

SUBMISSION
BY THE
CANADIAN LABOUR CONGRESS
TO THE
ROYAL COMMISSION ON THE
STATUS OF WOMEN

OTTAWA, CANADA.

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Madam Chairman and Commissioners:

1. The Canadian Labour Congress greatly appreciates this opportunity to appear before you today and to present our views on the vital subject of the Status of Women in Canada. We feel that the establishment of such a Commission is timely, both in terms of an urgent social need and in view of the fact that 1968 has been declared International Human Rights Year. However, we do regret that the government did not see fit to appoint any labour representatives to your Commission. We believe that the number of trade union organizations which made representations to you and the serious views which they expressed should convince you of the labour movement's deep and continuing concern in this area.
2. The Canadian Labour Congress is a central labour body with an affiliated membership in excess of 1½ million members in both national and international unions. At least one in five of these members are women. Although the 1966 survey under the Corporations and Labour Unions Returns Act indicates that the female participation rate in all unions reporting, was then 322,716 out of 1,895,402 or 17%, the C.L.C.'s present proportion of female membership is substantially higher. First, such predominantly masculine organizations as the Teamsters and the United Mine Workers are excluded from our affiliation. Secondly, the tremendous growth in the last two years of the Public Service Alliance amongst federal government employees has brought many thousands of new female members into our ranks.
3. As such, we justifiably regard ourselves as the spokesman for the largest single group of women appearing before your Commission, in consequence of our direct female membership participation rate and, indirectly, as representing the interest of the families of our trade union members. Furthermore, we do not feel that our role should be confined to the discussion of issues which may arise at the bargaining table. We feel that we have a duty to comment upon social issues and to work towards desirable social change.

4. One of the fundamental principles of the trade union movement has always been equality and we would like to state at the outset that we believe, without qualification, in the absolute equality of women and men. We believe in their equality as human beings and citizens and feel that any legislation, social policy or individual action which detracts from that equality is a violation of their fundamental rights. We fully subscribe to the principles outlined in Article 2 of the Universal Declaration of Human Rights:

5. "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

6. The United Nations General Assembly felt called upon last year to further amplify its views on the question of equal rights for women. It passed a special Declaration on the Elimination of Discrimination against Women on the grounds, amongst others, "that discrimination against women is incompatible with human dignity, and with the welfare of the family and of society, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries, and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity;" and "that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women."

7. The terms of reference of your Commission are extremely broad, in general, "to inquire into and report upon the status of women in Canada and to recommend what steps might be taken by the federal government to ensure for women equal opportunities with men in all aspects of Canadian society,..." We propose to confine our comments and recommendations mainly to the question of the employment of women, having regard to terms and conditions of employment as they affect women and to the provision of equal opportunities for the employment of women, both in terms of countering outright discrimination and of suitable preparation for employment.

8. We do so for a variety of reasons. First, of course, as a central labour body our primary concern is with the field of employment. Secondly,

an extended expression of our views on all the matters covered by your terms of reference might detract attention from those matters which we consider our prime concern. Finally, we presume that your Commission will receive an abundance of representations from other organizations with regard to such questions as marriage, political rights and property rights. In connection with the field of employment, we think that Articles 9 and 10 of the Declaration passed last year by the General Assembly are of particular significance:

9. Article 9

All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in education at all levels, and in particular:

- (a) Equal conditions of access to, and study in, educational institutions, of all types, including universities, and vocational, technical and professional schools;
- (b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;
- (c) Equal opportunities to benefit from scholarships and other study grants;
- (d) Equal opportunities for access to programmes of continuing education, including adult literacy programmes;
- (e) Access to educational information to help in ensuring the health and well-being of families.

10. Article 10

1. All appropriate measures shall be taken to ensure to women, married or unmarried, equal rights with men in the field of economic and social life, and in particular:

- (a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement;
- (b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;

- (c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;
- (d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity, and to ensure their effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity, and to provide paid maternity leave with the guarantee of returning to former employment, and to provide the necessary social services, including child-care facilities.

3. Measures taken to protect women in certain types of work, for reasons inherent in their physical nature, shall not be regarded as discriminatory.

11. We believe that all the recommendations which follow are fully in accord with these principles and, indeed, that their implementation is essential if this country is to adhere to the spirit of the Declaration.

12. In our submission, we shall at times be going outside the particular items in your terms of reference, insofar as we shall make extensive references to provincial labour legislation. We realize that your Commission may not be able to make any recommendations with regard to matters in the provincial jurisdiction. However, as your Commission is inquiring in general into the status of women in Canada, we feel it is necessary to point out the overall deficiencies in women's employment rights. The exposure of these conditions may add urgency to your recommendations in the limited field of federal labour jurisdiction. Furthermore, strong federal action might well provoke corresponding provincial action in these fields. By way of analogy, we feel that the implementation of the Canada Labour (Standards) Code has resulted in a measurable improvement in minimum wage standards and other minimum employment conditions throughout the country. Finally, in areas where there may be questions of joint jurisdiction, i.e. day care centres or vocational training, we would prefer your Commission to make strong recommendations and leave it to the two levels of government to work out constitutional difficulties.

CHAPTER 2 - THE PRESENT EMPLOYMENT OF WOMEN

13. Before proceeding with recommendations we would like to make some comment on the present employment situation. Today no one can deny that women form an integral part of our work force and there is every reason to expect that their participation rates will increase. In 1967 there were a total of 2,365,000 women working in Canada of whom 886,000 were single and 1,260,000 married. In 1950, they formed 21.2 per cent of the work force whereas in 1967 the percentage had climbed to 31.1 per cent.

