

Keeping Women in Their Place **The Minimum Wage in Canada, 1910-25**

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Keeping Women in Their Place:

The Minimum Wage in Canada, 1910-25

Margaret E. McCallum

INDUSTRIAL CAPITALISM and the doctrine of freedom of contract developed hand in hand as rights and obligations flowing from one's legal status were replaced with rights and obligations created in the exercise of one's contractual capacity. The application of freedom of contract to the employment relationship, however, was never fully realized.

As the new political economy began to call for a free market in labour, as the changes in social conditions led to a decline in the old paternalism involved in the master and servant relationship, so new statutory protections were forthcoming. There was no gap but an overlap.¹

This paper considers one Canadian example of statutory intervention in the employment contract, the creation between 1910 and 1920 of provincial minimum wage boards to establish minimum rates of pay for female wage-earners. The paper briefly describes minimum wage legislation in Canada compared to its antecedents elsewhere, and outlines arguments for and against minimum wage legislation that were articulated by spokespersons for organized labour, business, women, and the social gospel.² The paper then

¹ P.S. Atiyah, *The Rise and Fall of Freedom of Contract* (Oxford 1979), 523-43, quotation at 523. As Atiyah points out, not all the new statutory provisions were protective.

² In reconstructing the arguments, I turn to the institutions that purported to speak for each of these constituencies, and which were so recognized by politicians, by the constituency, and by each other. For the opinion of organized labour, I rely primarily on *Proceedings of the Annual Conventions* of the Trades and Labor Congress, the largest trade union federation in Canada. In 1921, union members comprised only 14.6 per cent of all paid workers, and 9.4 per cent of the civilian labour force (Canada Dept. of Labour, *Union Growth in Canada, 1921-1967*, Table VI-A). Business opinions are

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focuses on the first five years of operation of the Ontario Minimum Wage Board, 1920-5.

New Zealand and Australia were the pioneers in modern wage regulation. Between 1894 and 1910, both state and federal governments created boards or courts to arbitrate industrial disputes. These boards set minimum wage rates for the firms whose disputes were brought before them. In Europe after World War I, state regulation of wages was introduced in some sweated industries. Great Britain's minimum wage laws were also aimed at industries where wages were abnormally low. The initial British legislation, the Trades Boards Act of 1909, was extended at the end of the war to provide for tripartite minimum wage boards in most unorganized industries. The boards had jurisdiction over both male and female wage-earners, but due to the ghettoization of women in low-paying, unorganized industries, the majority affected were women.³

In the United States, individual states specifically restricted their minimum wage laws to women and minors in order to circumvent the protection of freedom of contract in the Fourteenth Amendment of the federal constitution. In 1917, without giving reasons, the federal supreme court upheld the Oregon minimum wage legislation, the first to face a constitutional challenge, but in 1923 it declared unconstitutional the minimum wage law of the District of Columbia. By then, seventeen jurisdictions had minimum wage legislation, although only one, Massachusetts, was a major industrial centre. The Massachusetts legislation was advisory, not mandatory; employers who paid less than the prescribed minimum had their names published in the newspapers.⁴

taken from the pages of *Industrial Canada*, the official organ of the Canadian Manufacturers Association. The views of organized women are found in the annual *Yearbooks* of the National Council of Women of Canada, a federation of local councils and other organizations working for social and moral reform. In 1921, there were 58 local councils, from North Sydney, Nova Scotia to Victoria, B.C.; there were only 2 in Quebec and 25 in Ontario. 1921 NCWC *Yearbook*. Expressions of social gospel opinion are taken from the writings and speeches of proponents of the social gospel, and from the official records of the general meetings of the Presbyterian and Methodist churches, the institutional homes of the social gospel in Canada.

³ E.M. Burns, *Wages and the State* (London 1926), 38-101, 162; United States Dept. of Labor Women's Bureau, *Development of Minimum Wage Laws in the United States, 1912 to 1927* (Washington 1928), 1-3; James Boyle, *The Minimum Wage and Syndicalism* (Cincinnati 1913), 9, 29-37, 51-3.

⁴ The Fourteenth Amendment states: "No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." *Stettler v. O'Hara et al.*, *Simpson v. O'Hara et al.*, U.S. Supreme Court 1917, 243 Y.S. 629; *Adkins v. Children's Hospital*, U.S. Supreme Court 1923, 216 U.S. 525. For the decisions of the Oregon supreme court, see 139 Pac. 743 and 141 Pac. 158. In 1923, the jurisdictions with minimum wage legislation, with the date of enactment, were: 1912 — Massachusetts; 1913 — California, Colorado, Minnesota, Nebraska, Oregon, *Utah, Washington, Wisconsin; 1915 — Arkansas, Kansas; 1917 — *Arizona; 1918 — District of Columbia; 1919 — North Dakota, *South Dakota, Texas, *Puerto Rico. Those

The Canadian provinces faced no constitutional barriers to adopting the British Empire model for wage regulation, but with one exception they enacted the most limited legislation possible, applying only to women in selected occupations. Between 1918 and the end of 1920, all provinces except Prince Edward Island, New Brunswick, and Alberta had passed legislation providing for a three- or five-person minimum wage board to set wage rates for female wage-earners on an industry-by-industry basis after consultation with representative employers and employees. The western provinces and Ontario established functioning boards shortly after passage of the enabling legislation; Quebec did not appoint a board until 1925, and Nova Scotia not until 1930. Alberta had no minimum wage board until 1922, but it was the first province with minimum wage legislation, and the only province to enact a fixed statutory minimum for men and women. In 1917, in the legislative session before the provincial election, the Liberal government of A.L. Sifton passed the Factories Act which included provision for a minimum wage of \$1.50 per shift for all adults and \$1.00 per shift for all apprentices in any factory, shop, or office building. All of the provincial minimum wage statutes covered factory workers; none covered farm labourers or domestic servants. Some boards had jurisdiction over hotel, restaurant, shop, or office workers. The Ontario and British Columbia boards had the power to establish minimum wages for teachers and other professionals, but they did not exercise it, despite public concern over teachers' subsistence wages.⁵

In four of the Canadian jurisdictions, the minimum wage acts defined the minimum wage as "adequate to furnish the necessary cost of living;" in the

marked "*" are the jurisdictions with an inflexible statutory minimum. See U.S. Women's Bureau, *Minimum Wage Laws*, 319-23, 3-4, 7, 10-1, 84-91, 374-5. For a discussion of the constitutional question, see Burns, *Wages*, 131-7.

⁵ Kathleen Derry and Paul H. Douglas, "The Minimum Wage in Canada," *Journal of Political Economy*, 30 (1922), 155-88, *passim*; Burns, *Wages*, 124-9; M. Ruth Lawson, "Some Economic Phases of Minimum Wage Legislation in Ontario," typescript in Ontario Ministry of Labour Library, Toronto, 3-11; *Canadian Annual Review*, 1917, 798-9, 803-4. For references to teachers' low wages, see 1913 NCWC *Yearbook*, Report of Committee Upon Employments for Women, 76; *Report of the Ontario Commission on Unemployment*, Ontario *Sessional Papers*, No. 55, 1916, evidence of Rhys D. Fairbairn, 221; *Official Report of Proceedings of National Industrial Conference*, Ottawa, 1919, Report of Committee on Minimum Wage Laws, viii. The year of enactment and coverage of the provincial minimum wage laws was as follows: 1918 — Manitoba: women working in shops, factories, offices, and places of amusement in cities; British Columbia: all wage-earning women except domestics, farm labourers, and fruit pickers; 1919 — Saskatchewan: women working in shops, factories, hotels, and restaurants in cities; Quebec: only women working in industrial establishments; 1920 — Ontario: all wage-earning women except domestics and farm labourers; Nova Scotia: women in shops and factories in cities and towns; 1922 — Alberta: women in cities and towns over 1,500 population except domestic servants. New Brunswick's only minimum wage legislation prior to 1930 was a provision in the Schools Act of 1922 for a fixed minimum wage scale for teachers based on the valuation of the district in which the teacher taught.

other two with legislation by 1920, the boards applied the same definition in carrying out their statutory mandate to determine whether an industry's wage scale was inadequate, unfair, or insufficient. All the Canadian boards were therefore free to decide whether to treat women as self-supporting adults, perhaps with dependants, or as members of a family unit dependent on a male breadwinner. In Australia, the federal Court of Conciliation and Arbitration established a minimum rate for male wage-earners that was sufficient to support a wife and three children, with some surplus for old age. In occupations employing both women and men, both received the same minimum wage. For women's jobs, however, the court based the minimum wage on the average cost of living of a self-supporting woman, "as women are not usually legally responsible for the maintenance of a family." The Canadian boards also set the minimum wage for women at the level of subsistence of a single woman, ignoring the possibility that women had dependants, or needed to save for sickness or old age. Lower minimums for smaller population centres reflected the lower cost of food and lodging, and the assumption, sometimes supported by investigation, that in smaller places women were more likely to live with friends or family than on their own.⁶

In devising cost-of-living budgets, minimum wage boards could draw on a wealth of statistical material collected by social reform organizations or by government departments. Starting with Herbert Ames' *The City Below the Hill* (1897), statistical and sociological studies became increasingly important in mustering support for legislative or philanthropic experiments in social engineering.⁷ Nova Scotia (1920) and New Brunswick (1925) preceded their minimum wage legislation with public inquiries into women's working conditions, and both British Columbia's Royal Commission on Labour Conditions (1914) and Ontario's Commission on Unemployment (1916) dealt with women's paid employment. Although the latter two commissions did not recommend a minimum wage for women, the Maritime commissions did; implementation of the recommendation took ten years in Nova Scotia, five in New Brunswick. Unlike legislation for total prohibition or universal suffrage,

⁶ Derry and Douglas, "Minimum Wage in Canada," Tables IV and V; Bryce M. Stewart, *Canadian Labor Laws and the Treaty* (New York 1926), 216-29; Henry Bourne Higgins, *A New Province for Law and Order* (Sydney 1922), 3-15, quotation at 11; Lawson, "Economic Phases," 24-8; J. W. Macmillan, "Minimum Wage Legislation in Canada and Its Economic Effects," *International Labor Review*, 9 (1924), table, 537.

