



---

# **PARENTAL RIGHTS & DAYCARE**

A Bargaining  
Guide for Unions

---

This booklet was researched and written by Shelley Acheson and Catherine Macleod with considerable assistance from the OFL Women's Committee.

Published by Ontario Federation of Labour  
15 Gervais Drive, Suite 202  
Don Mills, Ontario M3C 1Y8

April 1982



## TABLE OF CONTENTS

---

	Page
Preface	iii
Introduction: Parental rights and daycare are equality issues	iii
Parental Rights — Contract Clauses	1
Maternity Leave	1
Paid Maternity Leave	2
Adoption Leave	7
Paternity Leave	7
Time Off for Illness in the Family	8
Transfer to Safe Work	8
Family Raising Leave	9
No Discrimination	10
Additional Provisions	10
Daycare	10
Parental Rights — Internal Union Policy	14
Parental Rights — Political Action	15
Appendices	
I Model Clauses	16
II OFL Policy Statement on Daycare	17
III CUPE 1000 Daycare Needs Survey	21
Bibliography	22

## INTRODUCTION: PARENTAL RIGHTS AND DAYCARE ARE EQUALITY ISSUES

### PREFACE

This booklet, initiated by the Women's Committee of the Ontario Federation of Labour, is designed to give unions information to use in bargaining for parental rights and daycare. It is not intended to outline the extent of the daycare crisis in Ontario or why we need daycare. The Daycare Policy Paper of the OFL, included in the appendix, and *Daycare: Deadline 1990*, a companion publication to this booklet, cover these things.

We believe the responsibility for daycare lies with government. But negotiating parental rights clauses and daycare provisions are important steps that local unions can take to meet immediate needs of their members and put pressure on employers to join the lobby for government responsibility for childcare. The clauses in this booklet are examples of what has been achieved so far. The appendix contains model clauses as goals for bargaining demands.

Labour's fights for family allowances, public education and maternity benefits have established the principle of social responsibility for the essential costs of raising children. Parental rights, including daycare, are the next steps toward our goal.

If women are to participate fully in the workplace and in society in general, they cannot be penalized in any way for the fact they bear children. Now that women are permanent members of the workforce, of necessity, they need a whole range of supports in the rearing of children. When women had the choice of staying home with the children these supports were not essential. Today they are.



#### The facts:

- Single, widowed or divorced women make up 40 per cent of the female labour force, many of whom are single parents trying to raise children on their own.
- Almost one-fifth of women working part-time do so because they have children.
- One in every two mothers of young children is in the labour force.
- The participation rate of Ontario women with children under six was 49 per cent in 1979.
- In Ontario there are 354,773 children under six, but only 29,000 children enrolled in full-time daycare.
- Only one in twenty children under two get government-subsidized daycare.
- Space in public daycare centres has decreased by 40 per cent since 1978, due to government cutbacks.

#### Parental rights are:

- maternity leave
- paternity leave
- adoption leave
- time off for care of sick children, school or medical appointments
- transfer to safe working conditions for pregnant women
- family raising leave
- daycare

## PARENTAL RIGHTS — CONTRACT CLAUSES

### MATERNITY LEAVE

Maternity leave provisions vary widely, according to factors like length of leave, whether they are paid or unpaid, length of service necessary for eligibility, and whether benefits are accumulated during leave. It is important to first know the minimum protections accorded by law, in order to negotiate better protection (yes, there are collective agreements with maternity protection less than that provided by law). Once you have waived your rights provided by law, you cannot rely on the law.

#### The Law in Ontario

The Ontario Employment Standards Act states if a female employee worked for an employer for 12 months and 11 weeks before her expected date of delivery, she is entitled to an unpaid leave of absence of up to 17 weeks. At the end of the 17 weeks, she must be placed in the same, or comparable, job at the same rate of pay, and with no loss of benefits or seniority accrued to the start of the leave. Pay during leave is covered by UIC (see page 2).

#### Federal Legislation

Those employees within the federal jurisdiction (e.g. railway and telegraph workers, air transportation, radio broadcasting and bank workers) are entitled under the Canada Labour Code to 17 weeks unpaid maternity leave after completion of 12 months of continuous employment with an employer upon provision of a medical certificate. Upon return to work, the employee will be reinstated in her same or a comparable position with not less than the same wages and benefits.

There are several ways of improving upon this basic coverage:

- shorten or eliminate eligibility requirements
- lengthen leave
- have wages paid during leave
- ensure payment of benefits by the employer during leave
- ensure accumulation of seniority and benefits during leave
- ensure coverage for adoptive parents
- when to begin leave should be decided by the woman

#### EXAMPLE — UNPAID MATERNITY LEAVE CLAUSE (CUPE Standard Agreement)

##### Maternity Leave as a Right

Maternity leave shall be granted as a right. The employer shall not deny the pregnant employee the right to continue employment during the period of pregnancy.

##### Length of Maternity Leave

Maternity leave shall cover a period of up to six months before and/or after the birth or adoption of a child. Where a doctor's certificate is provided, stating that a longer period of maternity leave is required for health reasons, an extension up to a maximum of one additional year shall be allowed.

##### Seniority Status during Maternity Leave

While on maternity leave an employee shall retain her full employment status and accumulate all benefits under this collective agreement.

##### Employer Payment of Employee Benefits during Maternity Leave

During the period of maternity leave, the employer shall continue to pay the hospital, medical, disability, group life insurance, and other benefits of this agreement.

##### Procedure upon Return from Maternity Leave

When an employee decides to return to work after maternity leave, she shall provide the employer with at least two week's notice. On return from maternity leave, the employee shall be placed at least in her former position. If the former position no longer exists, she shall be placed in an equivalent position in her department.

##### Pay for Extended Maternity Leave

If the employer does not maintain full pay during maternity leave, an employee may choose to receive payment of normal weekly salary from accumulated sick leave credits, after the fifteen weeks of absence covered by unemployment insurance.

##### Adoption Leave

Where an employee seeks leave due to a legal adoption, the foregoing provisions shall apply.

## PAID MATERNITY LEAVE

Again, to know what to aim for in bargaining, it is important to know what is available already from unemployment insurance.

### UIC Benefits

The Unemployment Insurance Act provides that a woman who ceases work because of pregnancy, whether or not she intends to return to work, is normally eligible for a maximum of 15 weeks' unemployment insurance benefits. Benefits pay 60 per cent of salary or a maximum of \$210 per week, whichever is less. This amount is adjusted annually. The employer must provide the employee with a document known as a "Record of Employment" which is necessary to establish the right to benefits. Once the employee has applied for benefits there is a two-week waiting period before her payments begin. (In reality, it takes longer than two weeks to get a cheque.)

To be eligible for paid maternity leave, a woman must have worked in insurable employment for at least 20 weeks in the last 52 or since the start of her last claim, whichever is shorter. She must have been working or receiving unemployment insurance benefits for at least 10 weeks between the 30th and 50th weeks before the week in which she expects to give birth.

There is provision in UIC regulations for a SUB plan. Such a plan can make up the difference in income up to 95 per cent of salary, with UIC making the initial payment. A recent change in the regulations allows for such a plan to cover only maternity leave.