14. The expectation that the female participation rate will continue to grow would seem to be justified by the chart below which lists the participation rates of women in varying age brackets in the years 1950 and 1967:

Years of Age								
	All Ages	14-19	20-24	25-34	35-44	45-54	55-64	65 and over
1950	23.2	33.0	46.4	24.0	20.5	18.9	13.2	4.2
1967	33.8	31.6	56.6	34.4	37.0	39.7	28.6	5.9

(Source: D.B.S. Labour Force, Special Table 1.)

15. It is evident that although a large number of women drop out of the labour force during the normal child-rearing years, a significant number either retain their employment or return to it and that their proportion is growing rapidly. During the period under review the proportions in the 45-54 and the 55-64 age groups have more than doubled and the 35-44 age group is not far behind. Taking into account the increased participation rate in the present 20-34 year age group, it is probable that these proportions will

increase even further in the future.

16. As in all advanced countries, despite some pockets of social resistance, the vast majority of Canadian women can expect to participate in the labour force at some point during their lifetime. The reasons for this are various. It may be necessary for a woman, whether married or single, to work for self-support or as a sole provider or co-provider, with a husband in a low-income range, of the minimum needs of her family. A wife may work to provide for a standard of living higher than the minimum or to obtain some specific consumption goal such as the purchase of a home, automobile or the provision of a fund for her children's education. She may continue employment as a form of security for the future; against the risk that the husband's income might perhaps discontinue due to divorce, retirement, long-term illness, disablement or death. Finally, she may pursue a career as a means of self-fulfilment and expression or as a means of obtaining a greater measure of influence and respect relative to her husband.

17. All of these reasons may help to explain the rise in female participation rates but we feel they are too often used by apologists to justify female employment and, indeed, we think it is a reasonable observation that most working women, in particular working mothers, feel compelled to publicly justify themselves in some such way. If the right of a woman to work was truly accepted by our society, no further justification would need to be professed.

18. In saying that women should unqualifiedly have the right to work, we would like to point out that we do not adhere to any Puritan ethic that work is an end in itself. However, it cannot be denied that in our present social setting, a job or career is often regarded as a measure of a person's worth and ability. The successful pursuit of such a role is instrumental in the development of the individual and, hopefully, provides a degree of satisfaction and a source of interest in addition to economic returns. If a man finds himself out of work he feels displaced and if his unemployment continues he comes to regard himself as an outcast. Although there may be negative aspects to many particular jobs in our present structure, work is seen as a positive undertaking for the individual.

19. However, most Canadians would not agree that these values should be applied to women. A woman, out of necessity, may have to work and may thus acquire some of the attributes which the holding of a job provides, but the pursuit of these is not to be regarded as her primary goal.

20. She must conceive of herself as a potential or actual wife and mother and these roles must afford her a full measure of satisfaction. Without going into a discussion of the personal values placed upon the roles of wife-mother and worker, which must vary from individual to individual, we do not see that the two roles must be regarded as incompatible. In saying this, we are not merely theorising for there is the experience of vast numbers of working mothers to be drawn upon.

21. It might be stated that although these women have managed to pursue a career, in large part due to economic necessity, this has undoubtedly had harmful effects on the children's upbringing. Earlier sociological studies dealing with these negative aspects found that they were in large measure not true i.e. juvenile delinquency was not higher among the children of working women. Some now maintain that far from being harmful it may be beneficial for a child to have a working mother. In an essay entitled Equality Between the Sexes, Alice Rossi, after considering the development of kibbutz-reared Israeli children, states that "if the loving care of the biological mother is shared by other adults who provide the child with a stable loving environment, the child will prosper at least as well as and potentially better than one with a good full-time mother."¹ She feels that full-time motherhood is not sufficiently absorbing to a woman and, furthermore, her constant presence and attention lead to excessive dependency on the part of the children.

22. "The best way to encourage... independence and responsibility in the child is for the mother to be a living model of these qualities herself. If she had an independent life of her own, she would find her stage of life interesting, and therefore be less likely to live for and through her children. By maintaining such an independent life, the American mother might finally provide her children with something she can seldom give when she is at home--a healthy dose of inattention, and a chance for adolescence to be a period of fruitful immaturity and growth. If enough American women developed

1. The Woman in America, ed. Robert J. Lifton, (Houghton Mifflin Co., Boston 1964) p.111.

vital and enduring interests outside the family and remained actively in them throughout the child-bearing years, we might then find a reduction in extreme adolescent rebellion, immature early marriages, maternal domination of children, and interference² by mothers and mothers-in-law in the lives of married children."

23. We confined our earlier examination to one aspect of women's employment, that of its quantitative growth. We feel however that this growth, dramatic as it may be, has occurred despite many obstacles which we will discuss below and in a direction which we do not consider particularly desirable. We believe that the quality of employment, both in terms of monetary remuneration and in terms of opportunities for advancement, must be fully taken into account in any consideration of women's employment relative to men's. If women do undertake employment, either through need or simply through a desire to do so, we cannot see any justification for that work being necessarily less rewarding in any normative sense. Yet the inferior status of women in employment is readily apparent from even a cursory examination of the occupational breakdown of women's employment. (The following paragraphs are an excerpt from a paper entitled Economic Causes and Consequences of the Traditional Division of Labour Between Men and Women prepared in 1964 by W.R. Dymond, Assistant Deputy Minister of the Department of Labour, Canada.)

24. "As for the basic fact of the male and female division of labour, statistical data reveal that there is a strong tendency for a high degree of concentration of women workers into a relatively small number of occupational areas. This can readily be seen by reference to a recent Department of Labour publication, Occupational Trends in Canada 1931 to 1961.