⁷ See the federal Department of Labour data, 1900-14, collected in "The Rise of Prices and the Cost of Living in Canada, 1900-1914," by R. H. Coates, published as Volume II of the *Report of the Board of Inquiry into the Cost of Living* (Ottawa 1915). Coates, chief statistician in the Dept. of Labour, was a member of the Board of Inquiry, but did not sign the *Report*. Appendices to the *Report* provide a wealth of information on public concerns and suggested solutions, from public cooperative housing to the single tax. For further contemporary indications of the variety and complexity of Canadian reform thought, see J. O. Miller, ed., *The New Era In Canada: Essays Dealing with the Upbuilding of the Canadian Commonwealth* (Toronto 1917).

minimum wage legislation was not the culmination of an arduous campaign. Rather, minimum wage legislation was a moderate response to a variety of public concerns.*



The Imaginary

The Real

"Sketches indicating (at left) how evil fancy has pictured the leisure hours of a girl who gets low wages and (at right) the way a majority really pass their evenings." From *Industrial Canada*, May 1913, 1348.

Since its formation in 1893, the National Council of Women of Canada (NCWC) had concerned itself with working women's inadequate wages. In 1913, the Vancouver local council urged adoption of a minimum wage for women in its submission to the British Columbia Royal Commission on Labour Conditions. Those council members particularly concerned with the white slave trade also supported a minimum wage for women, provided it was regulated by "merit and efficiency." Otherwise, employers would hire men instead of women, since men were more "reliable from a health standpoint." In its Women's Platform of 1917, the NCWC demanded regulation of the hours, holidays, and wages of women and children working in industrial establishments. The 1920 revision of the platform contained a specific minimum wage plank, supported by a resolution calling for other provinces to create a minimum wage board similar to that in Manitoba.⁹

* Report of Nova Scotia Commission on Women in Industry summarized in *Labour Gazette*, July 1920, 866-7; Recommendations of New Brunswick Commission on Mothers' Allowances and Minimum Wages for Women, *Labour Gazette*, August 1925, 754; Royal Commission on Labour Conditions in British Columbia, *Labour Gazette*, April 1913, 1105-7; May 1913, 1272-5; November 1913, 590-3; April 1914, 1189-91; Report of the Commission on Unemployment, Ontario Sessional Papers, No. 55, 1916.

⁹ 1913 NCWC Yearbook, 125, 76-8; 1917 Yearbook, 70; 1920 Yearbook, 49, 62-3; Veronica Strong-Boag, *The Parliament of Women* (Ottawa 1976), 231-2, 302-5.

NCWC advocacy of minimum wages for women partially stemmed from lessons learned in the war. The NCWC participated with other women's organizations in the Women's War Conference called by the federal government in early 1918. The conference approved resolutions for equal pay for equal work, and a minimum wage and technical training for women. Such measures were considered necessary because the death of so many young men would deprive many women of their chance to marry, forcing them into the work force. The slaughter overseas also gave new urgency to concerns about infant mortality. Once the NCWC accepted the link between low wages and poor mothering, it added the minimum wage to its list of demands for pure milk and water, government-inspected abattoirs, well-baby clinics, school nurses, public parks, and a federal department of health. The high percentage of volunteers and conscripts for the Canadian Expeditionary Force who were rejected as physically unfit was further proof of the need for improved public health, and a better standard of living for the working classes. NCWC members acquired first-hand knowledge of working-class life through their cooperation with the Canadian Patriotic Fund, a philanthropic organization incorporated at the beginning of the war to raise funds for the support of needy soldiers' dependants. Although volunteer home visitors determined which families were in need, the Canadian Patriotic Fund emphasized that its allowances were not charity but the repayment of a debt that the country owed its soldiers. This approach, and the evidence of the fund's case files, helped discredit the argument that because poverty was a matter of individual depravity, the state should not intervene even to enforce a subsistence wage.¹⁰

Moral degeneration was one consequence business owners predicted would follow from a minimum wage. In March 1917, when Alberta enacted its Factories Act, the Canadian Manufacturers' Association (CMA) wrote immediately to the premier to express strong opposition, not because of "any selfish desire to maintain wages at a low level," but because the principle of a statutory minimum was "economically unsound." A minimum wage would "adversely affect the interests of the very people it is designed to help" because it would attract an "influx of outsiders" bringing unemployment in their wake. Minimum wages encouraged laziness and stifled ambition, while reducing

¹⁰*Canadian Annual Review*, 1918, 590-1; Adelaide M. Plumptre, "Some Thoughts on the Suffrage in Canada," in Miller, *New Era*, 315; 1914 NCWC *Yearbook*, 56-8; Strong-Boag, *Parliament*, 306-13, 323-4; Newton Rowell, vice-chairperson of the Union government's War Committee, promoted his bill to create a federal department of health by citing the wastage of manpower due to ill-health revealed by army medical examinations, Margaret Prang, *N.W. Rowell, Ontario Nationalist* (Toronto 1975), 274, 294. In England, early twentieth-century legislation to improve wages and working conditions was introduced as a curative to the poor physical condition of the British army, considered a factor in Britain's failure to win an easy victory in the South African war. J. W. Macmillan, *The Limits of Social Legislation* (Toronto 1933), 7-8. On the CPF, see Margaret McCallum, "Not Simply Good, But Good for Something," unpublished paper, 1982.

wage levels generally. Even if a minimum wage was so low as to have no effect on manufacturing costs, it created "fictitious values, regardless of conditions of supply and demand." The CMA reminded the premier that "it would be obvious even to a person of the most ordinary intelligence" that legislation fixing a minimum price for wheat, for example, "could not be worked out successfully in practice." Very shortly, the federal government created a Board of Grain Supervisors as the sole marketing agency for Canadian wheat, with power to fix wheat prices. Although the board restrained price increases rather than maintained a floor price, the CMA argument had lost some of its force. The year 1917 marked a general shift from voluntarism to compulsion in the domestic war effort. Recognition of this change, coupled with failure to defeat the Alberta statutory minimum, may have prompted the CMA's adoption of a different strategy in opposing proposed minimum wage legislation in Manitoba. There the CMA Legislative Committee met several times with representatives from the Winnipeg Trades and Labor Council and the Women's Labor League to discuss a solution to "the problem of a fair living wage for female workers." The unionists wanted a statutory minimum; the CMA hoped to defer action by arguing for federal legislation that would apply equally to all of Canada. The CMA lost this argument, and in 1918, Manitoba passed minimum wage legislation in a "modified but still objectionable form." Labour also lost. Instead of a statutory minimum, there was a five-person board to set wages on an industry-by-industry basis; Edward Parnell, chairperson of the CMA legislative committee, was the male employer representative on the board. In Nova Scotia in the same year, the legislative committee of the Maritimes branch of the CMA prevented passage of amendments to the provincial Factories Act, which as in Alberta, would have established a minimum wage for all adult workers.¹¹

By the end of 1918, as Canadians made their plans for a country fit for heroes to return to, the CMA was advocating payment of a fair wage as a bulwark against Bolshevism and industrial unrest. G.M. Murray, general secretary, warned against any attempt to reduce wages that was not coincident with a reduction in the cost of living:

Canada has her Bolsheviks . . . in far greater numbers than the average man has any idea of. . . . The Employer who deliberately lends himself to the creation of a situation where men will be forced to work for less than it costs them to live is unwittingly opening the gates to revolutionary doctrine and inviting anarchy to run wild.¹²

Parnell took up the same theme, citing his ten months' experience with the Manitoba Minimum Wage Board as evidence of the efficacy of round table conferences between employers and employees in nullifying the efforts of "the

¹¹ *Industrial Canada*, July 1917, 438; July 1918, 234, 207; May 1918, 83; February 1920, 59; J.A. Corry, "The Growth of Government Activity in Canada, 1914-21," *Canadian Historical Association Report*, 1940, 63-73.

