length, at the hearing of this matter.

ALL OF WHICH is respectfully submitted.

DATED at Regina, Saskatchewan, this 5th day of August, 2025.

Barbara Mysko
Senior Crown Counsel

[97] *Westcoast Energy*, *supra* note 56, at para 149 (McLachlin J.).

PART VII: AUTHORITIES AND STATUTORY PROVISIONS

Cases

Citation	Paragraph(s)
114957 Canada Ltée (Spraytech, Société d'arrosage) v Hudson (Town), 2001 SCC 40, [2001] 2 SCR 241.	19
Bell Canada v Quebec (Commission de la santé et de la sécurité du travail), [1988] 1 SCR 749.	65
Chamney v R., [1975] 2 SCR 151.	42
Commission du salaire minimum v Bell Telephone Co. of Canada, [1966] SCR 767.	65
Consolidated Fastfrate Inc. v Western Canada Council of Teamsters, 2009 SCC 53, [2009] 3 SCR 407.	20, 21, 28, 54, 55
Construction Montcalm Inc. v Minimum Wage Commission, [1979] 1 SCR 754.	45, 46, 57
Four B Manufacturing v United Garment Workers, [1980] 1 SCR 1031.	46
General Motors of Canada Ltd. v City National Leasing, [1989] 1 SCR 641.	35
Hodge v R, 8 AC 117 (UK JCPC) (Dec 15, 1883), in Richard A. Olmsted, *Decisions of the Judicial Committee of the Privy Council relating to the BNA Act, 1867 and the Canadian Constitution 1867-1954*, Vol 1, at 184. **BOA Tab 2**	23
Jorgenson v Attorney General of Canada, [1971] SCR 725.	30, 42
Murphy v C.P.R., [1958] SCR 626.	42
Northern Telecom Ltd. v Communications Workers of Canada, [1980] 1 SCR 115.	28, 45, 77
Oil, Chemical and Atomic Workers v Imperial Oil, [1963] SCR 584.	45
Ontario Hydro v Ontario (Labour Relations Board), [1993] 3 SCR 327.	27, 29, 31, 32, 34, 35, 36, 37, 38, 65

Citation	Paragraph(s)
Procureur général du Québec c Tribunal administratif du travail, 2023 QCCS 1186.	80
Procureur général du Québec c SGS Canada inc., 2024 QCCA 460.	4, 8, 44, 69, 72, 75, 79
R. v Big M Drug Mart Ltd., [1985] 1 SCR 295.	14
R. v Comeau, 2018 SCC 15, [2018] 1 SCR 342.	14
R. v Klassen, 20 DLR (2d) 406 (MBCA), leave to appeal to SCC refused (November 30, 1959).	42
Ramkey Communications Inc. v Labourers' International Union of North America, 2019 ONCA 859, 149 OR (3d) 1, leave to appeal to SCC refused 38979 (May 7, 2020).	58, 59, 60, 81
Re Industrial relations and Disputes Investigation Act (Stevedores Reference), [1955] SCR 529.	46
Re the Initiative and Referendum Act, [1919] AC 935, 48 DLR 18 (UK JCPC).	23
Re Manitoba Language Rights, [1985] 1 SCR 721.	11
References re Greenhouse Gas Pollution Pricing Act, 2021 SCC 11, [2021] 1 SCR 175.	18
Reference re The Power of the Governor General in Council to Disallow Provincial Legislation and the Power of Reservation of a Lieutenant-Governor of a Province, [1938] SCR 71.	24
Reference re Secession of Quebec, [1998] 2 SCR 217.	10, 11, 20, 21, 24, 25
Reference re Securities Act, 2011 SCC 66, [2011] 3 SCR 837.	23
Regulation & Control of Radio Communication in Canada, Re, [1932] AC 304, [1932] 2 DLR 81 (UK JCPC).	41
Saskatchewan v Saskatchewan Wheat Pool (No. 2), 89 DLR (3d) 755 (SK CA)	43
Shur Gain Division, Canada Packers Inc. v C.Q.W., [1992] 2 FC 3 (FCA).	41, 66

Citation	Paragraph(s)
Syndicat des travailleuses et travailleurs des industries manufacturières - CSN c SGS Canada inc., 2021 QCTAT 1021.	67, 68
Telecon Inc. v International Brotherhood of Electrical Workers (Local Union 213), 2019 FCA 244, 439 DLR (4th) 558 leave to appeal to SCC refused 38934 (May 7, 2020).	58, 61, 62, 67
Tessier Ltée v Quebec (Commission de la santé et de la sécurité du travail), 2012 SCC 23, [2012] 2 SCR 3.	50, 53, 56, 76, 77, 78, 81
The King v Eastern Terminal Elevator Co., [1925] SCR 434.	40
Toronto (City) v Ontario (Attorney General), 2021 SCC 34, [2021] 2 SCR 845.	12, 13
Toronto Electric Commissioners v Snider, [1925] AC 396, [1925] 2 DLR 5 (UK JCPC).	45
United Transportation Union v Central Western Railway Corp., [1990] 3 SCR 1112.	77, 81
Westcoast Energy Inc. v Canada (National Energy Board), [1998] 1 SCR 322.	41, 76, 83

Statutes, regulations, *etc.*

Citation	Paragraph(s)
Canada Grain Act, RSC 1985 c G-10 (FR : *Loi sur les grains du Canada*) **[EN] Sections 14, 55** **[FR] Sections 14, 55**	40, 72
Constitution Act, 1867, (UK), 30 and 31 Vict, c 3, reprinted in RSC 1985, App II, No 5. (FR : *Loi constitutionnelle de 1867*) **[EN] Preamble; Sections 91(29), 92(10), 92(13), 92(16), 94** **[FR] Preamble; Sections 91(29), 92(10), 92(13), 92(16), 94**	4, 5, 13, 17, 18, 27, 28, 32, 36, 48, 63, 64, 67, 74, 80, 83

Citation	Paragraph(s)
John A. Macdonald, *Drafts of the Quebec Resolutions, final version as debated and adopted in the legislature of the Province of Canada*, March 15, 1865 (MG 26 A, Vol. 46 at 18210-18216), nos 1 and 2.	15, 16, 36

Secondary sources

Citation	Paragraph(s)
Compilation of primary documents to assist in interpreting Local Works in Section 92(10) of the Constitution Act, 1867, PrimaryDocuments.ca, Ver 2 (April 2023).	36
Donald F. Bur, *Law of the Constitution: The Distribution of Powers*, 2nd ed, (Toronto: LexisNexis, 2023). **BOA Tab 1**	11, 22, 74
Peter W. Hogg and Wade K. Wright, *Constitutional Law of Canada*, loose-leaf (2024-1) 5th ed, vol 1 (Toronto: Thomson Reuters, 2024). **BOA Tab 3**	15, 16, 20, 22, 29
Patrick J. Monahan, Byron Shaw, and Padriac Ryan, *Constitutional Law*, 5th ed (Toronto: Irwin Law, 2017). **BOA Tab 4**	20, 21, 25, 29