Society recognizes that our economy would collapse if women were to leave the workforce. At the same time, we place a high value on the continuance of family life. Paid maternity leave is value recognition that women should be able to fulfill both functions without being penalized economically.

Cliff Pilkey  
Ontario Labour  
September/October 1981

### Bargaining for Paid Leave... It's Legal

When the Canadian Union of Postal Workers was negotiating for paid maternity leave they pointed out that there are a number of ways to negotiate paid maternity plans which enable the employer to make up the difference between unemployment insurance benefits and an employee's normal salary during the period of maternity leave without reducing the unemployment insurance payments.

- A Supplementary Unemployment Benefit (SUB) Plan which covers pregnancy. A SUB Plan must be registered with UIC and may provide up to 95 per cent of normal weekly earnings when combined with Unemployment Insurance maternity benefits.
- Pay the employee the full difference between unemployment insurance benefits and normal salary either *before* the employee begins maternity leave or *after* she has returned to work. The Federal Court of Appeal ruled that such provisions, as contained in collective agreements of the Association of University and College Employees (AUCE), can be considered an incentive to return to work rather than a supplement to UI maternity benefits and as such may provide for 100 per cent of wages.

### EXAMPLE — PAID MATERNITY LEAVE CLAUSE (Canadian Union of Postal Workers)

#### Maternity Leave Allowance Eligibility

- (a) After completion of six (6) months continuous employment, an employee who provides the employer with proof that she has applied for and is eligible to receive unemployment insurance benefits pursuant to section 30, Unemployment Insurance Act, 1971, shall be paid a maternity leave allowance in accordance with the supplementary unemployment benefit plan.
- (b) An applicant under clause (a) shall sign an agreement with the employer, providing:
  - i) that she will return to work and remain in the employer's employ for a period of at least six months after her return to work
  - ii) that she will return to work on the date of the expiry of her pregnancy leave, unless this date is modified with the employer's consent or unless the employee is then entitled to another leave provided for in this collective agreement.
- (c) Should the employee fail to return to work as per the provisions of clause (b), the employee recognizes that she is indebted to the employer for the amount received as maternity leave allowance.

#### Rate of Allowance

In respect of the period of maternity leave, payments made according to the supplementary unemployment benefit plan will consist of the following:

- (a) For the first two (2) weeks, payments equivalent to ninety-three (93) per cent of her regular weekly wage, and
- (b) Up to fifteen (15) additional weeks, payments equivalent to the difference between the UI benefits the employee is eligible to receive and ninety-three (93) per cent of her regular weekly wage;
- (c) The weekly wage referred to in Clause (a) and (b) above shall be the employee's rate of pay set out in Appendix "A" multiplied by the normal weekly hours of work prescribed for that employee;
- (d) Where an employee becomes eligible for an annual increment during the period of maternity leave, payments under Clause (a) or (b) shall be adjusted accordingly.

### Other Paid Maternity Leave Provisions

Besides the success of the CUPW campaign, settlements in 1980 between the Government of Quebec and unions representing Quebec public employees include some of the best parental leave provisions in Canada. This master agreement covers approximately one-fifth of women workers in the province.

- Maternity leave of 20 weeks at 93 per cent of salary. The employer is required to pay 93 per cent of salary for five weeks, and the difference between UIC benefits and 93 per cent of salary for the fifteen-week UIC benefit period. (The amount of 93 per cent has been chosen to account for the fact that an employee on maternity leave pays neither UIC premiums nor pension premiums and that these amount to seven per cent.)
- Those ineligible for Unemployment Insurance Maternity Benefits because of length of service or part-time work, now receive twenty weeks total leave with ten weeks fully paid by the employer.
- Some of the contracts specify that maternity provisions apply to a miscarriage during the twenty weeks prior to the expected date of birth. Also, if the newborn child is unhealthy, a four week extension with pay is granted.
- If less than two weeks of maternity leave remains after a late delivery, a two week extension without pay is specified in some of the agreements.

The Association of University and College Employees has negotiated provisions with two universities which require the employer, following the return to work of an employee, to pay the difference between what the employee received on UIC maternity benefits and what her wages would have been.

The Communications Workers of Canada has been the first union to win paid maternity benefits from a major private sector employer — Bell Canada. The arrangement, effective on January 1, 1984, in the third year of a three-year agreement, will make up the difference between unemployment insurance benefits and 75 per cent of normal pay, up to a maximum of \$1,000 per employee. The agreement covers 23,000 operators and technicians, 95 per cent of them women.

The Letter Carriers Union of Canada and the Public Service Alliance of Canada clerks have also won paid maternity leave benefits at the bargaining table (see Table 1).

**TABLE 1 Collective Agreement Provisions Which Exceed Existing Legislation**

Area of coverage	Provision
1. Length of leave	Agreements provided anywhere from three months to 12 months' leave without pay.
2. Qualification period	The best provision gave maternity leave to any woman who had been employed for 30 days. The next provided for maternity leave after completion of the probation period. From there the qualification period varied from three months to 10 months.
3. Paid leave	There were a lot of variations on paid maternity leave including: <ul style="list-style-type: none"> <li>— two weeks' pay with one or more years' service</li> <li>— two weeks' full salary</li> <li>— two weeks equivalent to UIC benefits</li> <li>— use of up to 10 days' sick leave to cover two-week waiting period for UIC</li> <li>— two week's pre-natal and four weeks' post-natal after return to work</li> <li>— four weeks after leave is over if signify intention to work at least four months (International Development Research Centre — Ontario)</li> <li>— one month plus 25 days beginning the seventh week after termination of pregnancy; can get only once (Newfoundland)</li> <li>— two-thirds of salary or of insured earnings, whichever is the lesser</li> <li>— 17 weeks' pay if return to work for 12 months (National Arts Centre — Ottawa)</li> </ul>
4. Benefits	<ul style="list-style-type: none"> <li>— company pays 100 per cent during leave</li> <li>— maintain benefits through prepayment</li> <li>— accumulate all benefits during whole or part of leave</li> <li>— accumulate benefits during leave up to a period of six months</li> </ul>
5. Pregnancy-related illness*	— "The employee, at her option, may use sick leave for any illness that is a result of, or may be associated with, her pregnancy." (Newfoundland)
6. Notice	<ul style="list-style-type: none"> <li>— two week's notice for leave</li> <li>— one week's notice for return</li> </ul>

\* It was pointed out that some federal agreements do *exclude* pregnancy-related illness from sick leave benefits.

Source: *Maternity Leave in Canada*. Intergovernmental Committee on Women in Employment. February 1980.

**Arguing for Paid Maternity Leave**

- **Equal Rights Not Special Rights**  
Women get pregnant, men do not. If women are to have equal rights in the workforce, they must not be penalized because they are the ones in our society who bear children.
- **Society Values And Needs Children To Be Born**  
From tax deductions to baby bonus to unemployment insurance benefits, society has shown it has a stake in supporting the creation of families. Parenthood is an accepted social good. Given that 63 per cent of working women are in their child-bearing years, given that society wants women to have children and needs them to work, then the cost must be borne, not individually, but collectively.
- **Economic Stimulus**  
Child bearing/rearing has an important economic impact. Any reduction in the birth rate affects many industries. It means a decreased demand for construction, food and clothing, appliances, manufactured goods, teachers, daycare workers. It also means a smaller tax base, which will eventually have to support an aging population. With women having on average only 1.5 children, these are serious considerations.