¹² *Industrial Canada*, December 1918, 39-40.

socialistic element" among trade unionists. Subsequently, Saskatchewan employers endorsed their province's minimum wage act.¹³

Thus, by September 1919, when the federal government hosted a National Industrial Conference, business had accepted some state intervention in the determination of wages. The conference brought together representatives of employers, employees, and government to discuss the labour clauses of the peace treaty and the recommendations of the Mathers Commission into Industrial Relations (1919). The Winnipeg General Strike provided ample evidence that the state and employers had not abandoned the use of force to quell industrial unrest, but where possible, they preferred accommodation. Both the Mathers Commission and the conference were part of the attempt at accommodation: the attempt foundered on employer resistance to implementation of compulsory collective bargaining, the eight-hour day, and a living wage for all adults. To keep the conference from being a complete failure, employer representatives accepted women's minimum wage boards. *Monro Grier, KC*, president of the Canadian Electrical Association, was the main employer speaker in the minimum wage debate. He voiced some of the NCWC arguments about the need to protect the "mothers of the coming generation," then devoted the rest of his speech to an attack on the minimum wage for men, denouncing the establishment of a minimum purchase price for any commodity, including labour, as a shocking attack on the constitution. Grier also appealed to labour's self-interest, arguing that a minimum wage quickly became the maximum, the less efficient worker was fired, and employers ceased to reward superior efforts.¹⁴ Having conceded that women but not workers needed minimum wages, employers continued to argue against Alberta's statutory minimum for all workers, while admitting that the prescribed rate was too low to cause any harm. In Nova Scotia and Ontario, the CMA accepted legislation providing for a minimum wage board, although the Ontario CMA took the precaution of consulting with *J.W. Macmillan*, former chairperson of the Manitoba board, before pronouncing the legislation unobjectionable.¹⁵

Trade unionist *Helena Gutteridge*, speaking at the National Industrial Conference, also used the NCWC argument that a minimum wage was necessary to

¹³ *Industrial Canada*, February 1919, 76; June 1919, 63.

¹⁴ Canada Dept. of Labour, *Official Report of Proceedings of National Industrial Conference* (Ottawa 1919), resolutions at vii-xii, text of labour features of the Treaty of Peace at xviii, report of the Mathers Commission included in appendix. The peace treaty called for "payment . . . of a wage adequate to maintain a reasonable standard of life as this is understood in [the] time and country;" the Mathers Commission recommended creation of minimum wage boards with jurisdiction over women, children, and unskilled workers. *Macmillan*, "Minimum Wage Legislation," 507-8, described the resolution on a minimum wage for women and minors as the "only decision looking to practical legislative action which the Conference reached." While other more contentious resolutions were "decorously shelved," "relieved" participants "enthusiastically adopted" the minimum wage resolution. Grier's speech is at 100-4, quotation at 102.

¹⁵ *Industrial Canada*, October 1920, 88; November 1920, 58, 85.

protect the future generations, but she applied the argument to men as well

... because an underpaid man is as much the father of the coming generation as an underpaid woman would be the mother... if the father of a family is earning a wage which is not sufficient to support himself and that family, then it is not only the future generation but the children of the present generation who are being underfed.

Gutteridge tailored her speech to her audience, citing an example of the unfair competition that was possible when manufacturers were free to pay less than a living wage. She refuted the argument that a minimum wage became the maximum by pointing out that the "skilled worker is usually able to protect himself through his organizations." With other audiences, she urged union organization and equal pay for equal work as women's best defence against low wages.¹⁶

The Trades and Labor Congress, too, first responded to the problem of women's low wages by demanding equal pay for women and men doing the same jobs, primarily in the hope of ending competition from cheap female labour. Overwhelmingly male in membership, trade unions sought better wages through collective bargaining and the inclusion and enforcement of fair wage clauses in government contracts. The *Lance*, a Toronto labour paper which questioned the wisdom of women's paid employment, suggested in 1913 to "[g]ive the male worker a decent living wage and a minimum wage for women will be unnecessary." At the end of the war, however, in recognition that women were "taking the places formerly held by men," the TLC passed resolutions calling for a minimum wage of at least \$12.00 per week, and the appointment of female union organizers. Both measures were justified as protecting male wage levels. In its annual memorial to the Ontario government, the TLC requested a clause in the peace treaty prescribing standards for working conditions and wages. The next year, the TLC wanted a minimum wage for women, and stricter enforcement of fair wage clauses.¹⁷

¹⁶ *Official Report of... National Industrial Conference*, 104-9, quotation at 105; Helen Gutteridge, "Women in Politics, Women in Industry, Women and War," *Labor News*, 25 December 1918. Gutteridge was also a suffragist, arguing that women needed the vote to insure "significant changes in industrial legislation governing working conditions and pay rates, thereby eliminating sweated labour, the undervaluing of women's work, and poverty-induced prostitution." Quoted in Susan Wade, "Helena Gutteridge: Votes for Women and Trade Unions," in Barbara Latham and Cathy Kess, eds., *In Her Own Right* (Victoria 1980), 187-203 at 191.

¹⁷ For an early TLC motion calling for equal pay because women were used to reduce men's wages, see *Proceedings of Annual Convention*, 1889, 23. The TLC Platform of Principles adopted in 1898 called for "a minimum living wage based on local conditions," and "abolition... of female labor in all branches of industrial life such as mines, factories, workshops, etc." In 1915, the latter plank was replaced with one calling for equal pay for equal work for men and women. TLC conventions invariably passed resolutions calling for a fair wages clause; use of such clauses was foremost among "Suggestions from Labour Organizations" received by the Ontario Bureau of Labour in 1915, and printed in the Bureau's *Annual Report*, *Ontario Sessional Papers*, No. 16, 1916, 97-103. Stewart, *Canadian Labor Laws*, 199-225, relates the history of

There is scant evidence on whether wage-earning women themselves wanted minimum wage legislation, either for a statutory or a board-determined minimum. Wage-earning women did not lobby for legislation, but as Macmillan observed, "[p]erhaps if they had shown themselves capable of such organised and concerted effort the compassion of the community would not have been so readily excited on their behalf." In the opinion of Marie Gerin-Lajoie, vice president of the *Fédération Nationale Saint-Jean-Baptiste*, wage-earning women regarded the minimum wage as a premium to idleness. Videre, author of a 1913 *Toronto Star* series on working women, reported that some girls objected to the minimum wage because they believed that employers would respond by cutting piece-rates.¹⁸

Videre herself supported the minimum wage, perhaps prompted by her Methodism. The Moral, Social and Reform Council of Canada, established in 1907, was jointly headed by J.G. Shearer and T.A. Moore, social service secretaries of the Presbyterian and Methodist churches respectively. In 1911, representatives of the council attended the TLC convention to advocate greater protection for working women, citing women's low wages as a chief cause of the "social evil." At the next convention, the council representatives declared their belief that much poverty was due to "preventable disease, uncompensated accidents, lack of proper education, unemployment, insufficient wages, and other conditions for which society is responsible, and which society ought to remove." The General Assembly of the Presbyterian Church had used the same words in declaring itself for the abolition of poverty. For women specifically, the General Assembly called for regulation of their industrial occupations "to safeguard the physical and moral health of themselves, the community and future generations." The Methodists thought it un-Christian to pay less than a living wage. Their 1914 general conference called for the minimum wage, the abolition of poverty and an equitable partnership between employer and employee. The Methodist ministry to the immigrant showed the need for a minimum wage. J.S. Woodsworth, superintendent of All People's Mission, Winnipeg, warned that uncontrolled wage competition from immigrants with lower standards of living would drive out Canadian workers. At the National

fair wages clauses at the federal and provincial levels. Information about the *Lance*, and the sentence quoted, from Alice Klein and Wayne Roberts, "Besieged Innocence: The 'Problem' and the Problems of Working Women — Toronto, 1896-1914," in *Women at Work, Ontario, 1850-1930* (Toronto 1974), 221. The wartime TLC resolutions and demands are in *Proceedings of Annual Convention, 1918*, 135, 151, *Ontario Sessional Papers* No. 79, 1919, "... Return Showing All Requests or Memorials from Labor Organizations 1916 to April 15, 1920," 17.

¹⁸ Macmillan, "Minimum Wage Legislation," 517; Hamilton *Labor News*, 2 December 1920, "Female and Child Labor," 1, 3. The FNSJB was a Catholic, francophone equivalent to the NCWC. See Marie Lavigne *et al.*, "The FNSJB and the Women's Movement in Quebec," in Linda Kealey, ed., *A Not Unreasonable Claim* (Toronto 1979), 71-87. *Toronto Daily Star*, 8 June 1912, "Life Stories of Girl Workers in Toronto Factories," 9.

Industrial Conference, Helena Gutteridge made the same argument with specific reference to the Chinese.¹⁹

During World War I, support for the social gospel increased just as did support for NCWC and other social reform demands. In sermons on the war, Salem Bland, professor at Wesley College, Winnipeg, pictured the conflict as the beginning of a "new era of redemption." W.B. Creighton, editor of the Methodist *Christian Guardian*, declared in 1916 that business existed to serve the community, and that the state had to see that it did. In 1918, at their famous Hamilton general conference, the Methodists demanded legislation to secure to labour a proper standard of living, to business a profit adequate to its maintenance, and the community the surplus.²⁰

Faced with statements like that, business owners may well have viewed minimum wage boards as bulwarks not only against Bolshevism, but against drastic state interference with their way of doing business, such as legislation to implement the labour clauses of the peace treaty, or heavier business taxes to fund unemployment insurance, family allowances, free health care, or old age and mothers' pensions.²¹ Cooperation in the creation of tripartite boards to establish a minimum wage for women was a small concession for a business order threatened by industrial unrest and widespread support for basic readjustments in the relations of labour and capital. After all, minimum wage orders

¹⁹ Klein and Roberts, "Besieged Innocence," 211, identify Videre as Miss Maude Pettit, normally employed with Methodist Publications; Richard Allen, *The Social Passion: Religion and Social Reform in Canada 1914-28* (Toronto 1973), 13; *Canadian Annual Review*, 1911, 338; *Proceedings of Annual Convention of the TLC*, 1912, 74; *Acts and Proceedings of the General Assembly of the Presbyterian Church in Canada*, 1911, "Statement of the Attitude of Christianity to Certain Social Questions," quoted in E.A. Christie, "The Presbyterian Church in Canada and its Official Attitude towards Public Affairs and Social Problems 1875-1925," (M.A. thesis, University of Toronto, 1955), 66; *Christian Guardian*, 15 March 1911, quoted in M.V. Royce, "The Contribution of the Methodist Church to Social Welfare in Canada," (M.A. thesis, University of Toronto, 1940), 215; *Journal of Proceedings of Ninth General Conference of Methodist Church*, 1914, cited in J.M. Bliss, "The Methodist Church and World War I," *Canadian Historical Review*, 49 (1968), 213-33 at 224-5; J.S. Woodsworth, *Strangers Within Our Gates* (1909; Toronto 1975), 186; *Official Report of the National Industrial Conference*, 108.

