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Volume 31, 1993

URI: <https://id.erudit.org/iderudit/11t31art04>

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Publisher(s)

Canadian Committee on Labour History

ISSN

0700-3862 (print)

1911-4842 (digital)

[Explore this journal](#)

Cite this article

Porter, A. (1993). Women and Income Security in the Post-War Period: The Case of Unemployment Insurance, 1945-1962. *Labour/Le Travailleur*, 31, 111-144.

Article abstract

This paper examines how women fared in the Canadian unemployment insurance scheme from the end of the World War II until the early 1960s. The implementation of UI in this period reinforced women's marginal economic position, as they were channelled into low-wage sectors and their access to income security benefits limited. The latter resulted, in particular, from a special UI regulation for married women, in effect from 1950 to 1957. The eventual revocation of this regulation can be attributed to changes in women's labour force participation, in their political representation in women's organizations and trade unions, and in attitudes concerning the proper role for women.

# Women and Income Security in the Post-War Period: The Case of Unemployment Insurance, 1945-1962

Ann Porter

FEDERAL LABOUR MARKET POLICIES after World War II crucially shaped both the nature of women's labour force participation and their access to the postwar welfare state's social security provisions. This article explores how Canadian federal policy helped shape women's economic status during that period by examining how they fared in the unemployment insurance (UI) scheme from the end of the war until the early 1960s. It is argued that the federal state, in part through the implementing of the UI plan, played a critical role in reinforcing women's marginal economic position. In the case of UI, this occurred by channelling women into low-wage sectors and by limiting women's access to income security benefits. The latter resulted, in particular, from a special UI regulation for married women which was in effect from 1950 to 1957. The rationale for this regulation, its implications for women, and the factors leading to its eventual revocation, is a major focus of the article.

A second focus concerns the question of the formation and impetus for change in state policies, particularly with regard to women. The literature examining UI's implementation has tended to present state policies as the result variously of direct pressure from the business class,<sup>1</sup> state mediation between different classes with the goal of ensuring the long run stability of the system,<sup>2</sup> or the autonomous decisions made by bureaucrats and other state officials.<sup>3</sup> Such analyses, however,

<sup>1</sup>Alvin Finkel, *Business and Social Reform in the Thirties* (Toronto 1979), ch vi.

<sup>2</sup>Carl Cuneo, "State Mediation of Class Contradictions in Canadian Unemployment Insurance, 1930-1935," *Studies in Political Economy*, 3 (1980); Carl Cuneo, "State, class and reserve labour: the case of the 1941 Canadian Unemployment Insurance Act," *Canadian Review of Sociology and Anthropology*, 16(2)(1979).

<sup>3</sup>Leslie A. Pal, "Relative Autonomy Revisited: The Origins of Canadian Unemployment Insurance," *Canadian Journal of Political Science*, XIX:1 (March 1986); Leslie A. Pal, *State*,

Ann Porter, "Women and Income Security in the Post-War Period: The Case of Unemployment Insurance, 1945-1962," *Labour/Le Travail*, 31 (Spring 1993), 111-44.

cannot explain adequately either changes in state policies or what the implications of those changes may have been for women. Such an explanation requires greater understanding of the role of gender relations, including not only an examination of changes in the prevailing ideology, but also an assessment of the political organization of women and their relation to other social forces. The 1950s is commonly viewed as a period of retrenchment when the ideology of domesticity prevailed and women were relegated to the home. In fact, however, the position of women changed considerably during this period. Women, especially married women, entered the labour force in growing numbers, while women's organizations and trade unions became increasingly concerned with equality rights for female workers, and attitudes concerning the proper role of women began to evolve. It is these changes which must be examined in order to understand the change in UI policy with regard to married women workers.

The 1940 UI Act was one of the key pieces of legislation to shape Canada's postwar welfare state. It was seen as a way to maintain demand, to bring about greater industrial stability, and to provide workers with some form of income security in times of unemployment. Under the scheme, benefits were calculated as a proportion of earnings and were to be paid to unemployed workers who had contributed for at least 180 days during the two years immediately preceding the claim and who showed that they were capable of and available for work but unable to find suitable employment.<sup>4</sup> The plan was to be based on insurance principles and thus to have a sound actuarial basis.