- **Paid Maternity Leave Is An Inexpensive Benefit**  
Female employees represent 40 per cent of the labour force. Less than 3 per cent of women workers in their child-bearing years go on maternity leave benefits each year. Therefore, approximately one per cent of all employees take maternity leave each year. The net cost to employers of twenty weeks paid maternity leave would be: two weeks waiting period at full pay, plus fifteen weeks supplement to unemployment insurance, (this amount would vary depending on the wage of the worker) plus a final three weeks at full pay. The total represents approximately twelve-and-a-half weeks' salary.
- **Paid Maternity Leave is a Fact of Life in Other Industrialized Countries**  
Of all industrialized nations, Canada and the United States rank among the worst in respect to the basic right of paid maternity leave (see Table 2).
- **The Precedent Has Been Set**  
Unions such as the Canadian Union of Postal Workers, the Letter Carriers, the Quebec government employees, the Public Service Alliance of Canada, the Canadian Union of Public Employees, the Communications Workers of Canada have all bargained for and won, paid maternity benefits, with a variety of employers. It is no longer unusual; in fact, it is being becoming one of the bargaining issues for the 80's.

CUPW worked out the net cost of their demand for 20 weeks paid maternity leave to be 2¢ per hour per employee!

In a 1972 study of projected cost of paid maternity leave for employees of the Federal Reserve Bank of Boston it was found that maternity leave benefits would increase hourly wage costs by a mere 0.1 per cent when spread over the bank's total staff. Since women comprise 60 per cent of the bank's employees, it is particularly significant that this figure is so low. Estimates based on paid maternity leave of 14 — 16 weeks at 70 per cent of full pay resulted in a projected average annual cost of \$40 to \$50 per female employee and concluded that "introduction of fully paid maternity leave would have a negligible impact on overall unit labour costs."

Paid maternity leave is considered such a shocking demand, such a departure from the rightful norm. But what's the norm anyway? The norm is simply the pattern of society established by men. If insemination took months instead of minutes, you can bet paternity leave would be as normal as coffee break.  
Michele Landsberg  
*Toronto Star*  
Aug. 13, 1981

**TABLE 2 Maternity Leave in Europe**

Country	Length of paid maternity leave	Maternity benefits
Sweden	9 months. Leave after birth may be taken by either parent	90% of salary of parent taking leave. Paid by employer
Czechoslovakia	26 weeks	99% of wages
Denmark	14 weeks	90% of salary or wages
France	16 weeks (26 weeks for third child)	90% of salary or wages
West Germany	14 weeks	100% of salary or wages
East Germany	26 weeks	100% of salary or wages
Hungary	20 weeks	Full pay if employed 270 days prior to confinement
Italy	20 weeks	80% of salary or wages
Netherlands	12 weeks	100% of earnings
Poland	16 weeks for 1st child 18 weeks for 2nd child 26 weeks in case of multiple birth*	100% of earnings
U.S.S.R.	16 weeks	100% of earnings. No minimum length of service requirements

\* Has been improved recently, no details presently available.

- **The Public Agrees**  
A recent opinion poll has shown that the majority of Canadians favour paid maternity leave for all workers.

Toronto Star, Feb. 25/82

## Canadians in favor of maternity leave

A large majority of Canadians (61 per cent) would like to see all female workers in Canada eligible for paid maternity leave, similar to that granted recently to postal workers. Late in 1981 four federal Cabinet Ministers formed an informal committee to explore government options that would expand maternity benefits to virtually all female workers. Gallup Poll representatives across the country found most Canadians enthusiastic.

Here are the national results to this question:

**"A suggestion has been made that all female workers in Canada be eligible for paid maternity leave, similar to that granted recently to postal workers. In your opinion, should paid maternity leave be available to all female workers or not?"**

NATIONAL	YES	NO	DON'T KNOW
	61%	34%	5%

A greater proportion of those living in eastern Canada — particularly Quebec — approve the idea than do those in Ontario and the west. And those living in households that contain children under 10 years are more

likely to favor this idea than are those in childless households.

There was little difference in attitudes of men and women, but younger people were more approving than their older counterparts. Here are the percentages among various groups who approve of paid maternity leave for all women workers:

	% in favour
Atlantic Provinces	71
Quebec	84
Ontario	53
Prairies	41
Br. Columbia	50
18 to 29 years	78
30 to 49 years	64
50 years and over	42
Men	59
Women	63
English origin	52
French origin	82
Other origin	54
Live in households with:	
Children under 10 years	73
Children 10 to 17 years	66
No children	53

Results today are based on 1,050 personal, in-home interviews with adults, 18 years of age and over, conducted in January. A sample of this size is accurate within a four percentage points margin, 19 in 20 times.

## ADOPTION LEAVE

In Canada, legislation on adoption leave exists in Nova Scotia and Saskatchewan. Nova Scotia provides to a female employee one week's leave plus any additional time up to a total of four weeks if the child is five or younger. Saskatchewan provides up to six weeks unpaid leave to all employees, male and female, from the day that a child is legally adopted, with the guarantee of your job or a comparable job on return with the same salary, seniority and benefits. Unemployment insurance does not pay any benefits for adoption leave.

### EXAMPLE — ADOPTION LEAVE CLAUSE (British Columbia Government Employees Union)

Upon request, and having completed his/her initial probationary period, an employee shall be granted leave of absence without pay for up to six months following the adoption of a child. The employee shall have to furnish proof of adoption.

Some unions have provision for paid adoption leave, most notably the Provincial Government Employees union in Quebec. That contract provides for 10 weeks paid adoption leave. Other unions have varied provisions from one day to five days paid leave.

### Some Considerations in Negotiating Adoption Leave

- this is a new child in the family, and a period of adjustment and bonding is as necessary as it is following a natural birth; the main difference is that maternity leave also requires consideration for the physical process of recuperation and the possibility of medical complications
- an adopting family may be required by an adoption agency to: participate in six to eight interviews held during specific hours prior to adoption; have a parent stay home for a given period of time following the adoption
- adopting parents are often given only one day to one week's notice of the availability of the child
- many adoption leave clauses do not specify that the leave is available only to women — most use the word "employee". This is useful in giving men the option of using the leave, however it would only make sense that if such an option is available for adoption leave, it should also be available for maternity/parental leave, at least after the initial period of recuperation of the mother
- keeping the above in mind, it would seem best to provide the same number of weeks leave for adoption as for maternity, as well as the same accumulation of benefits, job retention, etc.

## Arguing for Paid Adoption Leave

Clearly all the arguments used for paid maternity leave would also apply here. Workers should be no more financially penalized for adopting a child than they are for bearing one. The stringent requirements of adoptive agencies, both before and after adoption, make leave a necessity for the adoptive parent. And if only 3 per cent of working women take maternity leave, we can presume the barest fraction of that amount would take adoption leave, thereby costing the employer that barest fraction of an increase.

## PATERNITY LEAVE

Saskatchewan is the first province to provide paternity leave in legislation. Male employees, full-time and part-time, who have been employed for 12 months or more with the same employer, are eligible for up to six weeks unpaid leave when a child is expected in the family. The leave is continuous and can be taken any time during the three months before the expected date of birth and the three months after.