25. "The majority of service workers (58 per cent) are women and a substantial proportion of the white-collar occupations are filled by women (41 per cent). Women occupy a small proportion of the manual and agricultural jobs (11 and 12 per cent respectively) and are virtually non-existent in the resource industries. There has been some tendency, over the last three decades, for an increase in the proportion of women in many occupational groups. There are several significant exceptions, however, including professional and technical occupations, service occupations and manufacturing and mechanical occupations where there have been proportionately fewer women in 1961 than in 1931.

26. "Not only are the majority of women concentrated in a few occupational groups, but they are also primarily confined to a few specific occupational categories. Of the 117 selected occupations which are analysed in Occupational Trends in Canada 1931 to 1961,

2. Ibid., p.114.

45 contain less than 100 women. Most of these are in the manual category. Women generally form a large proportion of the members of an occupation in which they are found. The 20 occupations in which the number of women exceeds the number of men account for 47 per cent of the female labour force. There are an additional six occupations in which the participation of women is proportionately greater than their share of the total labour force. Thus, one-half of the female labour force is located in 26 occupations.

27. "The relatively high concentration of men and women respectively in various occupational groups has accounted for many of the developments which have occurred in the labour market over the past decade. This is the fundamental cause of the larger increase in female employment than in male employment over this period and is a major cause of the higher unemployment rates for males than for females. It also accounts, in large part, for the increasing participation of women in the labour force and the decreasing participation of men."

28. A mere listing of the 15 largest female occupations in 1961 amply demonstrates the nature of the problem. In order of magnitude these are: stenographers, typists, clerk-typists; sales clerks; school teachers; waitresses; nurses-graduate; practical nurses; telephone operators; char workers and cleaners; cooks; hairdressers; nurses in training; launderers; office appliance operators; dressmakers and seamstresses; and music teachers. Almost half of all employed women worked in these occupations.

29. First, almost none of these can be considered as career occupations in the sense that they might lead to more highly responsible and remunerative positions and even in those where there may theoretically be possibilities for advancement, such as the occupation of school teacher, we feel safe in asserting that the number of women in higher positions is in no way commensurate with their absolute numbers in the field. Secondly, wages in these occupations are far below those in other areas where women do not predominate, even though the qualification requirements for entry into those areas may be no higher and may even be lower.

30. We will not attempt to substantiate this claim. Even if complete statistics were available listing earnings for all occupations, and they are not, a highly sophisticated analysis of position and task evaluation and comparison would have to be carried out. However, we do not believe any one will seriously attempt to refute it. We might also add that even in those industries where women predominate, any males who may be working in it generally fare better financially. As an example, in 1961 in the occupation of typist and clerk-typist, 28.1% of male wage earners earned over \$4,000 annually while only

4.1% of women earned over that amount. (1961 D.B.S. Census of Canada, Cat. 94-539, Table 21).

CHAPTER 3 - EMPLOYMENT DISCRIMINATION

31. "It must be pretty awful for a white man to learn that one of the things wrong with this society is that it is not based on dollars directly or alone, but dollars denied men who are black so dollars can go into the pockets of men who are white. It must make white men ponder the kind of weakness that will make them deny work³ to black men so that work can be done by men who are white."

32. There are undoubtedly many valid reasons why particular women are denied particular jobs or promotions and real obstacles to the placement of a large proportion of women in many occupations. Steps to overcome some of these obstacles are discussed in later sections. However, there are also many qualified women who find it impossible to obtain jobs in fields which they would prefer or at levels commensurate with their qualifications or else succeed in doing so only with the greatest difficulty. Doubtless there are countless others who do not bother to attempt to raise their qualifications to the highest possible levels or persist in their efforts to find suitable and demanding employment. In our opinion this situation results from one principal factor, that of prejudice. There is prejudice against women taking employment in "traditionally" male occupations, prejudice against women taking positions of responsibility and prejudice against women being placed in supervisory positions over men or even over other women.

33. This prejudice does not reside solely with any one group in the employment structure. Although the force of discrimination may be felt directly in confrontations with the employer, this is to a great extent a reflection of a wide-spread social attitude. This prejudice is exhibited by fellow workers at the same relative level in the occupational hierarchy, be it at a low level in a "traditionally" male occupation or at a senior level in any occupation. It is exhibited by persons placed under female supervision, whether they be male or female. In a sense many women accede readily to this prejudice in not seeking employment in male occupations or in supervisory positions for fear that they may be regarded as unfeminine, because they do not consider it a woman's role or because they know that they would be acting contrary to the views and

3. The Man Who Cried I Am, John A. Williams, (Little, Brown, 1967).

wishes of family and friends.

34. We feel that wherever this discrimination does exist, and doubtless during your hearings this Commission has received evidence of many individual instances, it is in direct violation of both the U.N. Declaration cited above and the International Labour Organization's Convention concerning Discrimination in Respect of Employment and Occupations. It is a malady of our society and one which must be excised as speedily as possible if equality between men and women in employment is to be realized. We do not think the slow method of acquiring social acceptance by gradual social development or by public example, encouragement and education is either acceptable or desirable. If the rights of citizens are being overtly denied, then we feel that there is a duty upon the government to take the strongest possible steps to enforce those rights.

35. We must, of course, refer to the recent example of the United States in this regard. In 1964 the U.S. Congress passed a Federal Civil Rights Act, mainly as a result of the prolonged struggle for equal rights for American blacks. In addition to forbidding discrimination on the basis of race, colour, religion or national origin, discrimination on the basis of sex was also prohibited. The unfortunate limitations on the success of that legislation in its primary goal is of course evidenced by the continuing racial strife. A government, if it is truly intent on ending discrimination and if it has the assurance of the continuing support of the majority of the population, must pass legislation which is not only clear in this intent but which contains the necessary means of enforcement and the government must be prepared to carry out that enforcement stringently.