Overarching responsibility for administering the UI program was vested in the Unemployment Insurance Commission, made up of a chief commissioner, a commissioner representing employees, and one representing employers. An Unemployment Insurance Advisory Committee (UIAC) was established to advise the Commission and to make recommendations regarding the Insurance Fund and the coverage of those not insured under the Act. It was made up of a chairperson and from four to six other members with an equal number of representatives of employers and employees, appointed by the Governor-in-Council in consultation with their respective organizations. As well, structures were devised to allow for the appeal of decisions made by UI officers. Those whose claim was disallowed had the right to appeal to a tripartite Court of Referees, again made up of representatives of employers, employees, and the government. Under certain conditions the decision of these Courts could, in turn, be appealed to an Umpire

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*Class and Bureaucracy: Canadian Unemployment Insurance and Public Policy* (Montreal 1988).

<sup>4</sup>For an overview of the provisions of the 1940 UI Act see Gary Dingledine, *A Chronology of Response: The Evolution of Unemployment Insurance from 1940 to 1980*, prepared for Employment and Immigration Canada (Ottawa 1981); Leslie Pal, *State, Class and Bureaucracy*; Ray Brown, "Unemployment Insurance and the National Employment Service," *Labour Gazette* (September 1950).

chosen from the judges of the Exchequer Court and the Superior Courts of the provinces.<sup>5</sup>

Although the origin of the UI system has been the subject of some debate,<sup>6</sup> until recently little attention has been paid to its implications for gender relations. This question has been addressed by Ruth Roach Pierson, who writes that "gender pervaded the 1934-40 debate on UI, and was inscribed in every clause of the resulting legislation."<sup>7</sup> Specifically, she found that the UI contribution and benefit structure of the 1940 Act reproduced sexually-unequal wage hierarchies; women's employment patterns and childcare responsibilities meant they were disadvantaged both in their ability to qualify and in the length of time they were able to draw benefits; women were virtually excluded from the higher levels of the administrative structure; and the prevailing ideology of the "family wage," which assumed that the male was the head of the household and that married women would be supported by their husbands, led to the inclusion of dependant's allowances in the UI benefit structure. Pierson suggests that, in the framing of the legislation, women's principal access to benefits was to be indirectly through the dependant's allowances.<sup>8</sup>

During World War II, women entered the labour force to an unprecedented degree. Their employment shifted from low-wage jobs in domestic service and unskilled occupations to higher-paid, skilled positions in manufacturing, and their average weekly earnings increased dramatically.<sup>9</sup> For example, women's overall labour force participation increased from 24.4 per cent in 1939 to a high of 33.5 per cent in 1944,<sup>10</sup> while their average weekly earnings rose from \$12.78 to \$20.89

<sup>5</sup>Dingledine, *Chronology*, 13.

<sup>6</sup>See, for example, Finkel, *Business and Social Reform*, ch VI; Cuneo, "State Mediation"; Cuneo, "State, class and reserve labour"; Leslie A. Pal, "Relative Autonomy Revisited"; Carl Cuneo, "Restoring Class to State Unemployment Insurance," *Canadian Journal of Political Science*, XIX:1 (March 1986); Pal, *State, Class and Bureaucracy*; James Struthers, *'No Fault of Their Own': Unemployment and the Canadian Welfare State, 1914-1941* (Toronto 1983).

<sup>7</sup>Ruth Roach Pierson, "Gender and the Unemployment Insurance Debates in Canada, 1934-1940," *Labour/Le Travail*, 25 (1990), 102.

<sup>8</sup>*Ibid.*, 93-5.

<sup>9</sup>For a discussion of the recruitment of women into the labour force during the war, see Ruth Roach Pierson, *"They're Still Women After All": The Second World War and Canadian Womanhood* (Toronto 1986), ch 1.

<sup>10</sup>Labour Canada, Women's Bureau, *Women in the Labour Force: Facts and Figures* (1973 edition) (Ottawa 1974), 227. The proportion of the female labour force in manufacturing increased from 27 per cent in 1939 to 37 per cent in 1943, while that in domestic service dropped from 18.6 per cent to 9.3 per cent. Canada, Department of Labour, *Canadian Labour Market*, (June 1946), 20.

in the same period.<sup>11</sup> Given these developments, to what extent did conceptions change concerning women's access to income security benefits?