Employees who take the leave are guaranteed the same or a comparable position upon return at the same salary, benefits and seniority as at the time the leave started.

### EXAMPLE — PATERNITY LEAVE CLAUSE (Canadian Union of Public Employees - Local 2189)

A male Employee shall be granted a leave of absence with pay for five (5) days for the needs directly related to the birth or adoption of his child. He shall also be granted leave of absence without pay for an additional two (2) weeks if he so requests. For part-time Employees, pay for the five (5) day period referred to herein shall be prorated.

An Employee intending to request maternity or paternity leave shall notify the Employer of such intent at the earliest possible time, but at least four (4) weeks in advance of the expected commencement of the requested leave.

## Other Paternity Leave Provisions

Some unions, particularly in the professional and public sector field have negotiated paternity leave provisions for the growing number of men who want to play a greater role in caring for their newborn children. Generally, agreements provide from three days with pay to five days with pay plus two weeks notice.



As of January 1, 1978, Sweden extended the benefit period for parenthood insurance to nine months, to be shared by husband and wife at 90 per cent pay. One father out of ten now takes some part of the nine month leave.

#### Considerations in Negotiating Paternity Leave

- The absence of adequate paid paternity leave again serves to penalize workers for becoming parents. By preventing or limiting the activity of the male parent, sex stereotyping and inequality are reinforced by placing all the social and family responsibilities which accompany childbirth on the shoulders of the mother, in addition to the physical burden. Becoming a parent is the concern, responsibility, and joy of both mother and father. By negotiating paternity leave we are moving toward the Swedish example which should be our goal.
- There are also numerous situations where having the father at home would be particularly important, if not crucial; where the mother requires medical attention following delivery, or has on-going medical complications; where there is already another child or children in the family, the adjustment is more difficult, and the quantity of work much greater; where the father is the secondary income earner; where childcare is difficult to obtain, and sharing leave would provide additional time to solve the problem; where the father wishes to participate in the care and raising of his children.

- The absence of the extended family in today's society (i.e. grandparents, aunts, uncles, etc.) makes it that much more critical for fathers to have time at home to assist in care after birth and during the early years.
- It should be noted (hopefully unnecessarily) that if you are negotiating for paid paternity leave, even if it is for only a few days, that paid maternity leave should also be provided.

### TIME OFF FOR ILLNESS IN THE FAMILY

Since it is often impossible to schedule medical, dental or school appointments for children during non-working hours, union contracts should make some provisions for this problem. Traditionally many parents have used their own sick days to attend to family responsibilities of this type. When a child or other family member is ill such a clause is even more necessary. Such a benefit should be totally separate from sick leave benefits.

#### SAMPLE FAMILY RESPONSIBILITY CLAUSES

An employee is entitled to ten days paid leave to be used for illness of immediate family members.

Time off for medical/dental/school appointments for employees or for dependent children shall be permitted, up to a maximum of three days (or 24 hours).

### TRANSFER TO SAFE WORK DURING PREGNANCY

Some unions, such as those representing hospital workers who are exposed to harmful x-ray machines and VDT operators have negotiated clauses for protection during pregnancy.

It is important to note however, that eliminating the hazard at the source should be the goal, rather than removing the employee. It is becoming increasingly clear that substances or equipment which affect pregnant women and the fetus will also over a longer period of time affect women and men generally.

#### EXAMPLE — TRANSFER RIGHTS CLAUSE (B.C. Government Employees Union)

This is one section of an article entitled "Video Display Terminal".

A pregnant employee shall not be required to operate such equipment against her will and such an employee may elect to take alternative work which shall be offered by the Institute or the employee may elect to take an unpaid leave of absence as provided for in Article X.

#### Considerations in Negotiating Transfer Rights Clauses

- The most recent and shocking findings in regard to health hazards and VDTs have shown that at old city hall in Toronto in 1980 and 1981 women who have used or been extensively exposed to VDTs and become pregnant have experienced a 52 per cent rate of miscarriage. In one particular room, 4 out of 4 pregnancies ended in miscarriage — a 100 per cent rate.

The Ontario Public Service Employees Union released the information based on a report leaked anonymously to them. The union is seeking a prosecution under the Health and Safety Act.

- A recent arbitration decision (listed in the Bibliography) has held that belief that radiation from VDTs can harm an unborn child is grounds for transfer without a cut in pay.

### FAMILY RAISING LEAVE

Just when mother and baby hit their stride, the 17-week leave of absence is over and a balancing act begins — for enough sleep to get through the work day, time to spend with the baby, strength to cope with household chores and patience to find adequate child-care arrangements.

"Maternity Leave: it's a mixed blessing" *Toronto Globe and Mail*, Feb. 5, 1981

This is why some agreements are now providing for longer leaves, often available to either parent. It is one way of relaxing the rigid arrangements of working life to benefit workers with family responsibilities.

#### MODEL EXTENDED LEAVE CLAUSE

Upon request, an employee will be granted an extended leave of absence for up to three years following the birth or adoption of a child. Service during leave for pension and other service-related benefits shall be protected.

#### Other Family Raising Leave Provisions

Contracts between the Government of Quebec and Quebec public employees provide for leave without pay up to a maximum of two years following the birth of a child. This leave can be taken by either father or mother or can be shared by both. Seniority and benefits continue as long as the employee pays total cost of the benefit premiums. The B.C. Teachers' Federation and School District No. 39 (Vancouver) agreement provides for leave of up to 36 months without pay should a parent, male or female, find it necessary to stay at home with a dependent child. GTE Sylvania and its Employees' Association agreement provides for unpaid leave of from 36 to 60 months if the employee, male or female, has a child under five years of age and if they have five years continuous service with the company.



### Considerations in Negotiating Family Raising Leave

- The chief problem with such a lengthy leave is the lack of pay. Women in their child bearing years and mothers are entering the workforce out of economic necessity and are not likely to be financially capable of making use of a provision like this, although as an option, it is clearly desirable.
- Until major changes come about in the involvement of men in child-rearing, it is likely that such leaves will be taken only by women, intensifying the stereotypical image of women in the home caring for children, and easing the pressure on men to become more active in the home.
- Such a leave may work to the disadvantage of women, particularly in times of rapid technological change, when extensive retraining may be necessary after a lengthy leave of absence, which employers may not be willing to pay for.
- A more appropriate approach, given today's economic climate, might be to move gradually toward increasing the length of leave, *with pay*, available to either parent.

### NO DISCRIMINATION

A separate parental rights no discrimination clause should be included in the contract. This ensures that the employer can't discriminate against members because of the number of dependent children they have. Such a clause is particularly important when you are also negotiating for other parental rights such as maternity leave or daycare, provisions which might inspire unscrupulous employers to stop hiring women.

#### SAMPLE PARENTAL RIGHTS NO DISCRIMINATION CLAUSE

The employer shall not discriminate against members or job applicants because of the number of children they have or may have.

### ADDITIONAL PROVISIONS TO ASSIST FAMILIES

There are a variety of other measures, which, if negotiated, would ease the strain on the parent trying to cope with work and family responsibilities. In many cases, unions are already bargaining for these gains, but for other reasons. You no doubt could consider others of particular benefit to your membership.