36. In speaking of these matters we do not in any way suggest that the failure of the Canadian government to introduce and implement legislation against sex discrimination in employment will in any way lead to the catastrophic consequences of the American racial situation. Nor are we suggesting that discrimination against women in this country may be equated with the injustices suffered by American blacks either in terms of overt degradation or destructiveness. However, discrimination of a lesser degree does exist and the government has the means and resources available to combat it. (This of course is one of the many areas in which the federal government, although it has limited jurisdiction, could well by its example promote similar provincial legislation).

37. However, without dwelling upon the American experience, we feel that the inclusion of the principles contained in the Equal Employment Opportunity section, Title VII, of the Civil Rights Act in a Federal Fair Employment Act would serve as a sound basis for the elimination of discrimination. (Although only the question of sex discrimination comes within your terms of reference, we would, of course, not be adverse to the inclusion of prohibitions against discrimination on the basis of race, colour, creed, age, or national origin.) These principles may be summarized as follows:

38. It Shall Be An Unlawful Employment Practice:

For employers--to refuse to hire or to discharge, or otherwise to discriminate against a person with respect to compensation, terms, conditions, or privileges of employment based on sex; to limit, segregate, or classify employees in such a way as to deprive any individual of employment opportunities or otherwise adversely affect the employee's status, based on sex;

39. For labour organizations--to exclude, expel from membership, or otherwise discriminate against any individual based on sex; to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to limit employment opportunities, or otherwise adversely affect the employee's status, based on sex;

40. For employers, labour organizations, or employment agencies--to print publish, or cause to be printed or published advertisements indicating preference, limitation, specification, or discrimination, based on sex;

41. For employers, labour organizations, or joint labour-management committees--to discriminate in admission to or employment in apprenticeship or other training or retraining programmes, based on sex.

42. Major Exception to Prohibited Employment Practices

When sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business; when differentials in compensation, different terms, conditions, or privileges of employment are based on a seniority, merit, or incentive system, or when different wages are paid in different locations; or when differentials are based on ability tests that are not intended to discriminate.

43. The imposition of strictures on labour organizations is of course, in no way opposed by us. One of the Purposes contained in the Constitution of the Canadian Labour Congress and ratified by our Convention last spring is "To require all affiliates to extend union membership and organization in

Canada to workers regardless of race, colour, creed, sex, age or national origin." The Preamble also states that the Congress "will seek to eliminate tyranny, oppression, exploitation, hunger and fear, as well as discrimination on the basis of race, colour, creed, sex, age or national origin".

44. In the United States, an Equal Employment Opportunity Commission has been set up to administer the purposes of the legislation, but its functions are limited to those of investigation and voluntary conciliation. This may have been deemed the only enforceable alternative toward eliminating discrimination in view of the prevailing overt and covert racial prejudice although, as pointed out above, its efficacy has been called into question. If a settlement is not effected by voluntary conciliation, then a complainant may take his case to the civil courts to attempt to obtain restitution.

45. We do not feel that in the field of sex discrimination, a Commission need be so constrained. A Fair Employment Commission should be established with full investigatory powers, including the right to subpoena witnesses and to examine all relevant documents and records. Proceedings should be instigated either upon the registration of a complaint by an individual or as a result of findings of random and periodic checks by the Commission enforcement personnel. If a prima facie case is made then the onus should be on the organization being investigated to prove it is not discriminating. Although provision might be made for a short period of voluntary conciliation, if this fails the Commission should have the power to render a final award, binding upon the parties as if it were a court order. Furthermore, in addition to making awards of restitution, it should also be empowered to impose substantial penalties for flagrant breaches of the intent of the legislation or failure to carry out the terms of an award. Adequate protection should also be provided to ensure that a complainant is not further discriminated against because of her action.

46. The passage of this legislation should, of course, also be accompanied by an intense campaign of public education. As a matter of fact some people may advocate that education is the only way to eliminate discrimination. We have to disagree. Although it may be a method, we do not feel it is the speediest or only effective method, particularly in the field of sex discrimination. We do not feel that forceful and punitive legislation will itself evoke further

opposition, for we do not believe that sexual prejudice, although it may be as wide-spread as racial prejudice, is as virulent or as much of public record. We believe that employers and the public as a whole, if faced with a fait accompli and the means to enforce it, will grant at least grudging acceptance of the role of women in all occupations and in time, we hope, full social acceptance will occur.

47. We might insert here that this legislation would also put an end to a custom in certain occupations which we find particularly barbaric, the dismissal of women upon marriage. It is our understanding that most employers find marriage a desirable characteristic with regard to their male employees.

48. There are only two major pieces of legislation in Canada which prohibit sex discrimination in employment. The first is the Quebec Employment Discrimination Act. In Section 1(a) the Act defines discrimination as "Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; but any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination;". Discrimination is forbidden in the following terms:

49 Section 2--No employer, or person acting on behalf of an employer or employers' association shall resort to discrimination in hiring, promoting, laying-off or dismissing an employee or in the conditions of his employment.

50. Section 3--No association of employees or employers' association shall resort to discrimination in admitting, suspending or expelling a member.

51. Section 4--No person, in connection with the hiring of an employee by an employer, shall publish any advertisement or display any notice or exhibit any symbol implying or suggesting discrimination, or require information respecting race, colour, religion, national extraction or social origin.

52. The Minimum Wage Commission is appointed to administer this Act and upon receipt of a written complaint may attempt to effect a settlement. If it fails to effect such a settlement the Commission may institute an inquiry and make a report to the Minister of Labour. No further prosecution may be instituted under the Act without the written authorization of the Minister of Labour. There is provision for penalties for infringement of the Act but these

are minimal:

53. Section 6—Every person who infringes this Act shall be liable, on summary proceedings, to a fine of twenty-five to one hundred dollars or, in the case of an employers' association or an association of employees, to a fine of one hundred to one thousand dollars.