Despite the upheavals brought about by the war, the federal government documents which helped to shape the postwar period continued to view women's role in much the same way as had been the case prior to 1939: women's place was seen as being primarily in the domestic sphere and the husband was viewed as the chief wage earner.<sup>12</sup> Both Leonard Marsh's *Report on Social Security for Canada* (1943) and the *White Paper on Employment and Income* (1945) expected that a large number of war-time women workers would retire voluntarily from the labour market either to resume or to take up their domestic role.<sup>13</sup> To Marsh, the social security system applied to a woman primarily "in her capacity as housewife."<sup>14</sup> And the 1943 Sub-committee on the Post-war Problems of Women (a subcommittee of the federally appointed Advisory Committee on Reconstruction), even while calling for "equality of remuneration, working conditions and opportunity for advancement" for women, believed nonetheless that either marriage or settlement on farms would be the best solution to the problem of large numbers of unemployed single women after the war.<sup>15</sup>

Federal government policy during the postwar reconstruction period reflected these views. Various measures were aimed at reducing women's, especially married women's, attachment to the labour force. These included the closing of daycares,<sup>16</sup> the renewal of civil service regulations barring married women from federal government work,<sup>17</sup> and income tax changes which provided a disincentive to married women to work for pay.<sup>18</sup> Other measures tended to steer women from the relatively well-paid jobs they had occupied during the war to the low-wage

<sup>11</sup>Canada, Department of Labour, *Canadian Labour Market*, (December 1946), 16. Before the war, the highest weekly wage paid to women was an average of \$15.83 in the fur goods industry. In contrast, during the war, in aircraft manufacturing, shipbuilding and repairs, women received an unprecedented average of \$31.81 per week. *Ibid.*, (June 1946), 20-1.

<sup>12</sup>See for example Leonard Marsh, *Report on Social Security for Canada, 1943* (Reprinted Toronto 1975), especially the chapter devoted to "women's needs", 209-14.

<sup>13</sup>*Ibid.*, 212; Canada, Department of Reconstruction, *Employment and Income with Special Reference to the Initial Period of Reconstruction* (Ottawa 1945), 3.

<sup>14</sup>Marsh, *Report on Social Security*, 210. The Marsh Report also discusses the suggestion (present in the Beveridge Report) that women's retirement from the labour force might be encouraged by a general marriage grant or bonus, or allowing previously employed women, on marriage, a commutation of all unemployment insurance contributions paid into the fund. He makes no recommendation on the subject however. *Ibid.*, 212-3.

<sup>15</sup>Gail Cuthbert Brandt, "'Pigeon-Holed and Forgotten': The Work of the Subcommittee on the Post-War Problems of Women, 1943," *Histoire sociale/Social History*, xv, 29, (May 1982), 253, 250.

<sup>16</sup>Pierson, *They're Still Women*, 55-60.

<sup>17</sup>*Ibid.*, 82.

<sup>18</sup>*Ibid.*, 49.

service sector — for instance, laid-off women were encouraged to undertake post-war training in such areas as domestic service, household management, waitressing and hairdressing.<sup>19</sup>

These measures largely were designed to ensure jobs for men at the end of the war. They were introduced amid fears that the high levels of unemployment that had characterized the Depression would recur, as might the unrest that had followed World War I.<sup>20</sup> The result was that women's labour force participation dropped from the 1944 high of 33.5 per cent to 25.3 per cent in 1946, and remained between 23 per cent to 24 per cent for the next nine years before increasing once again.<sup>21</sup> What is clear from these measures is that the postwar goal of maintaining a "high and stable level of employment and income"<sup>22</sup> really applied only to men. The notion of full employment was limited not only by the modest goal of a "high and stable" level, but was further restrained through its being applied only to a particular sector of the labour force. As one government document of the period noted, "women are encouraged only to enter the labour market when economic activity is at such a level that their employment will not prevent men from obtaining positions."<sup>23</sup> This meant that for women there was no attempt to ensure either employment or income, and indeed, that such security could be achieved for men only if large numbers of women were encouraged or coerced into leaving the labour force.

Thus, the state was involved in rebuilding a particular type of labour market structure which involved women moving from relatively highly-paid and highly-skilled wartime manufacturing jobs into part-time and insecure jobs in the low-paid manufacturing and the growing service sectors. This had the effect of maintaining women in a marginal position within the economy and in a status of economic dependence in the family. This, in turn, ensured the existence of a sizeable labour reserve. That women fulfilled this function was explicitly recognized by, for example, a Department of Labour document from the period which referred to women as the "number one worker reserve" to be "drawn into employment under emergency conditions."<sup>24</sup>

Two particular aspects of the postwar UI scheme contributed fundamentally to women's increased dependence on the male head of the household and their concentration in low-wage job ghettos. This occurred first, through the channelling of women into low-wage sectors and secondly, through the introduction in 1950 of a regulation imposing additional requirements on married women.