- flexible hours
- curtailment of shift work
- right to refuse overtime work
- job-sharing — the Ontario Public Services Employees' Union Women's Caucus is working on a research paper on job-sharing as a basis for future bargaining demands
- Pro-rata pay and benefits for part-time workers

### DAYCARE

Trade unionists should be suspicious of workplace daycare run solely by the employer. This is not a preferred choice for a number of reasons. This type of care is often motivated by the need to keep female workers in a company where the wages are low and working conditions poor; there might be a trade-off between daycare facilities and pay or other benefits; it could put parents in a subtle ransom position during potential strike situations; parents and union would have little or no control over quality of care.

However there are many possibilities for childcare cost-sharing arrangements and the local should review each one carefully to find out which would be most suitable. Some of these include:

- (a) setting up a daycare centre in the workplace jointly run by union and employer. This type of care would have opening and closing times compatible with the workplace, which presently is not the case for community daycare; parents are able to visit children during the day; the centre can make use of the facilities of the company, such as cafeteria and janitorial services and thereby save on operating costs. However industrial sites and factory locations may not be conducive because of noise, pollution and other health and safety hazards — outdoor play might particularly be affected; also this type of care removes the child from his/her regular playmates in the home community. The most successful centres of this type have been set up in hospitals, universities, and government buildings.

- (b) setting up a daycare centre near the workplace. Such a centre has many of the same pluses and minuses as the in-site centre just described. In some cases, a company will join with other industries in an area to serve that industrial community. Our concern again would be that all unions of these industries be involved jointly in such a venture, which could make for a cumbersome administration.
- (c) having the company purchase spaces for employee use in existing centres in the community, or in a particular centre near the workplace. Manulife in Toronto gave a \$12,000 grant to a centre which went toward renovation of the centre for infants. In return, Manulife employees were given priority at the centre.



#### Steps Towards Workplace Daycare

The following is an outline of the process involved in bargaining for daycare. Needless to say it is very general and should be adapted to the needs, bargaining strengths, and structure of each union. You should be prepared for a great deal of time being spent from the initial idea to the fully-operating centre.

Extra time will be needed for education, and consciousness-raising on daycare if your initial survey shows a majority do not want to bargain for daycare.

1. The union women's committee draws up a daycare questionnaire which is circulated through the stewards to the entire membership to ascertain the existing demand and the potential demand. Ages of children, the hours and days per week when care is needed, the type and cost of care presently used can establish the demand. Questions about the needs of school-age children should be asked — if this need is high, it may be more sensible to bargain for a child care subsidy than workplace daycare which is usually not convenient to local schools. Questions should be

asked about the type of care preferred, and which type of care the member feels the union should bargain for (see survey used by CUPE 1000 in Appendix III).

2. On the basis of the data received from the survey, determine the type of daycare provisions the majority favour, and determine the need for education and "selling" of the issue to the membership. A short research paper similar to the "Backgrounder" prepared by CUPW on paid maternity leave would be useful for this.

3. In bargaining, the results of the survey can be used by the union. If you succeed in winning a provision for a joint labour-management child care committee, the following steps should then be taken.

4. The committee should undertake a feasibility study on a workplace daycare centre which would examine: capital and operating costs; the type of centre which would best serve the needs of the membership; other examples and experiences with workplace daycare; provincial licensing regulations and guidelines as set out in The Day Nurseries Act; municipal regulations; architectural designs and costs; availability of space; program size and content; personnel requirements; cost of materials, toys, equipment. The Provincial Daycare Co-ordinators of the Ministry of Community and Social Services can assist with this information.

5. A proposal should be developed on the basis of the feasibility study and accepted by both company and union. A Board of Directors should be set up with representation from the company, union, parents, and possibly the community to determine the policies and principles under which the centre will operate.

6. Work can begin on construction or renovation, followed by hiring of staff and enrollment of children.

7. Publicity notices should go out to all employees inviting them to visit the centre, outlining the program, qualifications of staff, hours, diet, etc., to encourage enrollment. Remember that parents will have arrangements already for their children and there may be a "lag" time before the changeover to the new centre.

#### SAMPLE CHILD CARE COMMITTEE CLAUSE

The employer, recognizing the needs of working parents, agrees to the establishment of a child care committee responsible for researching and developing a child care facility. This committee shall consist of an equal number of union and management representatives. Provisions will be made to allow committee members to perform their functions within reason during working hours and without loss of pay. The child care committee shall complete its research and develop a model for a child care facility no later than three months after the effective date of this agreement. Such facility will become operational no later than six months after the effective date of this agreement. These time limits may be waived by mutual consent of the parties to this agreement.

#### Other Options in Negotiating Daycare

- Negotiate direct subsidies for employees to cover costs of the daycare of their choice. Subsidies may be in flat amounts according to numbers and ages of children or according to a sliding scale where the most assistance goes to persons with the lowest income.

In June 1976, CUPE Local 2189 at the YWCA in Toronto successfully negotiated a taxable benefit of \$15 per month to be used by employees toward childcare. It was felt that since the YWCA employees live and work in various parts of the city it made sense to negotiate a cash supplement that could be used to support daycare in the community rather than to establish a daycare centre of their own. Transportation problems would be minimized and if an employee changed jobs it would not be necessary to change daycare arrangements. This cash supplement was seen as a "token" measure, a principle, a step in the right direction.

Recently this clause was renegotiated to \$30 per month and the age of the child was extended to nine years.

Studies have shown that the majority of parents favour community-based child care if it is available for a number of reasons: it allows a child to develop friendships within his/her own community; if an older child is in school, she/he may be able to join a younger sibling for lunch and after school activities; community programs can provide continuity of service for children of different age groups, and where the daycare is located in the local school it can provide continuity of location and friendships as the child reaches school age; it also minimizes transportation problems for those who travel some distance to work.

#### EXAMPLE — CHILD CARE SUBSIDY CLAUSE (Canadian Union of Public Employees Local 2189)

The employer shall pay to each employee who has one or more children under the age of nine a total of \$30 each month to help defray the cost of child care. These sums shall be added to the employee's monthly pay.

Nothing in the above provision shall give the employer the right to discriminate against job applicants because of the number of dependents they may have.

Improvements in this clause would be achieved by negotiated sums more in keeping with the current cost of daycare (\$250 — \$500 a month).

- negotiate for employer contributions to a child care fund. These funds could support a variety of child care arrangements according to the preferences of the membership. An example of the fund approach are the six centres operated by the Regional Joint Boards of the Amalgamated Clothing Workers of America in Chicago and Baltimore. Employer contributions to the union health and welfare fund (a tax deductible 2 per cent of the gross payroll) are used to support the daycare centres. In some cases a small fee is charged. These centres are completely administered by the union and are open to children of union members and to the surrounding community. Such funds might also be used to support existing centres or go towards direct subsidies to employees. Contract language might be similar to the language used by the United Auto Workers for Paid Educational Leave.

**The employer will accumulate one cent (1¢) per compensated hour (or one per cent of the payroll per month) in a separate account to be paid to the union on a quarterly basis.  
The purpose of this fund is to provide (or subsidize) childcare for members of the bargaining unit.**

- Some contracts now include provisions for the costs involved for childcare when an employee has to work overtime, or is out of town on company business.