54. The other legislation is the Federal Public Service Employment Act which states in Section 12(2), "The Commission in prescribing selection standards under sub-section (1), shall not discriminate against any person by reason of sex, race, national origin, colour or religion." The concomitant injunction against employee organizations is contained in the Public Service Staff Relations Act. There are no further details given as to what may constitute unlawful discriminatory practices and no special rights of appeal against discrimination are prescribed.

55. We cannot conclude this section on discrimination without making some references to the excuses normally put forward as to why women are not suitable for certain occupations or for positions of responsibility. We term these excuses as opposed to real problems which may arise due to factors such as family responsibilities and lack of adequate training. These excuses are varied: the higher turn-over rate of women, more frequent absences from work due to illness; their inability to comprehend technical matters; their unwillingness to assume responsibility; their aptitude for performing tasks requiring manual dexterity and, doubtless, many others. A recent Swedish study pointed out that these attitudes are highly subjective and even when backed up by statistics the conclusions are suspect.

56. "Whenever statistical data was referred to to make a point about, say, differential absence and turn-over rates, almost inevitably the mean was quoted without reference to the dispersion around it.

57. "The available statistical findings demonstrate that in most respects differences between different individuals of the same sex are greater than those between the means for the two sexes. The statistical dispersion is such that the two distribution curves cover areas that largely coincide, i.e. there are some women who are physically stronger and more interested in technical matters than the average man, while there are some men who exhibit greater manual dexterity and interest in languages than the average woman. In other words the mean values give data which are too crude to be applied to the behaviour of individual men or women. The wide dispersion from the mean indicates that other factors play a prominent role".⁴

4. The Changing Roles of Men and Women, ed. Edmund Dahlstrom, (Duckworth & Co. Ltd., London, 1967) p. 160.

58. Although we are inclined to think that the above statement is equally valid for this country, there are almost no statistics available with regard to these questions. We found it impossible to even locate a recent study of the comparative rates of absence from work of men and women due to illness. Interestingly, enough, the one we do have, the D.B.S. Disability Among the Gainfully Employed, Canadian Sickness Survey, 1950-51 showed that average time loss for women due to illness in all industries was only 7.5 days while for men it was 8.7 days (Table 8). Furthermore, a U.S. Civil Service Commission study of sick leave records for federal employees in 1961 indicated that as salary and responsibility increased, the amount of time taken as sick leave diminished.

59. As part of any education programme to eliminate sexual discrimination in employment, the government will have to initiate and publish such studies. In the meantime, we cannot allow such subterfuges, be they conscious or unconscious, to stand in the way of woman's right to the type of employment which she desires and is capable of performing.

CHAPTER 4 -- EQUAL PAY

60. We wish to treat this topic separately, although it may be regarded as an integral part of the Fair Employment Practices proposals discussed above, first, because it lends itself readily to study as a separate subject in terms of investigation and administration and secondly, because some steps have already been taken in this field in Canada. The federal government and all the provinces, with the exception of Newfoundland, now have some form of equal pay for equal work act.

61. The International Labour Organization's Convention No. 100 states in Article 2 (1) "Each Member shall by means appropriate to the methods in operation for determining rates of remuneration, promote and, insofar as is consistent with such methods, insure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value." Article 1(a) states "the term 'remuneration' includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to

the worker and arising out of the worker's employment;".

62. In our view, the majority of the Acts in Canada do not comply with the criterion of equal remuneration for work of equal value. The federal Female Employees Equal Pay Act provides in Section 4 (1) only that "No employer shall employ a female for any work at a rate of pay that is less than the rate of pay at which a male employee is employed by that employer for identical or substantially identical work." The Saskatchewan Equal Pay Act probably comes closest to the standard in requiring in Section 3 (1) that "No employer and no person acting on his behalf shall discriminate between his male and female employees by paying a female employee at a rate less than the rate of pay paid to a male employee employed by him for work of comparable character done in the same establishment".

63. The use of words such as identical leaves the way open for the abuse of the principle of equal pay by the inclusion of unessential or minor differences in job parameters although it can readily be ascertained by objective assessment that the work is of equal value. Of course, differences in pay based on seniority, merit systems or productivity standards, if applied without regard to sex, would not constitute an infringement of the principle.

64. Furthermore, a statute must spell out that equal pay means not only the hourly rate or salary provided, but also includes equality of treatment in respect to vacations, pensions and other fringe benefits.

65. In terms of administration, this legislation could well come under the jurisdiction of the Fair Employment Commission proposed above with all its investigatory and enforcement powers. Because of the relative ease of ascertaining the facts in any given case by the inspection of companies' personnel and payroll records, the Commission should maintain an adequate inspection staff to conduct period spot checks without the necessity of written complaints from individuals. We believe that the failure to pay equal remuneration for work of equal value, if the law requires it, amounts to as much of a crime as theft and the prevention of this crime should be just as diligently sought.

CHAPTER 5 - MINIMUM WAGES

66. We propose to discuss minimum wage legislation here insofar as it discriminates against women by setting no minimums or lower than average minimums in those areas where they may predominate. Our specific complaints

in this field lie solely with provincial legislation although we suspect that if the minimum universal wage set by the Canada Labour (Standards) Code were to be increased, a greater proportion of women than men would benefit by it.