<sup>19</sup>*Ibid.*, 83-88.

<sup>20</sup>Brandt, "Pigeon-Holed", 239-40.

<sup>21</sup>Labour Canada, Women's Bureau, *Women in the Labour Force*, (1973 edition), 227.

<sup>22</sup>Canada, Department of Reconstruction, *Employment and Income*, 1.

<sup>23</sup>Canada, Department of Labour, *Canadian Labour Market*, (June 1946), 23.

<sup>24</sup>*Ibid.*, (August 1951), 1.

The UI scheme helped channel women into low-wage sectors partly through the way in which it was administered. Records of decisions made by the UI Umpire register numerous cases for the immediate postwar period in which women were disqualified from UI benefits for a specified interval because they had refused to accept work at a fraction of the pay they had been receiving during the war. Often they were expected to accept work in either the service sector or low-wage, female-dominated manufacturing sectors, although they previously had been employed either in the more highly paid manufacturing sectors or by the government. For instance, in 1946 a woman who had been employed as a radio examiner doing war work at 74.58 cents an hour was disqualified for four weeks after refusing general factory work at 45 cents an hour.<sup>25</sup> Another woman, employed as a brewery packer during the war at \$33.15 a week, was disqualified for six weeks when she declined a job as a confectionery packer at the industry's prevailing weekly wage of \$15.40.<sup>26</sup> Similarly, a woman employed by the Dominion government from 1940 to 1947 at \$152 a month was notified after almost six months of unemployment of a job as a ward aide at a local hospital for \$75 a month plus one meal a day for a 48-hour week. When she refused to apply on the basis that she knew nothing of the work and that she had spent time and a considerable amount of money obtaining mechanical drafting training, she was disqualified for six weeks because she had refused to apply for work at a suitable employment.<sup>27</sup> The four- or six-week disqualification in these cases was significant not only for the immediate loss of benefits, but because it indicated the expectations concerning the appropriate work for women even as it held out the threat of further disqualification should similar work be refused in the future.

Some indication of the extent to which women in particular were expected to accept work at reduced wages and in occupations other than those for which they had immediate experience is disclosed by surveying the UI Umpire's decision for 1945-46. Of the 138 appeals heard by the Umpire in this period, 22 were from women who had been disqualified (generally for six weeks) for refusing to accept work at drastically reduced wages and often in a completely different line of work.<sup>28</sup> The Umpire lifted the disqualification in only five of these cases, generally either because the woman had been unemployed for less than a month, or because the wages were considerably less than the prevailing wage in the industry.<sup>29</sup> During

<sup>25</sup>Canada, Unemployment Insurance Commission, *Decisions of the Umpire, 1943-1948*, CUB-168, 29 November 1946, 196.

<sup>26</sup>*Ibid.*, CUB-122, 6 September 1946, 158.

<sup>27</sup>*Ibid.*, CUB-317, 5 February 1948, 327.

<sup>28</sup>*Ibid.* It should be noted that the Umpire's decisions record only those cases which went through to a second level of appeal, and not of all instances of a particular type of disqualification.

<sup>29</sup>Significantly, in the 1945-46 period approximately 43 per cent of cases coming before the Umpire were brought by women, even though they made up only 34 per cent of the insured population. (Canada, Dominion Bureau of Statistics, *Annual Report on Current Benefit*

the same period, only two men appealed for somewhat similar reasons. In one case, the Umpire ruled that the man was justified in refusing the lower-paid and less-skilled job and the disqualification was lifted.<sup>30</sup> In the other, while the man initially refused the work offered because the wages were too low and the hours of work long, his appeal reveals little about the question of accepting work at lower wages. He appealed on the grounds that the doctor told him not to do strenuous work. In his case, the appeal was rejected because of an inadequate medical certificate.<sup>31</sup>