²⁰ Bliss, "Methodist Church," 227; *Christian Guardian*, 12 April 1916, quoted in Bliss, "Methodist Church," 228; Royce, "Contribution of the Methodist Church," 228; for discussion on the response to the Hamilton conference, see Allen, *Social Passion*, 71-9; John Herd Thompson, *The Harvests of War* (Toronto 1978), 97, 107, argues that the rhetoric about sacrifice to make a better world that accompanied the domestic war effort created a favourable climate for social reform. Unfortunately, he limits his discussion to prohibition and female suffrage.

²¹ Such things were on the political agenda. See the Liberal platform adopted in 1919, *Canadian Annual Review*, 1919, 603-10. Stephen Leacock, in *The Unsolved Riddle of Social Justice* (1920; reprinted in *The Social Criticism of Stephen Leacock* [Toronto 1973]), urged the adoption of a compulsory minimum wage as part of a general programme of social legislation made necessary by the threat of Bolshevism.

affected only a small portion of the labour force. According to the 1921 *Census*, females comprised only 18 per cent of the gainfully employed in Canada, and minimum wage orders were not issued for two of the largest categories of female employment, domestic service and teaching. In manufacturing, where the boards were most active, women comprised 19 per cent of the work force.²²

Businesspeople are not generally ideologues, and so were not embarrassed by the contradiction between their defence of freedom of contract and competition, and their acceptance of the minimum wage for women. Indeed, despite talk of a living wage, rates were still governed by the constraints of the market. In Alberta, the minimum wage rate of \$14.00 was reduced to \$12.50 per week, because of competition from Manitoba and the central provinces. In Saskatchewan, minimum wage rates were based "in principle . . . upon the capacity of the industry to pay checked by the cost of living." In a detailed study of minimum wage legislation in Europe and North America, Burns concluded that in Canada, although the principle of the living wage had been more closely adhered to than in the United States, wage orders were still subject to downward revision "on account of representations regarding the ability of various industries to bear a particular wage burden." In British Columbia, the Minimum Wage Board set a minimum rate only a trifle higher than the rate which had prompted a strike of female laundry workers.²³

As well, since minimum wage legislation applied only to women, its interference with freedom of contract was not really a contradiction of the basic principle. Women were not full legal subjects: they did not possess full contractual powers or the full rights of citizenship. Therefore, to limit by legislation their right to contract for any wage level, no matter how low, did not contradict the principle that contract, not legal status, should determine rights and obligations. Like legislation specifying a woman's maximum working hours, minimum wage legislation imposed some of the terms of women's employment contracts. Since these terms did not apply to male workers, they were imposed

²² *Census of Canada, 1921*, v. IV, Table VI, xv; Table XIX, xxi; my calculations. Derry and Douglas, "Minimum Wage in Canada," 155, speculated that minimum wage legislation was adopted more rapidly in Canada than in the United States because the manufacturers in Canada were less powerful overall, and the few large industrial establishments employed few women. We need only consider Dominion Textile to realize that this assertion needs substantial qualification. As Elizabeth Jane Campbell argues in "The Balance Wheel of the Industrial System: Maximum Hours, Minimum Wage and Workmen's Compensation Legislation in Ontario, 1900-1939," (Ph.D. thesis, McMaster University, 1980), 294-6, 505-6, employers did not seek minimum wage legislation, but they did not oppose it strenuously because its passage did not directly threaten their overall position of authority or imply a definite increase in their cost of production.

²³ Burns, *Wages*, 276, quotations at 279, the first one from a letter to Burns from the commissioner, Saskatchewan Bureau of Labour and Industries; Marie Campbell, "Sexism in B.C. Trade Unions, 1900-1920," in Latham and Kess, eds. *In Her Own Right*, 180.

to protect women not as wage-earners, but as reproducers and nurturers of the labour force of tomorrow. Freedom of contract played no part in determining the rights and obligations of that role.²⁴ And as Bliss demonstrates, business owners' panegyrics to competition did not hinder their efforts to avoid the ill effects of competition themselves: in their "flight from competition," they sometimes welcomed the state's aid in curbing cutthroat practices or competition from "sweated" establishments. Both the deputy minister of labour who drafted the Ontario Minimum Wage Act and board members argued that minimum wage legislation deserved the support of the "better elements engaged in trade" because it forced the "parasitic employer" to "play fair." Parasitic employers cut costs by paying such low wages that their employees could not purchase their share of the country's manufacturing output. The Manitoba board reported in 1925 that "whilst a large number of employers did not at first look favorably on [minimum wage legislation], at the present time 90 per cent. are in accord with its objects as they realise that it is one of the factors which will eliminate cut-throat competition, and place employers on an equal basis." Although an article in *Industrial Canada* in 1922 acknowledged that a minimum wage for women and minors might protect the fair employer from less scrupulous competitors, this argument was not made in the journal's discussion of the minimum wage from 1910-20. Perhaps the silence was politic. Individual establishments which paid lower than average wages would not contemplate with equanimity the prospect of their competitors colluding with the Minimum Wage Board to increase their cost of doing business.²⁵ Although it is beyond the scope of this paper to determine whether minimum wage legislation was used to eliminate competition from sweated establishments, we can illustrate, through our examination of the first five years of operation of the Ontario Minimum Wage Board (OMWB), another and predominant reason for business acceptance of minimum wage boards: the boards respected business values and set their wage rates to accommodate business needs.

²⁴ Linda S. Bohnen, "Women Workers in Ontario: A Socio-Legal History," *Faculty of Law Review*, 31 (1973), 45-7; consider also the denial of female suffrage and right to hold elected or appointed office, and the exclusion of women from juries. The doctrine of *coverture* denied married women full contractual powers, despite passage of the various married woman's property acts. For a brief discussion of the contradictions between liberal theory and marriage law, see Sara Ann Ketchum, "Liberalism and Marriage Law," in Mary Vetterling-Braggin *et al.*, eds., *Feminism and Philosophy* (Totowa, NJ 1977), 264-76.

²⁵ Michael Bliss, *A Living Profit* (Toronto 1974), 33-54, 134, 138-43; Michael Bliss, "The Protective Impulse: An Approach to the Social History of Oliver Mowat's Ontario," in Donald Swainson, ed., *Oliver Mowat's Ontario* (Toronto 1972), 174-88; Ministry of Labour, *Minimum Wage Data 1918-9*, typescript dated 27 February 1919, summarizing the affirmative argument from Mary Katharine Reely, ed., *Selected Articles on Minimum Wage* (New York 1917), ix-xii; J.W. Macmillan, "Minimum Wage Administration," *American Economic Review*, 4 (1928), 248-51; *Second Annual Report of the Ontario Minimum Wage Board, Ontario Sessional Papers*, No. 89, 1923, 20; Burns, *Wages*, 415n, quoted from a letter to Burns from the secretary, Bureau of

Following the 1919 fall election in Ontario, the demands of labour received special attention. W.R. Rollo, Labour MPP for Hamilton West, was minister of labour in the joint United Farmers of Ontario-Labour government. The labour election platform included equal pay for equal work and the eight-hour day. The UFO could accept neither of these, but it could compromise on a minimum wage for women. The deputy minister of labour, W.A. Riddell, had already written up the familiar arguments for a minimum wage: improved health and therefore increased efficiency and productivity; restriction of unfair competition; fostering of harmonious relations between labour and capital; and increased purchasing power. Riddell even included an appeal to the proponents of a scientific approach to poverty, arguing that a minimum wage would eliminate the need for charity by separating out the unemployables who could then be given professional help.²⁶

Ontario's minimum wage bill had an "easy passage" in the legislature. There was little the Conservatives could say, having promised such a reform before the election. The main critic was H.H. Dewart, the Liberal leader, who appealed to the government's farm support by criticizing the bill's inclusion of domestic servants and farm workers: Rollo accepted an amendment for their exclusion. Other members inquired about stenographers and schoolteachers. Rollo said that the Minimum Wage Board would start with those workers who were in the greatest need; teachers, he thought, could organize.²⁷

The Minimum Wage Act came into force on 1 October 1920. It provided for the appointment of a five-person board, which after "due inquiry" could issue orders setting wage rates for female employees. A conference of employer and employee representatives appointed by the board recommended appropriate

Labour, Manitoba; *Industrial Canada*, April 1922, 50. The article is entitled "The Minimum Wage Evil," and three of its four paragraphs attack any extension of the minimum wage. Cf. Robert P. Ingalls, "New York and the Minimum-Wage Movement," *Labor History*, 15 (1974), 179-98. Ingalls cites several examples of laundry owners in the 1930s appealing for minimum wage legislation to protect them against unfair competition. Tom Traves, *The State and Enterprise: Canadian Manufacturers and the Federal Government 1917-1931* (Toronto 1979), 17-8, points out that at the end of World War I, the CMA was numerically dominated by smaller business owners.