67. First, all the provincial statutes exclude domestics and agricultural workers from their scope of operation. The vast majority of domestics are without a doubt women and even in the agricultural field large numbers of women are employed on a seasonal basis for "stoop" labour and for various harvesting operations. We, perhaps, display our class-consciousness in pointing out that the discrimination against domestics benefits mainly the well-to-do. In the case of agricultural workers, one of the main arguments raised against their inclusion is administrative difficulty. Yet this has been overcome in the United States where a Federal Minimum Wage applies and even in Ontario where agricultural workers are now covered by workmen's compensation. The Canada Labour (Standards) Code does not exempt these categories for there are virtually none within the federal jurisdiction.

68. Further overt discrimination is evidenced by the administration of the legislation in three of the Maritime provinces. In Nova Scotia, Prince Edward Island and Newfoundland wage orders set lower minimum rates for females.

CHAPTER 6 - EDUCATION AND TRAINING

69. It is obvious that one of the keys to the assumption by women of an equal status in a world of employment is the provision of adequate and suitable preparatory training and education. At present, young women are rarely prepared in their formal education, or in their subsequent training, for the undertaking of technical or career occupations in the same manner as is generally standard for young men. As a matter of fact, in our society the whole upbringing of children militates against both sexes pursuing similar courses of development and interests.

70. "Sex differences are not considered to be merely biological differences related to the fertilization function. They have become a social distinction of the highest rank in the estimation of an individual. The sex of an individual goes beyond inherent biological qualifications; it determines what aptitudes and inclinations shall be developed and what motives and aspirations shall be awakened. Sex has become a social screening device separating human needs into feminine or masculine needs, directing boys and girls into different

careers, cultivating different interests, clothing them in different colours and calling them different names."⁵

71. It may be a long time before this type of early conditioning, with its consequent creation of disabilities among many women with regard to employment in terms of attitude, disposition and possibly even intellectual functioning is allowed to disappear. Despite this, numbers of women have managed individually to overcome this obstacle in their maturity with very little outside help. This is hardly a satisfactory method and regardless of whether they have managed to make such an adjustment, the majority of women today are still expected to enter into employment of some sort and, presumably, many of them, if the opportunity were presented, would not be adverse to entering into the realm of more remunerative and possibly more satisfying types of employment generally regarded as male occupations or career positions. To effect this though, steps will have to be taken to break the grip of the early social training. A Report submitted last year to the National Employment Committee by its Sub-Committee on the Employment of Women in Canada stated:

72. "All these studies indicate that counselling should commence long before a girl or woman is ready to seek employment. Girls in their formative years should be conditioned to expect and fit themselves for the life pattern that lies ahead of them, rather than for that experienced by their mothers and grandmothers. The Committee is of the opinion that counselling, oriented in the direction of employment, should commence while girls are still at school, and should emphasize the importance of training for a career that will make full use of their talents and ability, should encourage them to look beyond marriage in planning education and a career, and should prepare to resolve the special problems that will face them in their probable assumption of the dual role of home-maker and wage earner."

73. In addition to this type of counselling, of course, in accord with the U.N. Declaration on the Elimination of the Discrimination Against Women, there must be no sexual discrimination in the matter of admittance to educational and vocational institutions, either on policy or financial grounds. A major

5. Dahlstom, op. cit., p. 42.

step forward in educational opportunities for women would be the introduction of free tuition and living allowances for all higher education. At present, even with an extended system of scholarships and student loans, some financial burden is placed on almost all students' families. If a choice has to be made almost invariably a male child will be given preference.

74. Furthermore, during the transition period, if there is to be one, toward the status of full equality for women in employment, special counselling and aid in the securing of initial placements may well be needed to overcome lingering social prejudice, possibly on the part of both the applicants and the prospective employer.

75. Even after this initial period, there will still be a need for the provision of some special services for women insofar as it is anticipated that many women will still withdraw from the labour force during the early child-rearing years. Information will have to be provided as to changes occurring in a woman's earlier field of employment and of new opportunities provided in a fast-changing industrial system. In many instances, training or retraining may well be necessary before a woman's re-entry into employment and special arrangements may be required to suit her particular needs. We fully concur with the views expressed to your Commission on this matter by the Canadian Association for Adult Education. We would like to point out here that the present regulations which prevent a woman from taking advantage of the full benefits of adult occupational training programmes unless she has been a member of the labour force for the last three years or has a dependent are completely inconsistent with these aims.

CHAPTER 7 - FAMILY RESPONSIBILITIES

76. A. Maternity Leave

Provisions for maternity leave in this country are woefully inadequate. Only in two provinces, British Columbia and New Brunswick, is it dealt with legislatively. Upon the presentation of a medical certificate, an employer must permit a pregnant employee to take a leave of absence during the six weeks immediately preceding confinement. She is not allowed to resume employment for a period of six weeks after confinement. The employer is forbidden to dismiss the woman for that absence or for any reason arising out of

that absence provided that her absence is of no more than sixteen weeks duration. In British Columbia, if dismissal takes place during that period, the onus is upon the employer to prove that it is for another cause.

77. Within the federal jurisdiction, maternity leave provisions are made only in the Public Service Employment Act. The employee must report her pregnancy at least three months prior to the expected date of termination of her pregnancy and shall be granted leave of absence without pay two months prior to the expected date of termination. Discretion to vary this term is given to the deputy head of the Department so that he may: (a) defer the commencement of maternity leave with appropriate medical approval; (b) grant maternity leave commencing earlier than two months prior to the expected date of termination or (c) "direct a female employee who is pregnant to proceed on maternity leave at any time where, in his opinion, the interest of the department so requires."

78. This latter clause seems to us a rather overzealous protection against the possibility of offending the public's aesthetic sensibilities. The maternity leave shall be continued for a period of not less than two months after confinement, unless medical approval is given, and for a period of not more than six months.