The issue of women being expected to accept work at low rates of pay was raised in the House of Commons by CCF members Stanley Knowles (Winnipeg North Centre) and Angus MacInnis (Vancouver East). Knowles noted that Ottawa married women who took temporary jobs during the war were required to pay UI, even though some asked to be exempted on the grounds that their jobs were only temporary. While women who were laid off from war-time jobs initially were granted UI when they met the usual conditions — that is, they were available for other work similar in character, and work was unavailable for them — women who subsequently applied for UI were offered wholly dissimilar jobs at much lower rates of pay. When they proved unwilling to take such jobs, they were told that they were thereby disqualified from benefits. Knowles referred to stories of:

married women who had become grade 2 or grade 3 stenographers and who were offered such positions as charwomen, assistants in laundries, ironers, work at slicing bread, icing cakes, baby sitting, housekeeping and so on. When they report that they are unwilling to take positions of this kind and feel that they should not be asked to take them within the meaning of the words "suitable employment," they are simply told by the people in the offices to whom they appeal that nothing can be done about the matter.<sup>32</sup>

MacInnis noted that one directive sent to him from the UI office in 1946 stated that an offer at a wage rate of 5 cents an hour lower than the former rate might be considered suitable after three weeks of unemployment, and that 10 cents an hour lower might be suitable after four weeks (the equivalent of about \$16 a month).<sup>33</sup>

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*Years Under the Unemployment Insurance Act, 1945, table A, 6)* In addition to refusing to accept work at reduced rates of pay, a number of women were disqualified for a certain period of time for such things as wanting to restrict hours of work because of domestic responsibilities, or leaving their job to follow their husbands to another city. In general, it seems that the UI scheme was designed with the male worker as a model, and that in a number of instances the position of women created certain anomalies and meant that they did not fit comfortably within the guidelines laid out by the Act.

<sup>30</sup>Canada, Unemployment Insurance Commission, *Decisions of the Umpire, 1943-1948* (Ottawa nd), CUB-165, 22 November 1946, 194.

<sup>31</sup>*Ibid.*, CUB-113, 25 July 1946, 149.

<sup>32</sup>Canada, House of Commons, *Debates*, 14 July 1947, 5637.

<sup>33</sup>*Ibid.*, 5638.



It appeared, however, that this directive did not apply to women. MacInnis cited the example of a woman who had been earning \$160 a month who was disqualified because she refused to accept a job at \$100 — a drop of \$60 a month. She appealed to the court of Referees. They sustained her disqualification because she had placed a restriction of \$125 a month on her services. The employment officer who gave evidence swore that no positions for “girls” that had been listed at the office carried a salary of \$125 a month.<sup>34</sup> To some extent private industry clearly played an important role in steering women into low wage sectors through their reluctance to retain or advertise higher-paid positions for women once the war was over.<sup>35</sup> But, state policy, including the UI system, also had a role to play in this regard.

The policy which most blatantly discriminated against women, however, was the 1950 regulation imposing additional requirements on married women who claimed UI benefits. During the first two and a half months that it was in operation, 10,808 women were disqualified.<sup>36</sup> The regulation remained in effect for seven years, during which time between 12,000 and 14,000 women annually were disqualified at a saving to the UI Fund estimated by the UI Commission at \$2,500,000 per year.<sup>37</sup>

Regulation 5A was brought into force by order-in-council P.C. 5090 effective November 15, 1950, following an amendment by the House of Commons to the UI Act (Section 38(1)(d)), empowering the Commission to make regulations with regard to married women. The regulation itself provided that a married woman would be disqualified from UI benefits for a period of two years following her marriage unless she fulfilled certain conditions that would prove her attachment to the labour force. Specifically, beyond the general requirements of being unemployed, capable of and available for work, and unable to find employment, a married woman had to work for at least 90 days a) after her marriage if she was not employed at the date of her marriage, or b) after her first separation from work after her marriage if she was working at the time of her marriage. She was exempt from the regulation, however, if her separation from work was due to a shortage of work or an employer’s rule against retaining married women, if her husband had died, become incapacitated, had deserted her or if she had become permanently separated from him. The regulations subsequently were amended somewhat. For instance, the 90-day requirement was reduced to 60, first for those required to work after the first separation after marriage (1951), and later in all cases (1952). The exemptions were also expanded, for instance, to include women who had left employment

<sup>34</sup>*Ibid.*

<sup>35</sup>A government document noted that in 1946 the greatest demand for women was concentrated in the lower-paying occupations such as service work, textile work, and unskilled positions. Canada, Department of Labour, *Canadian Labour Market*, (June 1946), 21-2.