#### SAMPLE CHILDCARE FOR OVERTIME CLAUSE

Should an employee be required to be away from home on the employer's business outside regular working hours, the employer agrees to pay the costs of receipted childcare expenses for the period over and above the regular working hours where such expenses are incurred.

#### Considerations in Negotiating Daycare Provisions

The labour movement has always taken the view that the provision of facilities for the care, education and health of children is properly the responsibility of the government. However, it makes eminent sense, given the immediate crisis in daycare, to place this issue on bargaining agendas and attempt to negotiate for it. Trade unionists have learned from experience, particularly on the issue of medicare, that negotiating benefits helps put pressure on employers to join in the lobby to have such benefits publicly funded. It is also an excellent way to educate both unions and employers on the subject in order, again, to increase the pressure for government funding. With this in mind, the OFL recommends that where possible, unions consider workplace daycare as a negotiating demand, as a *tactic* or *strategy* towards our ultimate goal — a universal, free, publicly funded care system.

"Sharing the Caring", OFL  
Discussion Paper on Daycare,  
October 1980

- Many employers do not want to accept any involvement in daycare. Convincing them of their social responsibility in this area will be difficult, but essential, to winning this demand. Arguments for this may be found in the OFL Policy on Daycare in Appendix II.

There are also benefits which accrue to the employer. Virtually all costs to the employer are tax deductible. The employer also can achieve a good corporate or government image, better employee relations, easier staff recruitment, less absenteeism.

- Unions must insist on parental involvement and control of program policy in any joint venture with management, or in an employer-sponsored centre.
- Daycare is not solely a woman's issue. Men are parents too, and if they don't join the fight, the issue may be used to discriminate against women.

## PARENTAL RIGHTS — INTERNAL UNION POLICY

There are many things that can be done within the union movement to hasten the acceptance and awareness of parental rights issues.

- Survey the membership to determine child-related priorities and needs.
- Develop a statement on parental rights and daycare.
- Educate the membership by providing literature, holding seminars, showing films (see bibliography).
- Promote the provision of daycare at conventions and educational seminars so parents can participate.
- Provide allowances for child care expenses so parents can attend union meetings, or provide childcare at the meetings.
- Hold union meeting on company time.
- Find out the national policies of the union on daycare.
- Encourage older children to attend union meetings.

### SAMPLE RESOLUTION ON DAYCARE AT CONVENTIONS (Ontario Public Service Employees Union)

WHEREAS increased participation of parents in union affairs is desirable, and

WHEREAS many members have too little time to fully participate in conventions because of their concern for the welfare of their children, and

WHEREAS many of our members are single parents, and

WHEREAS we should provide means for participation by all our members on an equal basis,

THEREFORE BE IT RESOLVED that this union provide childcare facilities at conventions and educational conferences.

### SAMPLE RESOLUTION ON CHILDCARE EXPENSES FOR UNION MEETINGS (Ontario Public Service Employees Union)

WHEREAS it is our desire to increase participation by parents in union affairs, and

WHEREAS it is presently our policy to provide childcare services at our annual convention, and

WHEREAS we should continue this effort to increase participation in union affairs by all members on an equal basis,

THEREFORE BE IT RESOLVED that

1. An expense claim form for childcare costs be adopted
2. The rate of \$2 an hour for childcare to a maximum of eight hours a day be established
3. Such claims shall only be allowed if no other member of the family can provide care or if no other cost-free arrangements can be made
4. Such allowance is not intended to reimburse claims for childcare expenses he or she would normally have incurred should the union affair fall on what would have been a normal working day for that member

## PARENTAL RIGHTS — POLITICAL ACTION

Concurrent with our struggle at the bargaining table must be the ongoing political lobby for universally accessible daycare by 1990. The OFL at convention in 1980 mounted the campaign for better daycare and together with a broad coalition of labour, teachers, social service workers, early childhood educators, daycare activists and women's groups held forums across the province to hear the views of the public on the issue. Subsequently we analyzed the results of the public forums, and produced the brief "Daycare: Deadline 1990". We lobbied the Premier and Members of the Legislature in November 1981 on the contents of the brief. The Ontario Coalition for Better Daycare is now established and active. District labour councils have been encouraged to start up local coalitions in conjunction with community groups and have done so in Hamilton, Windsor, Sudbury, Toronto, Stratford, Kitchener, Kingston and Oshawa. More are forming all the time to assess local daycare needs, hold educational seminars for the public, and lobby local provincial and municipal politicians on the changes outlined in the brief.

Local unions are urged to participate in the coalition and lobbying efforts in your community. If a local coalition does not exist, you could encourage your district labour council to pass a resolution to establish one.

Constant political pressure combined with pressure in negotiations will make parental rights a reality for Ontario's working women and men.



## APPENDIX I

### MODEL CLAUSES

#### Clause 1

##### Model Unpaid Maternity Leave Clause

Maternity leave as a right

Maternity leave shall be granted as a right. The employer shall not deny the pregnant employee the right to continue employment during the period of pregnancy.

##### Length of Maternity Leave

Maternity leave shall cover a period up to six months before and/or after the birth or adoption of a child. Where a doctor's certificate is provided, stating that a longer period of maternity leave is required for health reasons, an extension up to a maximum of one additional year shall be allowed.

##### Seniority Status During Maternity Leave

While on maternity leave, an employee shall retain her full employment status and accumulate seniority and all other benefits under this collective agreement.

##### Employer Payment of Employee Benefits During Maternity Leave

During the period of maternity leave, the employer shall continue to pay the hospital, medical, disability, group life insurance, pension and other benefits of this agreement. Service during leave for pension and other service-related benefits shall be protected.

##### Procedure upon Return from Maternity Leave

When an employee decides to return to work after maternity leave, she shall provide the employer with at least two weeks' notice. On return from maternity leave, the employee shall be placed at least in her former position. If the former position no longer exists, she shall be placed in position of equal rank and value at the same rate of pay.

##### Pay for Extended Maternity Leave

If the employer does not maintain full pay during maternity leave, an employee may choose to receive payment of normal weekly salary from accumulated sick leave credits, after the fifteen weeks of leave covered by unemployment insurance.

##### Adoption Leave

Where an employee seeks leave due to legal adoption, the foregoing shall apply.

#### Clause 2

##### Model Paid Maternity/Parental Leave Clause

Upon request, an employee shall be granted up to 12 months paid parental leave before and/or after the birth or adoption of a child, at 100% of his/her regular weekly wage.

Where the employee becomes eligible for increments during the period of leave, payments shall be adjusted accordingly.

#### Clause 3

##### Model Adoption Leave Clause

Upon request, an employee shall be granted a paid leave of absence for up to 12 months before and/or after the adoption of a child, at 100% of his/her regular weekly wage.

Where the employee becomes eligible for increments during the period of leave, payments shall be adjusted accordingly.

#### Clause 4

##### Model Paternity Leave Clause

A male employee shall be granted a paid leave of absence for four weeks for the needs directly related to the birth or adoption of his child, at 100% of his average weekly wage.

An additional period of leave will be granted upon request.

The employee will accumulate seniority and all other benefits during the period of leave. Upon return to work, the employee will be placed in his former position or an equivalent position at the same salary.