²⁶ B.D. Tennyson, "The Ontario Election of 1919," *Journal of Canadian Studies*, 4 (1969), 26-36; platform of the Independent Labor Party, Toronto *Globe*, 8 September 1919, PAO, RG 7, Series II-1, No. 2, Ministry of Labour, Minimum Wage Data 1918-9, typescript titled "Minimum Wages;" undated typescript titled "Memorandum for the Minister of Labour Re Minimum Wages for Women and Girls;" carbon copy of undated typescript titled "Brief for a Minimum Wage Act."

²⁷ Peter Oliver, *G. Howard Ferguson: Ontario Tory* (Toronto 1977), 216; Toronto *Globe*, 21 May 1920, "Minimum Wage Bill Receives Easy Passage;" 26 May 1920, "Farm Labour and Domestic Excluded From Wage Bill," on early efforts of teachers to organize for better pay. see Doris French, *High Button Bootstraps* (Toronto 1968), an anecdotal history of the Federation of Women Teachers' Associations of Ontario, founded in 1918.

wage levels for the board to consider in issuing its orders. Wage orders were to be posted in the establishments affected. Employers who contravened an order could be fined \$50 to \$500 for each underpaid employee, plus payment of any wages owing. There was no penalty for employees who accepted less than the minimum wage. The board held its first meeting on 29 November 1920. J. W. Macmillan, the chairperson, had served in the same capacity on the Manitoba board, and was currently a professor of sociology and Christian ethics at Victoria University, Toronto. He also chaired arbitrations between the Amalgamated Clothing Workers and the Associated Clothing Manufacturers. R. A. Stapells, an employer representative, was currently treasurer of the Toronto Board of Trade. He was president and managing director of a garment manufacturing firm, and past executive member of the CMA. The Minimum Wage Act specified that two of the board members were to be women. Mrs. Horace (Lydia) Parsons, secretary of the NCWC, was the female employer representative. As her husband had deserted her and their children in 1915, she needed the *per diem* honoraria paid to board members. The other female member was Margaret Stephen, a labour representative from the Toronto garment workers. She worked in the Carhartt factory in Hamilton. H. G. Fester, the other labour representative, was also from Hamilton, serving as secretary to the Trades and Labor Council there. He took on much of the investigative work of the board. Despite a change of government in 1923, these members served on the board throughout the decade.²⁸

The board's first task was to ascertain the cost of living, as a basis for setting the minimum wage, which the board determined should be sufficient to permit a "working girl" to be "an independent and self-supporting member of the household." Advertisements were placed in the daily papers asking for board and lodging, with lunch, for a "respectable working girl." After inspecting some of the lodgings offered, the board concluded that \$7.00 per week would secure adequate lodgings in Toronto. The Ontario Commission on Unemployment (1916) had observed that women often worked after hours at home, mending, washing, preparing meals, or helping out. Wage-earning men did not do this extra work, and the commission considered the exertion unwise for women, while recognizing that it was often made necessary by their low wages. Despite this concern, the OMWB budget for a wage-earning woman in a smaller centre was a household budget, with the minimum wage set at the woman's share of the total household costs, assuming that the housewife received no payment for her work, and that the wage-earner did her share of the housework and household maintenance. The minimum wage for industries in

²⁸ *Statutes of Ontario*, 1920, c. 87; PAO, RG 7, Series VIII, v. 38-51, Ministry of Labour, *Minutes of the Ontario Minimum Wage Board* (henceforth *Minutes*) 29 November 1920; *Canadian Annual Review*, 1920, 538; the Board of Trade of the City of Toronto *Yearbook* 1920, iii; *Who's Who and Why 1921* (Toronto 1921), 1023; PAO, ms. by D.S.J. Parsons, "Lydia, the Legend of A Good Woman," 25, 106; Lawson, "Economic Phases," 19.

Toronto was generally \$1.00 higher than the minimum for the same industry outside the city.²⁹

The board established a weekly, not an hourly, minimum. In most cases, the women affected were working fewer hours per week than the legal maximum, and so some employers lengthened the work week to avoid the effect of the minimum wage order. In 1922, despite opposition from business, the Minimum Wage Act was amended to give the board authority to determine the maximum number of hours for which it was legal to pay the minimum wage. The board was also given authority to set a wage scale for overtime. The board dealt with one industry at a time, rather than proclaiming a flat rate for all workers. In the board's view, flat rates had failed elsewhere because they could not "elicit the sympathy and co-operation of the people concerned. It is very important that the approval and support of employers should be secured, or at least of the larger number and better type of employers."³⁰

The board's first order covered laundry workers, as government statistics showed them to be in particular need. A conference of representative employers and employees from the industry approved a budget which indicated that \$12.00 per week was the minimum necessary for a laundry worker to purchase "food, clothing, shelter and such simple comforts and enjoyments as are requisite to the proper conduct of life." This budget is no longer available, but we do have the budget for a saleswoman in a retail store, reproduced *infra*. According to the board's calculations, a saleswoman would need \$12.56 per week for her basic expenses. The minimum wage for saleswomen in Toronto was then set at \$12.50 per week. Laundry workers presumably needed less because they would not have to spend as much on their appearance. Although the budget included \$12.00 per year for church and charity, it included nothing for savings or vacations. Therefore, unless a woman managed to avoid spending the \$20.00 per year allotted for doctor, dentist, and optician, she had to work full-time, fifty-two weeks a year, just to stay out of debt. And even then, on the board's calculations, she would be \$3.12 short. Amazingly, at least one woman was able to save from her weekly wage of \$12.00. Mrs. Woodruff, who supported herself with a job as a record keeper for a battery factory, told a board meeting that she had saved \$40.00 during the year. Mrs. Woodruff paid only \$6.00 per week for board and lodging; the budget allowed \$7.00. That Mrs. Woodruff was not able to save the extra dollar every week suggests that the board had underestimated some of the other costs. Twelve dollars a week is \$624.00 a year, \$2.00 a day. The board asked the Department of Labour for a salary of \$2,000 per year for its female research assistant, and paid its female clerk \$1,300. The *per diem* fee set for witnesses and representatives at wage

²⁹ *First Annual Report of OMWB*, OSP No. 73, 1922, 8-12; Lawson, "Economic Phases," 24-5; *Minutes* 1, 3, 5 February 1921; *Report of the Ontario Commission on Unemployment*, OSP No. 55, 1916, 63.

³⁰ *First Annual Report of OMWB*, OSP No. 73, 1922, 15, 14; Board of Trade of the City of Toronto *Yearbook* 1922, 20-1; *Statutes of Ontario*, 1921, c. 91.

conferences was \$3.00. The board did not acknowledge any inconsistency, stating only that it was "careful to make its orders conform strictly with its authority, so as not to exceed a real minimum."³¹

OMWB Cost-of-Living Budget for a Saleswoman in a Retail Store, 1921

Board and lodging@ \$7.00 per week	\$364 00	\$364 00
CLOTHING.		
Footwear and repairs	21 00	
Underwear	8 50	
Stockings	6 75	
Nightgowns	4 00	
Petticoats	5 00	
Corsets	5 00	
Corset covers	4 00	
Kimona	2 00	
Hats	16 00	
Suits (½ cost, to wear 2 years.)	12 50	
Winter coat (½ cost, to wear 2 years.)	10 00	
Winter dresses (½ cost, to wear 2 years.)	7 50	
Summer dresses	12 00	
Shirt waists	8 25	
Sweater	3 25	
Aprons	3 75	
Handkerchiefs	1 50	
Gloves	6 00	
Scarfs	1 25	
Umbrella	2 00	
Total expenses for clothing		\$138 25
SUNDRIES		
Laundry	\$52 00	
Doctor, dentist, optician	20 00	
Car fare	20 00	
Reading matter	6 00	
Postage and stationery	5 00	
Church and charity	10 00	
Recreation and amusement	23 00	
Incidentals (including brush, comb, soap, tooth paste, talcum powder, nail file, shoe polish, hand lotion, pins, needles, thread, whisk, shoe laces, etc.)	15 00	
Total expenses for sundries		\$151 00
Total expenses for year		653 25
Board and lodging per week		7 00
Clothing per week		2 66
Sundries per week		2 90
Total per week		12 56

From the *First Annual Report* of OMWB, 6-7.