<sup>36</sup>Canada, House of Commons, *Debates*, 19 February 1951, 453.

<sup>37</sup>Canada, Committee of Inquiry into the Unemployment Insurance Act, (Gill Committee) *Report* (Ottawa 1962), 31.

voluntarily with just cause for reasons solely and directly connected with their employment (1951).

Where did the impetus to enact such a regulation come from? Discussion of special UI provisions for married women had occurred as early as the 1930s. Pierson noted that it was assumed at the time that married women would be provided for by their husbands. Therefore, for married women to claim UI was "a contradiction in terms or, what was greatly feared, a way to defraud the system."<sup>38</sup> R.B. Bennett's 1935 UI Act (declared *ultra vires* of the federal government and never implemented) empowered the UI Commission to impose additional conditions on "special cases," which included married women. The 1940 Act, however, contained no such provision.<sup>39</sup> The framers of the 1950 married women's regulation cited similar strictures embodied in the British UI Act of 1935 and in a number of US states.<sup>40</sup>

Renewed pressure to enact such a regulation in Canada began as early as 1946 when large numbers of women, especially married women, were being laid off from former war industries or forced to leave full-time work due, for instance, to lack of childcare provisions or the reinstatement of bans on employing married women. Adding insult to injury, it was then suggested that married women were responsible for draining the UI Fund.<sup>41</sup> Pressure to enact such a regulation continued, however, well past the time when women war workers would have been collecting UI, and certainly, by the time it was enacted in 1950, few would have been in this category. Young married women in general, however, became targeted as abusers of the UI Fund.<sup>42</sup>

To some extent, the renewed interest in a regulation for married women can be seen as a continuation of the ideology, never really abandoned, of the family with a male breadwinner and a dependent wife. Pressure to enact such a regulation arose from a context of heightened emphasis on women's domestic role and on the

<sup>38</sup>Pierson, "Gender," 95.

<sup>39</sup>*Ibid.*

<sup>40</sup>See, for example, National Archives of Canada (NAC) Unemployment Insurance Commission (UIC) Records, RG50, vol. 53, 18th meeting UIAC, July 1950, UI Commission to UIAC, 27 June 1950.

<sup>41</sup>See, for example, NAC, UIC Records, RG 50, vol. 59, file 1, UIAC Correspondence 1946-1947, J.G. Bisson, Chief Commissioner to Hon. Humphrey Mitchell, Minister of Labour, 30 August 1947. Bisson noted that several people at the July 1947 meeting of the UIAC argued that the increase in total benefit paid out during the previous year largely reflected the laying off of married women and older persons employed during the war who would not ordinarily have been working or have built up benefit rights.

<sup>42</sup>See NAC, UIC Records, RG50, vol. 53, 16th meeting UIAC, July 1949, C.A.L. Murchison, Commissioner UIC to UIAC, 11 July 1949. Murchison suggested that there were two reasons for the drain on the Fund by married women. The first was married women who were laid off after the war, but by 1949 this group had practically ceased to be a problem. The second was the many young women who, on marriage, had no intention of continuing to work, but because job opportunities were not readily available, were able to draw benefits.

idea that now that the war was over, women should choose once again between employment and marriage, and that it was improper for those who chose the latter to collect UI benefits. This certainly was the view publicized in an Edmonton newspaper in 1946:

... it was never intended, surely, that a young woman quitting work in order to get married should thereupon become eligible to draw unemployment benefits. In such a case, the employe [sic] makes her choice between employment and marriage. If she choses [sic] the latter, she can hardly be said to be unemployed, in fact or theory ...<sup>43</sup>

In addition, two groups actively called for such a regulation. The first consisted of business associations such as the Canadian Manufacturers Association (CMA) and the Canadian Construction Association (CCA). These two groups submitted briefs in 1949 to the UI Advisory Committee (UIAC) which expressed concern about the large amount of unemployment benefits paid out during 1948-49 and which attributed this partly to the abuse of the UI Fund by married women and pensioners who, they argued, did not really wish to find work.<sup>44</sup> The CCA went so far as to argue that "the virility of the nation will suffer if people can receive support in this manner."<sup>45</sup>