79. In our view adequate protection could be provided by the adoption of the principles outlined in the International Labour Organization's Convention No. 103 concerning Maternity Protection (Revised in 1952).

Article 3 of that Convention provides that:

80. "1. A woman to whom this Convention applies shall on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.
2. The period of maternity leave shall be at least twelve weeks, and shall include a period of compulsory leave after confinement.
 3. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.
 4. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and

the actual date of confinement and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

5. In case of illness medically certified arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.
6. In case of illness medically certified arising out of confinement, the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority."

81. The woman's right to protection from dismissal during maternity leave is to be given absolutely. The Convention further provides that the woman, during this period, shall be entitled to receive cash and medical benefits. In the accompanying Recommendation No. 95, it is proposed that the cash benefits should amount to 100 per cent of the woman's previous earnings and the medical benefits should include, in addition to physician's care, the whole range of medical requirements including such items as nursing services, dental care and the provision of drugs.

82. We would further suggest that in exercising her rights in taking the permissible maternity leave, a woman should suffer no loss in her seniority rights relative to other employees, whether male or female.

83. To some our recommendations may seem utopian but for many women, particularly in those cases where employment is continued through absolute economic necessity, it is vitally necessary to provide for, in the words of the Convention, "the full and healthy maintenance of herself and her child in accordance with a suitable standard of living".

84. B. Day Care Centres

If mothers are to continue working through their child-bearing and child-rearing years, either because of economic necessity or because they find it desirable, then provision must be made for a complete system of day care centres throughout the country. In light of the numerous representations which have been made to you on this point, we are sure that your Commission must be convinced of the immediate and pressing need for such facilities.

85. As is now the case with public schooling, government-financed day care centres should be located in the community, housed in decent facilities

and adequately staffed with trained personnel. By day care centres, we do not mean simply nurseries for preschool age children. These centres must operate on a full-time year round schedule, providing all-day care for infants, half-day care for nursery and kindergarten children and afterschool care for older children. During the three summer months all-day care would have to be provided for all of these groups.

86. These day care centres could also provide other services such as the maintenance of a roster of home duty practical mothers or practical nurses to care for the ill or convalescent child at home, in much the same way as school systems now call upon such teachers to cover the classes of absent regular teachers. The professional staff of the center could aid children in their educational development and in particular could concentrate upon the teaching of learning skills to children from "culturally deprived" family environments during the crucial years of infancy.

87. These facilities, in addition to their use by working mothers, should also, of course, be made available to women continuing their education or undergoing vocational training.

C. Part-time Work

88. Women with school children who may not find it feasible or desirable to work the full daily complement of hours normally undertaken in a given occupation, might still welcome the opportunity to undertake permanent employment during those hours in which the children are absent from the home. A programme to provide this type of employment has now been undertaken in the federal public service and we feel that the government should consider instituting a campaign to promote this practice amongst private employers. Inherent in our proposal, and fully consistent with our previous recommendations regarding equal pay, female part-time workers should not be utilized as a source of cheap labour but should receive remuneration equal to that of full-time employees including the provision of all fringe benefits.

89. We feel that if even the elementary steps outlined above were undertaken, the lot of the woman with family responsibilities who desires to work would be vastly improved. She is faced with either an enforced withdrawal from employment or if she does continue working a number of often undesirable

alternatives. She may arrange for inadequate care and supervision of young children and perhaps none at all for older children; provide for more adequate and highly costly care or shift a large portion of the burden of child-rearing onto relatives and friends. We do not consider any of these really desirable alternatives.

CHAPTER 8 - PROTECTIVE LEGISLATION

90. We have talked extensively of the protections which should be offered in employment during pregnancy both for health reasons and for economic security. There are also other protective occupational measures which are provided to women either by legislation or through established practice. These include such diverse measures as excluding women from night shift work, from heavy manual labour, from work which might entail the occasional lifting of large weights and underground work. Are these measures, insofar as they are applied only to women, really necessary or are they unnatural barriers which prevent their movement into many occupational fields?

91. A report to the 48th Session of the International Labour Conference dealt with the question as follows: "It is essential to take the necessary measures to protect women from a certain number of occupational health risks which are clearly incompatible with the physical and physiological nature of the female organism...if such measures are extended to too many new occupations and branches of activity, they may severely restrict employment opportunities for women, confining them to occupations which, though traditionally regarded as "women's work", are far from always being safe and healthy for them. So far as toxic risks are concerned, for example, the risk is usually as great for a man as for a woman. What is required therefore, is preventive technical and educational measures for all and when such measures are applied fully and effectively it is not necessary, as a rule, to bar women from most of the types of work in question.

92. "In practice it is widely recognised today that many if not most kinds of work regarded as dangerous or unhealthy for women are equally dangerous or unhealthy for men and it is thus the work itself or the conditions in which it is done that need to be changed and improved, with consequent benefit to men and women workers alike. Hence, in general, with certain specific and important exceptions, the trend of social policy is to extend measures protecting

health and safety to all workers according to the nature of the work and the individual needs of the workers."⁶

93. To apply what amount to limitations on one sex while ignoring the problems of the other is inconsistent with our earlier observation that "...available statistical findings demonstrate that in many respects differences between different individuals of the same sex are greater than those between the means for the two sexes." In 1963, Dr. Sven Forssman, then President of the Permanent Commission and International Association on Occupational Health, observed that the "difference in working capacity had influenced the legislation in many countries where limitations had been placed on permissible loads for women to lift. In other countries, however, women performed heavy manual labour. Such variations underlined the fact that there was a wide range of distribution of physical capacities among individuals of both sexes. For example, one might find very strong women and very weak men. Also, from one age group to another, similar variations might occur among either men or women."⁷ We wonder if the Commission is aware that there is no legislation in Canada placing a maximum limit on the amount of weight which a man may be required to lift.