#### Clause 5

##### Model Transfer Rights Clause

While the union and the company recognize that the desired goal is a workplace free of hazards, in the case of an employee who has reason to believe that her working conditions are hazardous to her unborn child or herself, the employee shall be entitled to transfer to alternative work without loss in pay, seniority, or other benefits.

## APPENDIX II

### OFL STATEMENT ON DAYCARE

The care of our children is an issue which deeply affects all of us. Because we value our children so highly, we value the care which they receive. We must ensure that daycare is made a priority issue for it underpins the home and working lives of both men and women. We must begin as trade unionists, to plan strategies collectively around our children's care, rather than coping individually with frustrating problems in attaining good care, and adjusting hours and schedules.

Unfortunately, the demands of the work place and policies of governments have never seriously taken into consideration the needs of families. It was assumed that women were in the home with the children and that child-rearing was a private responsibility that belonged to individual parents alone.

Somehow the two exceptions to this rule were always overlooked: working class women, who had to work and could not raise their own children, and as a result were pitied and stigmatized and it was assumed their children would become delinquents and criminals; and, the aristocracy, who never raised their own children and as a result were envied their free time and the good care afforded their children by nannies and boarding schools.

Working people today, both women and men, are still plagued by the long-lasting results of these class assumptions. We are victims of the government dictum that your children are yours, you take care of them. And how well you take care of them still largely depends on how much money you have.

But while we cherish our relationships with our children and our right to raise them the way we think best, we are realizing that the transformation of the family is necessitating that society as a whole play a part in the raising of our future citizens.

The theory of private responsibility, a theory promoted and fostered by Ontario Community and Social Services Minister Keith Norton, is rooted in a family structure which doesn't exist, if it ever did. It is based on the existence of the average family as a self-sufficient and self-governing unit well equipped to provide for children and their development. It is based on the idea of husband working, wife at home, and several children. However only 7 per cent of families now fill this image.

Today the "average" family is much more likely to be one of the following: single parent families led by the mother or sometimes the father, two-parent families where both husband and wife work, unmarried couples with children, young girls with children living at home, two women or two men relationships with children, or a variety of these families living together to help share the load.

Many factors contribute to new patterns of work and family life. Families are much smaller out of economic necessity and due to advancements in birth control methods. Aunts, uncles and grandparents are now scattered across cities and continents so that the support of the extended family is limited to occasional visits or annual Christmas get-togethers.

Add to these changes the disruptions of urbanization and industrialization, the alienation and isolation of city-living, the inflation crisis, and we can begin to understand the strains on the nuclear family which result in daily newspaper accounts of alcoholism, wife-beating, and child abuse. These severe stresses and strains, both economical and psychological on the modern family demand external, public support. We must develop new approaches which consider and respond to the needs of the new family.

#### Needs

The most important force behind the expansion of the need for day care has been the large-scale entrance of women into the work force. Women are taking on another job outside the home out of economic necessity. Few women would be masochistic enough to fight for a dead end, low wage, low status job and still have to come home to all the responsibilities of housekeeping, cooking and child care, unless they really needed the money. Single parents must work and two-parent families increasingly rely on the women's earnings to meet basic needs, such as food and housing. Buying a home these days is no longer possible on a single wage, reduced as that wage is by inflation.

Laudable efforts have been made over the years to present daycare as a family need, but it is inevitably the mother who stays at home when care is not available; the mother who leaves work to look after sick children; the mother who takes part-time jobs to be home after school; the mothers who are the majority of single parents. The lack of accessible free daycare is inextricably tied up with the unequal position of women in our society. For many women no daycare means no job. For other women inadequate or hard-to-get-to daycare means added stress and guilt and poor performance on the job. For still other women, the limited hours of most daycare means they must settle for part-time work, or cannot take jobs which require overtime, shiftwork or travel. And this dilemma for women of juggling home and work responsibilities has given employers the excuse to pay women less, and to limit their employment opportunities. There can be no real equality for women until day care becomes a social right.

However daycare is not just a service to working parents, important as that may be. A comprehensive, accessible system of day care services is as important to children today, as the extended family was to the children of former times. The needs of children, in light of changes in the family mentioned earlier, must be a key consideration in the debate on daycare. Children need love, warmth, freedom from neglect and cruelty, good nutrition, stimulation of body and mind. It seems astounding that during all the discussions and public relations campaigns during International Year of the Child, very little was done to promote universal quality daycare. A comprehensive system of daycare would provide for the needs of children in a warm, caring environment while at the same time relieving the stresses on the over-burdened nuclear family.

### The Present Crisis in Care

At this time, the system of care for our children is fragmented, inconsistent, underfunded and inadequate in the extreme. Legislation differs across the country. Standards, funding, types of care, administration, delivery of services, all vary from one province to the next.

The Ontario government's avowed policy of cutbacks in the social service field has forced daycare centres to close, or be shabbily maintained because of lack of funds. Children are being placed in unsupervised, unlicensed family care arrangements. Corporate enterprise is turning child care into a profit-making, marketable "product". Daycare workers are earning poverty-level wages. And the need for daycare spaces has been increasing at an alarming rate. In 1978 almost 50% of mothers with children aged 3 to 5 were working and almost 40% of mothers of children below the age of 3. Further female-headed single-parent families now account for 8.1% of all Canadian families, and an incredible 68% of low-income single parent mothers under the age of 35 have incomes below the poverty line. In Metro Toronto, each month, more than 3,500 inquiries are made to the daycare centres — in vain. The vacancies are not there, the long waiting lists are. In northern Ontario the almost complete lack of daycare services adds to the ever-increasing incidence of child abuse, and the excessive unemployment levels.

The most recent statistics from Health & Welfare Canada detail a dismal picture — only 4.08% of children under the age of 2 with mothers in the labour force are in group care or approved family daycare; only 15.46% of children aged 2 to 6 receive daycare services. Compare this to France where 95% of children aged 3 to 6 attend free pre-school programs, and 32% of children under the age of 3 are cared for in a variety of daycare services. In addition, care programs designed for the older child, aged 6 to 12 are virtually non-existent in Canada. Many of these children who may need care in the early morning, at lunch and after school, are required to fend for themselves.

### Cost and Quality of Care

The average cost of a space in a daycare centre in Canada is \$35 to \$100 a week per child. The typical cost for a year is \$2,600.00 per child. Parent fees basically pay for the operating costs of daycare centres. The only relief available to parents is the subsidy system. But in order to qualify for subsidy you must undergo a rigorous needs or means test which is a complicated examination of your family's resources and expenses, usually administered at the local welfare office. This can be a humiliating and demeaning experience to which we are totally opposed. Further, public assistance or welfare rates are used as the ceiling for subsidy so that only the very poor can qualify. This means that only the wealthy or the poor can afford the cost of public centre care, when it is available. Middle income earners are forced to use home care providers or commercial centres out of economic necessity.

Unfortunately, at this time, the majority of private home care providers are not registered, not supervised, not trained, and as a result the quality of much home care has come under serious scrutiny. Studies have shown that children in such settings often lack proper nutritional diets, and lack stimulating programmes and activities. This type of care, however, is accessible and inexpensive.