Board wage orders, however, permitted employers to pay up to half the employees in any establishment even less than this meagre minimum. For example, in the order for laundries in Toronto, reproduced *infra*, only experienced workers over the age of eighteen were entitled to the \$12.00 weekly

³¹ In Toronto in 1919, 88 per cent of female laundry workers received less than \$10.00 per week, 75 per cent less than \$9.00, and 49 per cent less than \$8.00. PAO, RG 7, Series II-1, v. 2, Ministry of Labour, Minimum Wage Data 1918-9, "Memorandum for the Minister," *First Annual Report* of OMWB, OSP No. 73, 1922, 6, 19; *Minutes* 29 September, 4 October 1923; 10 January 1921; 29 November 1920.

minimum. Inexperienced workers under eighteen started at \$9.00, those over eighteen at \$10.00. Although these wages were an improvement over those recorded just after the war, they were still below the minimum wage the board considered necessary for a self-supporting woman. To protect adult workers from unfair competition, the wage order limited the number of months that a woman could be paid the lower rates, and specified that in any establishment, only one-quarter of the women could be inexperienced, and one-quarter under eighteen. Subsequent wage orders followed this pattern, sometimes permitting up to one-third of the work force to be young, and one-third inexperienced, provided the two groups together were not more than one-half of the total. In calculating whether a firm's work force met the requirements, temporary workers, an undefined term, were ignored. In some orders, the minimum wage for young girls was as low as \$7.00 for the first six months. Piecerates were not included in board orders, but 80 per cent of pieceworkers in an establishment had to be paid at least the prescribed minimum. Elderly or handicapped women were also denied the basic minimum, as the board could issue permits allowing employers to hire these women at rates below the minimum. Judging from the boards minutes, permit applications were often sought and readily granted.³²

The board devised a five-step procedure for issuing a minimum wage order, which typically required about five months to complete: (1) a questionnaire sent to all employers in the industry to be affected; (2) a conference of representative employers at which the board presented its cost-of-living budget and the employers suggested a minimum wage; (3) a conference of representative employees to comment on the suggested wage; (4) a conference of employers and employees to agree on the wage to be set; (5) a public hearing advertised in the daily papers at which the wage order was adopted. Employer representatives were chosen by employers' organizations or boards of trade; labour representatives were chosen by the board, sometimes on the recommendation of a union, sometimes on the recommendation of the employer concerned. In Alberta, the Federation of Labor complained that the employee representatives were too intimidated to disagree with the employer representatives unless they had a trade union to protect them. It is likely that Ontario employees felt the same way; indeed, Macmillan described the Manitoba board, whose structure and practice he emulated in Ontario, as negotiating with the employers while the employees looked on.³³

Both because of the cumbersome investigation and conciliation processes, and because members of the board were not full-time civil servants, it was only

³² Orders No. 2, 4, and 5 in *First Annual Report of OMWB*, OSP No. 73, 1922, 18-21; the board's *Third Annual Report*. PAO, explains that permits were issued to aged and handicapped workers "to save their jobs for them without imperilling the self-support of their normal associates," 18.

³³ Lawson, "Economic Phases," 30-2; *Minutes* 28 June 1922; Veronica Strong-Boag, "The Girl of the New Day," *Labour/Le Travailleur*, 4 (1979), 162; Macmillan, "Minimum Wage Legislation," 512.

 MINIMUM WAGE BOARD.

ORDER NO. 1.

 GOVERNING FEMALE EMPLOYEES IN LAUNDRIES, DRY CLEANING ESTABLISHMENTS
 AND DYE WORKS IN THE CITY OF TORONTO.

- (1) No experienced female employee of 18 years of age or over, shall be paid wages at a less rate than \$12.00 per week.
- (2) No inexperienced female employee of 18 years or over, shall be paid wages at less than the rate of \$10.00 per week for the first three months of her employment in the industry, and of \$11.00 for the second three months; after which period of six months she shall be considered an experienced employee. Not more than 25 per cent. of the total employees in any establishment shall be inexperienced adult employees.
- (3) No young girl under 18 years of age shall be paid at a less rate than \$9.00 per week for the first six months of her employment in the industry; of \$10.00 per week for the second six months, and of \$11.00 for the third six months. After eighteen months' employment in the industry, she shall be considered an experienced adult employee. If she has been employed in the industry for a year or more, before reaching the age of 18 years she shall be considered an experienced adult employee upon reaching the age of 18 years. Not more than 25 per cent. of the total female employees in any establishment shall be young girls.
- (4) Lodging shall not be charged for in excess of a rate of \$2.00 per week; nor board in excess of a rate of \$5.00 per week; nor single meals in excess of a rate of 25c. per meal.
- (5) Any violation of this order is punishable by fine or imprisonment. See Minimum Wage Act, Section 22.
- (6) Any female employee not being paid at least as much as this order requires should report to the Minimum Wage Board, Spadina Crescent, Toronto, Phone College 690.
- (7) Each establishment shall keep a copy of this order posted in a conspicuous place.
- (8) This order shall come into force and be effective on and after the first day of May, 1921.
- (9) This order shall be subject to annual revision by the Board.

J. W. MACMILLAN,
Chairman.

MARGARET STEPHEN,
 LYDIA M. PARSONS,
 H. G. FESTER,
 R. A. STAPELLS,
Minimum Wage Board.

Toronto, Ontario, May 1st, 1921.

in 1923 that the board reported completion of the initial stage of its work, the bringing of nine-tenths of the working women in the province's "women-employing trades" under minimum wage orders. Orders had been issued for laundries, dye-works, and dry-cleaning establishments, a variety of food, chemical, and drug manufacturers, textile factories, paper, cardboard, and stationery manufacturers, the needle, boot, shoe, and leather trades, retail sales clerks, and employees in department stores in the city of Toronto employing over 150 workers. Much of the 1924 *Annual Report* is given over to listing the wage rates in the industries covered by these orders, based on information on 38,598 employees in the 1,311 firms which had responded to a board questionnaire. The average overall wage was \$13.27, 75¢ to \$2.25 above the prescribed minimums for experienced workers. The average wage for women under eighteen was \$10.12 per week; the average for women over eighteen was \$13.77. Of these women, 47 per cent earned \$13.00 or less, 31 per cent \$12.00 or less. For two categories, average wages were over \$16.00, in the boot, shoe, and leather trades in municipalities of over 30,000 population excluding Toronto, and in retail stores in Toronto. The higher the average wage in an industry, the larger the gap between adult and non-adult wages. Average wages for women in the firms responding to the questionnaire were higher in 1924 than in the previous year for which figures were available; in three cases, the 1924 average fell below the 1923 average, but remained above the 1921 figure. With one exception, the boot, shoe, and leather trades cited *supra*, average wages in Toronto were higher than elsewhere. Toronto firms, 49 per cent of those responding to the questionnaire, employed 51 per cent of the employees. Just over one-half of the Toronto firms and employees were in textiles and the needle trades, with average wages of \$14.65 and \$14.80 respectively. Outside the city, textiles and the needle trades accounted for only 39 per cent of the firms responding, but 65 per cent of the employees. Average wages were \$12.57 in textiles and \$13.00 in the needle trades. OMWB secretary Ruth Lawson attributed the relatively high wages in the needle trades to union organization, particularly among cloak, suit, and overall manufacturers.¹¹

It is impossible to determine what would have happened to women's wages without the OMWB. Ontario factory inspectors observed in the 1921 and 1922 reports that wage rates generally had declined over the previous year; in its *Fifth Annual Report*, the board observed that since its inception, the province had suffered from trade depression, but that the board had been able to keep wages from dropping below the cost of living. Macmillan argued that it was not the board's job to

effect any general increase of wages. . . .

It aims at nothing more than the extension of wage payments which are already general. . . .

¹¹ Third Annual Report of OMWB, PAO, 17-8; *Fourth Annual Report* of OMWB, OSP No. 64, 1925, 5-24, my calculations; Lawson, "Economic Phases," 75-6.

It is satisfied to heal the condition which both the public and the trades recognize as unhealthful. . . . The average employer will support pressure being put on a rival whom he considers an unfair competitor and a disgrace to his trade; but he will resent any effort which he considers as an attack on the trade in general.

The board considered itself primarily useful in gathering evidence to establish the minimum necessary wage for decent subsistence, which was usually what the better type of employer already paid. The board's job was then simply to identify and eliminate "the unwholesome aberrations from the prevailing standards." We lack figures to determine the board's effectiveness in insuring that all wage-earning women in Ontario received the minimum wage. However, comparison of the board's statistics for 1924 with the 1921 *Census* indicates that fewer than half were covered by minimum wage orders. First, the exclusion of domestic servants meant exclusion of 13 per cent of Ontario's female labour force; educational and health care workers comprised another 13 per cent. Even within manufacturing and trade/retail saleswomen, the categories on which the board focused, there were 40 per cent more female employees according to the 1921 *Census* than were counted in the board's statistics. Unemployment, though higher in 1924 than in 1923, was still below the 1921 levels, so that a shrunken labour force cannot explain the discrepancy. The board's figures were admittedly incomplete, but a comparison of the percentage of the female labour force in the various branches of manufacturing with the percentage of women covered by each board order suggests a disproportionate coverage of textile and needle trades workers.³⁵

It is also impossible to estimate how many employees in industries covered by minimum wage orders knew of the work of the OMWB, or received the prescribed minimum. Factory inspectors complained in their 1922 reports that too few factories or shops posted the minimum wage orders, although the next year they noted some improvement. Tom Moore, president of the TLC, suggested to the board that it give itself more publicity, through addresses to public bodies, distribution of minimum wage orders to public libraries, and the appointment of more inspectors. Without adequate funding or staff, the board relied on the over-burdened Factory Inspection Branch, or on aggrieved individuals, to inform it of minimum wage violations. Up to November 1925, the board had collected \$10,021.03 in arrears of wages from 70 firms; 262 employees received wage payments, ranging from \$225 to 65¢. The board was very reluctant to launch prosecutions against employers who were not paying the minimum wage. Instead, as Macmillan said, it sought "to exhaust peaceful methods of settlement before incurring the expense and publicity of legal proceedings. Particularly, we wish to save our clients, the working women of

³⁵ Ontario Dept. of Labour, *Second Annual Report*, OSP No. 16, 1923, 8; *Third Annual Report*, OSP No. 16, 1923, 9, 7; *Fourth Annual Report*, OSP No. 16, 1924, 9-10; *Fifth Annual Report*, OSP No. 16, 1925, 3. Macmillan, "Minimum Wage Administration," quotations at 247, 249; *Third Annual Report of OMWB*, PAO, 3-4, 18; *Fourth Annual Report of OMWB*, OSP No. 64, 1925, 5-24; *Census 1921*, v. IV, Table 2, 10-35.