94. Dr. Forssman went on to say that "Legislation in many countries forbade the employment of women on night shifts or underground in mines." There was no scientific evidence, however, that women should be less resistant than men to shift work. Moreover, provided the working environment conformed to hygienic standards of ventilation and lighting, employment underground should not involve unique health hazards for women.

95. "In the case of night work, it was important to distinguish between medical and social reasons for restrictive legislation."⁸

96. If a major social reason against women working at night were merely that this practice is contrary to our traditions, then it cannot be allowed to

6. Women Workers in a Changing World, I.L.O., 1963, p. 47.

7. Labour Gazette, March 1964, p. 200.

8. Ibid., p 201.

stand in the way of our demands for equal opportunity and occupational mobility for women. A more rational reason might be the fear that the danger of an assault upon a woman during her travel from her employment to her residence is increased during the night hours. This may well be overcome by having transportation provided by the employer as is now done by many companies at no great cost to themselves. Indeed, if women's opportunities for advancement and for entering more remunerative occupations were not so limited, many more might be able to afford their own transportation as most men now do. Finally, we wonder how much greater is the risk to a woman returning from a night shift than that of a woman whose shift is purposely ended shortly before midnight in order to evade present restrictions.

97. We feel that the amount of occupational protection which may be required will vary from occupation to occupation and, indeed, from individual to individual. To develop any such scheme would, of course, be administratively impossible. However, we do not believe that for the sake of convenience, major distinctions should be made between the sexes. One of our continuing tasks is the seeking of adequate protective legislation for both men and women. If Canadian workers were afforded a decent occupational health and safety programme, we do not believe there are many areas from which women would necessarily be barred.

CHAPTER 9 - FAMILY PLANNING

98. We observed with approval the introduction last year of amendments to the Criminal Code to remove the ban on the sale and advertising of contraceptives. We believe that the use of birth control methods is solely a subject for the individual conscience and should not be a matter of criminal law. Leaving aside other social considerations, if a woman in the pursuit of her career wishes to arrange the timing of her pregnancies in a manner consistent with the demands of her occupation, to limit the size of her family or, indeed, to have no children at all, then this should be a matter for her discretion. There are now a number of practical and suitable birth control procedures and information concerning their use should be readily and widely available.

CHAPTER 10 - DIVORCE

99. Although we stated at the outset that we would be dealing mainly with those questions which concern employment, we would like to comment on the divorce

laws. The introduction of broader grounds for divorce may be of immediate benefit to many persons. However, for those in the lower income brackets, and this includes a large number of our members, they are of little or no benefit at all. The present methods of obtaining a divorce, based as they are on an adversary system, are unnecessarily expensive and in many cases the high costs are either prohibitive or impose a severe financial strain on the average person.

100. Accordingly at the CLC Convention last spring a resolution was passed that divorces be granted on one of the following grounds: A) Where the parties have filed a notice of mutual consent, the divorce be granted after a waiting period of one year; B) If there is no mutual consent the divorce be granted after marriage breakdown has been proven in court or without a court action within three years of the filing of a notice by one party.

101. A civil suit might be used to settle all problems pertaining to property and support where the parties have been unable to reach agreement voluntarily. We might add that this resolution was passed unanimously.

CHAPTER 11 - INCOME TAX

102. The Canadian Labour Congress, in a brief last year to the Minister of Finance, fully endorsed the Report of the Carter Royal Commission on Taxation. If the Report were ever to be implemented, or at least that section dealing with the family tax unit, we realize that an increased disincentive to work because of higher taxation might result for some married women. However, we could not oppose the concept of equity on which the Report was based or the principle that taxation should be levied according to the ability to pay. Furthermore, the creation of the family tax unit would not necessarily impose any greater burden on those in the low income groups, i.e. where the husband and wife must work out of absolute economic necessity. Finally, the Report does recognize that where both parents work additional expenses for child care are entailed and proposes a tax credit of \$80.00 for such a family receiving family allowances and an additional tax credit of \$120. if children are under the age of seven. We question the adequacy of these credits and believe that they also should be extended to those cases where there is only a single parent in the household and that parent is employed.

Conclusion

103. The various recommendations which we have made throughout this submission will not in themselves guarantee complete equality between men and women. But if all levels of government were to co-operate in implementing them, they might well hasten the day when society could embrace "a socially and androgynous conception of the roles of men and women, in which they are equal and similar in such spheres as intellectual, artistic, political and occupational interests and participation, complementary only in those spheres dictated by physiological differences between the sexes.... An androgynous conception of sex role means that each sex will cultivate some of the characteristics usually associated with the other in traditional sex role definitions. This means that tenderness and expressiveness should be cultivated in boys and socially approved in men, so that a male of any age in our society would be psychologically and socially free to express these qualities in social relationships. It means that achievement need, workmanship and constructive aggression should be cultivated in girls and approved in women so that a female of any age would be similarly free to express these qualities in social relationships....this definition of sex equality stresses the enlargement of a common ground on which men and women face their lives together by changing the social definitions of approved characteristics and behaviour for both sexes."⁹

104. We would again like to express our appreciation for this opportunity to appear before you and we trust that your Commission will make strong and clear recommendations in the endeavour to ensure that women enjoy a full and equal status in our society.

Respectfully submitted,

Canadian Labour Congress,

Donald MacDonald, President,

William Dodge, Secretary-Treasurer,

Joseph Morris, Executive Vice-President,

Gerard Rancourt, Executive Vice-President.

9. Rossi, op.cit., p. 99.

Ottawa, Ontario

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