The quality of care in group daycare centres has also been shown to be less stable than previously believed. Because these centres are licensed, and good standards legislated in terms of staff/child ratios, staff qualifications, and proper space, high calibre care has been taken for granted. However a recent research study in Toronto has shown that government cutbacks in funds are creating severe repercussions; staff members are being laid off and vacancies left unfilled; staff hired to work with children are doubling as cooks and cleaners; old furniture and equipment isn't replaced and important repairs aren't made.

It is not surprising then that corporate or commercial daycare ventures are creeping into the gap created by government neglect. These groups have experienced a phenomenal growth rate of 28% in the past year. Government non-involvement has encouraged corporations to open up chains of daycare centres as a business — hamburger daycare. A number of these operations have been shown to lower standards in order to increase profit, and have also lobbied the government for a lowering of staff-child ratios. Corporate daycare notoriously resists the unionization of workers and pays very low wages.

Quality care is also adversely affected by the high turnover of daycare workers. In the same way that women in the home receive little recognition for raising children, daycare work is seen as unimportant, unskilled, and inferior. The realities of this work could not be further from such a description. Daycare workers are trained and knowledgeable and work under extremely arduous conditions for paltry wages. With budget tightening in Ontario, short-staffing and broken equipment adds to the responsibilities of workers and takes their time away from the children. No wonder daycare workers often seek alternative employment.

These workers are performing a vital role in our society. They must no longer be forced to subsidize Ontario's daycare system.

### Sharing the Caring — Labour's Perspective

Our country is at a virtual standstill when it comes to the critical social services of daycare.

The struggle for daycare in the 80's is no less important than the earlier struggle for public education. And we must fight for it with the same determination. Daycare, like public education, can only become a stable and high quality service if it is funded through public monies.

The OFL is seeking a variety of services which will enable parents to freely choose. Group care might appeal to parents who want their child to receive the benefits of contact with other children and the resources of a good centre; private home care might be most suitable for after-school care, or the children of shift workers; workplace daycare might be a convenient solution to transportation problems for some parents.

To this end, the OFL proposes the following as a comprehensive child care plan:

1. Access to a free, universal publicly-funded quality service of care for children aged 0 to 12 be recognized as an essential social right of every family wishing to use the service.

2. Existing facilities should be developed into a pattern of local satellite child care centres which would fulfil the educational and developmental needs of young children in the community. Each centre would act as a training and resource point for registered private home care givers and playgroups in its area, and might also provide some child health services. Advantage should be taken of the falling numbers of school children caused by the drop in the birth rate to convert unused classrooms into centres. Provincial government funding must be made available to these neighbourhood centres to provide this wide range of services.
3. Responsibility for the service should be removed from the Ministry of Community and Social Services where it will always be seen as a welfare service and not a universal right. An early childhood education division of the Ministry of Education must be established which ensures flexibility of approach combined with community control. We do not want day care services to be centrally controlled or become lost in a monolithic structure that parents cannot hope to influence. Daycare must be responsive to the changing priorities of its users; it must also be available as a right to all. Only by creating an autonomous division of the Ministry of Education can we hope to combine these two principles.
4. The province be committed to fund and assist child care provision when 25 children within a school attendance area require care; such funding must be available only to non-profit and government-operated centres.
5. Private home daycare could be organized as part of this system, with the neighbourhood group daycare center as the hub of the wheel, and the family homes as the spokes. Family caregivers would be registered as a condition of public funding.
6. The standards set down in the Day Nurseries Act should be regarded as the "minimum"; and persons with education and experience in early childhood education must continue to be the primary staff in daycare centres.
7. Daycare workers must receive salaries and benefits commensurate with the value of their work and on a par with workers in education, nursing and social work. Unions must make greater efforts to organize daycare workers, and to this end, continue the fight for less restrictive labour laws.

8. The provision of day care facilities cannot be seen in isolation. Just as centres can offer parents the opportunity to return to work or education knowing their child is well looked after, it is equally necessary for society to offer a realistic opportunity for parents to remain at home and care for their child at birth and for a reasonable period afterwards. Present leave provisions fail to acknowledge the wish and right of the father to be involved in child rearing and do not account for the severe stress for parents when children are sick. Legislative amendments should include:

- (a) Paid parental leave available to either parent for the care of a child up to a joint total of one year after birth, or adoption. (Entitlement to leave comes under The Employment Standards Act/pay under the Unemployment Insurance Act.)
- (b) Employees receiving such leave will retain and accumulate seniority and have all benefits maintained during such leave.
- (c) Employees who have been employed with their employer for six months will be entitled to such leave.
- (d) Parents be guaranteed paid leave up to ten days per year for the care of their children who are ill or who have special needs requiring parental attention.

The Ontario Federation of Labour, in proposing this system of universal, comprehensive daycare, is making a radical departure from the minimal piecemeal approaches of the past. Because it is our firm conviction that such a service must become a major priority for the country and this labour movement, we propose the following plan of action to achieve our goal:

### POLITICAL ACTION

1. That a campaign to achieve the outlined daycare service be undertaken as a major priority in the labour movement.
2. That daycare be presented as a key item in labour's parallel campaign, and that candidates for election be encouraged to promote labour's position on daycare in their campaigns.
3. That our policy proposals be presented to the Premier of Ontario and ministers responsible for this area, followed by a lobby of MPPs when the Legislature reconvenes in 1981.
4. That public forums be held in several key communities in Ontario to ascertain the problems in obtaining quality daycare, and raise awareness of the issue.



---

## BIBLIOGRAPHY

---

Advisory Council on the Status of Women. *The Price of Maternity*, Ottawa, 1977.

Attenborough, Susan. *Bargaining for Equality*, National Union of Provincial Government Employees, Ottawa, 1982.

Haddad, Carol. *Local Union Guide for Establishing Child Care Centers*, School of Labor and Industrial Relations, Michigan State University, 1979.

Ontario Crown Employees Grievance Settlement Board. Arbitration award between OPSEU (Ms. Helen Barrs) and The Crown in Rights of Ontario (Ministry of Education). January 21, 1982. (His decision held that belief that radiation from VDTs can harm an unborn child is grounds for transfer without a cut in pay.)

Ontario Federation of Labour. *Daycare Deadline 1990*. Brief to the Government of the Province of Ontario on the Future of Daycare Service in Ontario by the Ontario Coalition for Better Daycare, November 1981.

Ontario Federation of Labour. "Sharing the Caring". Discussion Paper on Daycare prepared for OFL Conference on Day Care, October 16-18, 1980, Toronto.

"Parental Rights", Canadian Union of Postal Workers Negotiations Backgrounder No. 3. March, 1981.

Ritchie, Laurell. "Maternity and Parental Leave", *Status of Women News*, vol. 7, no. 2, winter 1981/82.

Ross, Kathleen Gallagher, ed. *Good Day Care, Fighting For It, Getting It, Keeping It*. The Women's Press, Toronto, 1978.

Women's Bureau, Canadian Labour Congress, "Report of Ad Hoc Working Group on Maternity/Parental Leave", Ottawa, January, 1982.

Women's Bureau, Labour Canada. *Maternity Leave in Canada*, Ottawa, January, 1980.

Women's Bureau, Ontario Ministry of Labour. *Workplace Child Care: A Background Paper*, Toronto, January, 1981.

"Work-Related Day Care — Helping to Close the Gap". *Civic Affairs*. Bureau of Municipal Research. Toronto, 1981.