Ontario, from the costs and notoriety involved." And, as the board said, it also wanted to spare employers. The board prosecuted only one employer in the period under study, L.N. Poulin, owner of a large department store in Ottawa. A conviction was secured, and \$3,186 in back wages collected and divided among 31 employees. Despite this evidence of prolonged and substantial violations of the minimum wage orders, Poulin was prosecuted primarily because in sending the board "incomplete and misleading information," and in making promises which he had not kept, he had forfeited the consideration the board was always willing to extend to the responsible employer. Poulin's lack of business connections with a board member may also have affected his treatment.³⁶

In the most highly publicized of the board's cases, that of Willards Chocolates, the board resisted substantial pressure to prosecute, perhaps because Stapells was acquainted with Willards executives through their membership on the Toronto Board of Trade. Willards was a large Toronto manufacturer and exporter of chocolates and other confections. It was established in 1914 by E.G. Robinson, a former Neilson's employee with a reputation in the candy industry for price-cutting and the use of sharp practices to avoid paying his bills. The OMWB received two complaints about underpayments at Willards in 1921, two more in 1922 involving a total of 37 workers, and eight complaints in 1923. Inquiries also came from the Big Sister office. Since many of the complaints were from women being paid by the piece, only an overall investigation could have determined whether Willards complied with the requirement that 80 per cent of a firm's pieceworkers receive the minimum wage. The board analyzed the Willards wage rolls in late 1922, and Macmillan wrote to the company regarding the minimum wage order. A year later, Willards expressed interest in cooperating with the board in an investigation "in view of the complaints and rumours which had reached the Board," but it was another year before the company manager attended a board meeting. He was accompanied by the company solicitor who informed the board that Willards had been "the object of persecution in the name of the Minimum Wage Board." He presented the board with a letter to Willards from Frank Regan, a solicitor, claiming arrears on behalf of a Willards employee. Also present were two other employees, who told the board that they and many others had received cards from

³⁶ Ontario Dept. of Labour, *Fourth Annual Report*, OSP No. 16, 1923, 65, 71; *Fifth Annual Report*, OSP No. 15, 1924, 46-50, 55; *Minutes* 26 January 1926; *Third Annual Report*, OMWB, PAO, 17; Lawson, "Economic Phases," 137; *Globe*, 16 October 1924, "Says Board Acted in Low Wages Case;" *Fourth Annual Report* of OMWB, OSP No. 64, 1925, 24; *Fifth Annual Report* of OMWB, OSP No. 47, 1926, 6; PAO, RG 3, Ferguson Papers. General Correspondence 1925, No. 68, Minimum Wage Board, monthly summary from J.W. Macmillan, March 1925; the board may have been influenced against Poulin by ethnic prejudice. Strong-Boag, "Girl of the New Day," 161-2, notes that the British Columbia Minimum Wage Board considered "foreigners" as being particularly likely to cut wages.

Allan R. Johnson, stating that he worked for the Minimum Wage Board, and advising them to meet with him about the wages they were owed. After speaking to the Willards management, the two women went to the address, where Cyril Johnson, Allan's brother and a former Willards paymaster, offered his help in securing the wages to which the women were entitled. In fact, neither Johnson worked for the OWMB. The board contacted Regan, who appeared with his client at a board meeting early in September 1924. Regan's client subsequently received \$142 in back wages, but the board continued to deal with each Willards case individually. Then the story reached the newspapers, in a report of the mid-October meeting of the Toronto District Labour Council. The council had asked Regan to prosecute an unnamed company for violating the Minimum Wage Act, as once Regan had obtained back wages for one of the company's employees he had received more than twenty other claims. The labour council wanted the matter taken to court, because the company appeared to be falsifying records to conceal an employee's length of employment, and dismissing women when they became entitled to the minimum rate for experienced workers, only to rehire some after a few days or weeks, still at the inexperienced rate.³⁷

Publication of the story galvanized the board into action. Macmillan issued a statement insisting that the Minimum Wage Board did its job without any prodding from Regan; the still anonymous company was said to be cooperating with the board in every way. OMWB minutes, however, confirm that the board had done little on the Willards case until outside counsel became involved. The labour council demanded a public inquiry, but the attorney-general, W.F. Nickle, refused to make any decision until after had had met with the board. Eventually the parties were brought together in Nickle's office. The three Willard executives and their lawyer came straight from a private meeting with the board, in which they had discussed the appropriate approach to the attorney-general. Macmillan had already stated publicly that an inquiry was unnecessary, as the board had known for some time that a group of men was *trying to injure a local firm with false charges which should be ignored*. Nickle denied labour's request for a royal commission into the board's failure to act, suggesting instead a board inquiry into the nineteen cases of alleged underpayment. After further private discussion, the board opened a public inquiry on 23 December 1924. Macmillan acted as chairperson, even though he had publicly

³⁷ *Board of Trade of the City of Toronto Yearbooks 1920 to 1926*, directories of executive officers and members; Stapells continued to serve in various executive positions on the Board of Trade while a member of the OMWB; *Toronto Directories*, Night Directories Limited, 1920-5; Ganong Brothers Limited *Minute Book 1892-1916*, 102-3; interview with R.W. Ganong May 1985; *Toronto Daily Star*, 28 January 1925, "No Deliberate Falsification of Willards Records Found" 12 November 1921, 16 October 1922, 4 September 1923, 16 October 1923, 20 August 1924, 4 September 1924; *Globe*, 15 October 1924, "Pay of Girls Less Than Minimum Wage, Labor Men Declare."

stated that the company paysheets indicated no evasion of the minimum wage legislation, an opinion he reiterated after the first day of evidence.³⁸

The board met after the first public session to decide what it should do about the Willards employees whose complaints had been forwarded to the board by Regan. Since some of these women would now be testifying at the inquiry, the board felt unable "to carry out all the arrangements contemplated" for settling their claims "by pacific negotiations through the medium of the board." In short, since Regan had forced this inquiry on the board, it would do nothing further for him or for anyone else who attempted to assert her claim aggressively. Although the transcript of the inquiry is no longer available, newspaper accounts and the board minutes indicate that the board sympathized with the company. Ignoring the advice of the counsel appointed for the board, Macmillan refused to order Willards to produce its records so that Cyril Johnson could refer to them in his testimony. Johnson stated that while employed as paymaster by Willards, he had been instructed to make new time cards for some employees, to conceal their entitlement to the minimum wage for experienced workers. The witnesses for the company maintained that Johnson was lying, and offered to submit the company payrolls to a government auditor. The company accountant admitted that there had been a number of errors in record keeping, but blamed most of them on Johnson. Several Willards employees testified that they received less than the prescribed minimum for their length of service, and that they and others had been fired and rehired. The company responded with attacks on their credibility, even asking one witness if she had not had an intimate relationship with Cyril Johnson. According to the company, any dismissals were due to incompetence or lack of work; any women receiving less than the minimum wage were pieceworkers. Further, the company had nothing to hide from the OWMB. Its books were always available, with the exception of the paysheets in issue in the inquiry, which had been inexplicably mislaid. During the inquiry, and while waiting for written submissions from the lawyers, the board was conducting its own investigations. The labour representatives were not kept informed, or given any opportunity to challenge the evidence thus obtained. In addition, Macmillan interfered with Regan's questioning of two board witnesses, the accountant hired to examine Willards' books, and the business agent for the Amalgamated Clothing Workers of America, called as an expert on piecework. To insure the impartiality of the hearing, as well as the appearance of impartiality, Macmillan should not have been the chairperson.³⁹

³⁸ *Globe*, 16 October 1924, "Says Board Acted in Low Wages Case," 18 October 1924, "Regan Says Board Did Not Act First;" *Minutes*, 27 October 1924; *Globe*, 8 November 1924, "Will Hear Charges Against Wage Board;" *Minutes*, 14, 15 November 1924; *Globe*, 15 November 1924, "Will Make Inquiry on Labor's Charges;" 24 December 1924, "Cards As Evidence Not Yet Produced Before Wage Board."

³⁹ *Minutes*, 24 December 1924; *Globe*, 3 January 1925, "Girls' Time Cards Were

Despite substantial evidence disclosing about 50 or 60 cases of payments below the minimum wage, the board's final report completely exonerated the company of any willful and deliberate evasion of the minimum wage legislation. The reasoning was somewhat specious. The board said that Willards had "no plan of systematic underpayment" since it paid comparatively high wages to some workers. The board also pointed to the guaranteed basic wage for pieceworkers as evidence that the Willards' policy was not one of "ruthless wage reduction." The board found that there were cases of underpayment, but it accepted the company's explanation that these were due to faulty, not falsified records, and contented itself with delivering a mild rebuke: "We believe that an efficient business establishment such as Willards' should be able to avoid errors of this sort in its payroll." The Toronto District Labor Council's only satisfaction from the inquiry was the board's public admission that the publicity had brought in numerous complaints, resulting in scores of underpaid workers securing the minimum wage.⁴⁰

The board's reluctance to launch an inquiry, its refusal to allow labour the full right of cross-examination, and the whitewash final report were predictable results of the board's no-confrontation, no-coercion approach to establishing a minimum wage for women. Cooperation with employers was made a goal in itself, as important as the goal of insuring that women's wages would meet the cost of living. As the board stressed, "minimum wage administration makes for industrial peace. One of the cardinal features of all good and lasting work by such a Board as ours is that it engages the assent of both employers and employees. The fact that our field is a limited one, and that the moral principle of the right to live from one's work is so convincing, makes harmony possible." Business and labour, from meeting together in wage conferences, "grow to trust each other more and like each other better. . . and the path to future conciliatory negotiations open[s] up." In its promotion of harmony, the board

Substituted, Johnson Charges," 6 January 1925. "One Set of Cards Brought to Board in Wages Dispute;" 7 January 1925. "Says Underpayment is But One Charge Against Employers;" 9 January 1925. "Legal Skirmishes Feature of Probe into Girls' Wages;" 16 January 1925. "Two Girls Testify as to Treatment by Candy Company;" 28 January 1925. "Underpaid Workers in Several Plants Revealed by Probe;" *Toronto Daily Star*, 3 January 1925. "Spirited Clashes Feature Minimum Wage Board's Probe;" 6 January 1925. "Cyril Johnson on Stand at Minimum Wage Probe;" 10 January 1925. "Stormy Scene Marks Close of Wage Probe Session;" 15 January 1925. "Denies Demanding \$10,000 for Return of Willards Cards;" 16 January 1925. "Manager of Works Denies Falsification of Records;" 17 January 1925. "Majority of the Girls Were on Piecework;" 21 January 1925. "Superintendent Denies Statements of C. Johnson;" 27 January 1925. "Says Willards Paid Girls More Than Act Called For;" *Minutes*, 28 February 1925.

⁴⁰ *Toronto Daily Star*, 7 January 1925, "Counsel for Wage Probe Demands Thorough Probe;" *Labour Gazette*, May 1925, 442, June 1925, 538; *Globe*, 29 January 1925, "Underpaid Workers in Several Plants Revealed by Probe;" *Toronto Daily Star*, 28 January 1925, "Many Complain to Wage Board."

attempted to stifle labour criticism of itself or of business — sometimes with labour help. Board member H.G. Fester attended the 1925 TLC annual convention, at which the Toronto District Labor Council presented a resolution calling for a legislated 44-hour work week for women. The preamble to the resolution referred to the Willards inquiry, without giving the company's name, and stated that the conflict as to hours between the Factory Act (which permitted a work week of 60 hours) and the Minimum Wage Board orders gave "loopholes to the employers of labour who manipulate the working week as it suits their interests." The resolution as passed omitted this sentence; as the OMWB explained in its monthly report for the premier, Fester's presence at the convention "prevented attacks on our work by the same members of the Congress who were leaders in the attacks upon Willard's Chocolates and the Board last winter."⁴¹

The board's unwillingness to cooperate with organized labour complicated another matter that arose during the Willards inquiry. On 3 December 1924, 25 chambermaids employed at the King Edward Hotel in Toronto were fired when they struck to protest a new work schedule which would have increased their weekly hours from 54 to 69, with no increase in wages. Accompanied by R.H. Russell, business agent for the Cooks and Waiters Union, fourteen of the chambermaids attended a board meeting. They stated that they earned \$30.00 per month for board alone, \$25.00 for room and board. Rooms were shared with three or four others; food was served in the basement amidst the dishwashing. Their average length of employment at the King Edward was eight and one-half months. None had observed any posted OMWB orders. The board consulted with people from the hotel and accepted management's statement that the chambermaids had misunderstood the situation: the new schedule would not have continued past the end of December. The board pursued the question of wages, concluding that those who boarded in the hotel were receiving the appropriate wage, but that those who lodged out received too little. Although the board attempted to "settle the trouble by bringing the parties together in an amicable fashion . . . several members of the Labor Organization here were disposed to insist on being present." The board reported the matter unresolved because the hotel people "stoutly refused" to attend any meeting attended by labour representatives, but that account is a distortion of the hotel's position so that it appears in a better light. Board minutes show that the hotel people refused outright to meet with the discharged workers. Letters were sent and answered, but the file was closed at the beginning of March with no money having been paid to the underpaid chambermaids.⁴²

⁴¹ *Second Annual Report of OMWB*, OSP No. 89, 1923; TLC, *Proceedings of Annual Convention*, 1925, 115-7, 138-9; PAO, RG 3, Ferguson Papers, General Correspondence 1925, No. 68. Minimum Wage Board, monthly summary from J.W. Macmillan, September 1925.

⁴² *Labour Gazette*, January 1925, 22; *Globe*, 5 December 1924, "Hotel Has Dispute with Girl Workers;" *Minutes*, 11, 17, 20, 21 December 1924, 10 January, 14, 25 February, 16 March 1925; PAO, *ibid.*, monthly summary, March 1925.

It is impossible to determine how many other files were similarly closed. There are no figures in the board minutes or reports on the total number of complaints received, and the board's correspondence is no longer available. In 1934, minimum wage coverage was extended to male employees who replaced females at any work for which a minimum wage had been established. The next year, the Minimum Wage Board was given an additional responsibility, the administration of the newly enacted Industrial Standards Act. This legislation applied to industries not covered by minimum wage orders. At the request of representatives of employers or employees, the minister of labour could convene a conference to negotiate standards for wages and hours for all employees; if agreement was reached, it bound the whole industry. In 1937, administration of both the Industrial Standards Act and the Minimum Wage Act was given to a new Industry and Labour Board, and minimum wage coverage extended to both genders. The Minimum Wage Act was finally repealed in 1968, with the passage of the Employment Standards Act, providing for the proclamation of general standards for minimum wages and maximum hours. This act also prohibited wage differentials based on gender; minimum wage legislation was no longer linked to the perceived special needs of women, but to the right of all workers to a living wage.⁴³

Unfortunately for wage-earning women, the OMWB practice had not challenged established definitions of the proper relations between classes or between genders. In setting its cost-of-living budget, the board made no allowance for the support of dependants, or for savings for retirement. The board assumed that a woman could look for support to a man (or in limited circumstances, after the advent of mothers' pensions, to the state), if she had children, or became too old, ill, or feeble to work. The minimum wage rates set by the board ignored statistics showing that married women worked, showing the numerous applications for permits for older women who still supported themselves, but could not obtain work at the prescribed minimum, and the personal experience of board member Lydia Parsons of supporting herself, her alcoholic husband, and their children. Despite minimum wage legislation, most working women faced the prospect of poorly paid employment until they escaped into marriage to someone they hoped would treat them decently and earn enough for their support. In the board's view, that was their proper place. The board also cherished the ideal of harmonious relations between employers and employees. There were not two antagonistic classes, defined by their relation to the means of production, nor were there fundamental class divisions. To the board, there were classes of employers and classes of employees. When these were brought together in conference with the assistance of the board, the reasonable ones could agree. Organized labour was anathema, therefore, because it threatened this ideal, implicitly by its organization, explicitly in some statements of its more radical representatives. As the Willards case revealed, even when female employees had valid complaints about underpayments, the board assumed that

⁴³ *Statutes of Ontario*, 1934, c. 31; 1935, c. 28; 1937, c. 43; 1968, c. 35; *Labour Gazette* Supplement, January 1936, Appendix D, 111.

their demand for redress, since expressed through a labour organization, was an attempt by the labour *men* to cause trouble for the company. In the King Edward case, too, working women who sought the assistance of the labour movement received little from the board. Perhaps Macmillan was affronted by the rejection of his paternalism.

Faced with a conflict between the needs of employers and the needs of employees, the board favoured the employers. Minimum wage rates were set in consultation with employers, and then presented to labour. As Burns commented, after noting the generally low appropriations and lack of inspection staff for minimum wage boards in Canada, "the need for rigid enforcement [of minimum wage legislation] is here not so great as elsewhere, for the Acts are relatively popular, and the wages fixed are not so high as to constitute any great burden." Macmillan strenuously defended the low *minimum*, arguing that any hint of "luxury or extravagance, or even of superior comfort" in the cost-of-living budget would deprive the board of the "solid approval of the public." For employers who found the adult rate too high, there were generous provisions for exceptions — for workers whose productivity was reduced by age, infirmity, or handicap, for inexperienced or young workers, for 20 per cent of the pieceworkers in an establishment. Although the exceptions provided ample opportunity for deliberately evading payment of the legal wage, the board was eager to attribute any evasions to error. As Macmillan argued, employers "are on the whole a decent set of people, and do not want to pay starvation wages." Nor did women want to accept starvation wages, but they had less choice than did their employers.⁴¹

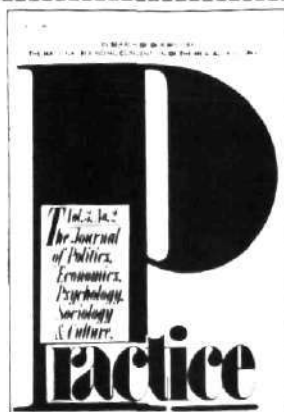
⁴¹ Burns, *Wages*, 160; Macmillan, *Limits*, 30.



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Four Toronto teachers, in a relaxed moment, in front of Church Street School, c. 1915. By this date, rising hemlines may have been a happy answer to the problem of keeping skirts clean in schools with dirty or oily floors. Church Street Pictures, No. 9, Toronto Board of Education Archives.