The second source of pressure came from the UI Commission and the UIAC. Both bodies took up the view that married women were draining the Fund. In its report to the Governor-in-Council for the fiscal years 1946-47 through 1948-49, the UIAC drew attention to the amount of benefit disbursed to recently-married women who they suggested were representing themselves as unemployed when in fact they had actually withdrawn from the labour market, had no serious intention of working, and were not obliged by economic circumstances to obtain employment.<sup>46</sup> In July 1949, the Commission proposed a regulation stipulating that married women would be entitled to a benefit only if they contributed to the Fund for an additional period of time following marriage to prove their commitment to the labour force.<sup>47</sup> That same month, the UIAC endorsed this proposal in principle and recommended UI Act amendments empowering the Commission to make such a regulation.<sup>48</sup>

<sup>43</sup>NAC, UIC Records, RG50, vol. 60, UIAC Reports 1941-1947, "Raiding Jobless Insurance Fund," *Edmonton Journal and Edmonton Bulletin*, 20 December 1946.

<sup>44</sup>NAC, UIC Records, RG50, vol. 53, 16th meeting UIAC, July 1949, submission from Canadian Manufacturers Association to UIAC 13 July 1949; submission from Canadian Construction Association to UIAC 16 July 1949.

<sup>45</sup>NAC, UIC Records, RG 50, vol. 53, 16th meeting UIAC, July 1949, submission from Canadian Construction Association to UIAC 16 July 1949, 2.

<sup>46</sup>Canada, Unemployment Insurance Commission, *Annual Report*, (1951), 37.

<sup>47</sup>NAC, UIC Records, RG50, vol. 53, 16th meeting UIAC, July 1949, C.A.L. Murchison, Commissioner, UIC to UIAC, 11 July 1949.

<sup>48</sup>NAC, UIC Records, RG50, vol. 53, 16th meeting UIAC, July, 1949, "Minutes of the Meeting," 9.

A.D. Watson, the actuarial adviser (responsible for assessing the financial basis of the Fund), also played a role in pointing to married women as the source of a drain on the Fund. The concerns expressed in his December 1949 report virtually mirror those of the two business associations, pointing to the amount paid out in claims in 1947 and 1948, two years with extremely low levels of unemployment, and suggesting that married women and pensioners may have been guilty of drawing on the Fund when they had really left the field of employment.<sup>49</sup> He stated that:

... persons who are not available for insurable employment on account of some necessary work about the home ... or on account of illness, personal or in the family, or on account of a birth, marriage or death in the family ... have no right to benefit.<sup>50</sup>

This clearly targeted many women, not just because of their general, everyday domestic responsibilities, but because women have tended to assume a greater share of responsibility in times of illness or death of family members. Watson was concerned, too, about possible abuse because of extending benefits to seasonal workers. Here again, women were singled out: "[t]his is an area where married women may prove to be very effective claimants unless controlled by sound regulations."<sup>51</sup> Clearly the "actuarial ideology"<sup>52</sup> included a particular view of women — a view which coincided with that of the business organizations.

The attitude of state officials beyond the Commission and the UIAC was somewhat mixed, but generally supportive of the regulation. While one state official called it an "unjustifiable discrimination,"<sup>53</sup> the Deputy Minister of Labour, A. MacNamara, did not take this view. While stating on one occasion that "personally I am not of the opinion that the skulduggery reported to be going on in regard to married women is as extensive as we have been led to believe,"<sup>54</sup> nevertheless on other occasions stated that the regulations were not unfair and that he recommended them.<sup>55</sup> At yet another time, he adopted a fairly patronizing attitude, and clearly did not view as a cause for concern any harm that the regulation was likely to do to women. In a reply to Fraudena Eaton<sup>56</sup> (one of the few people

<sup>49</sup>NAC, UIC Records, RG50, vol. 53, 17th meeting UIAC, January 1950, "Actuarial Report for the UIAC," 23 December 1949, 24, 28.

<sup>50</sup>*Ibid.*, 28.

<sup>51</sup>*Ibid.*

<sup>52</sup>Leslie Pal argues that the administrative expertise involved in an insurance scheme took the form of an "actuarial ideology" which was largely removed from class forces. See Pal, "Relative Autonomy Revisited"; Pal, *State, Class and Bureaucracy*.

<sup>53</sup>NAC, Department of Labour Records, RG 27, vol. 3458, file 4-11, pt. 5, M.M. Maclean, Director, Industrial Relations Branch to A. MacNamara, 3 October 1950.

<sup>54</sup>*Ibid.*, MacNamara to W.A. Mackintosh, Chairman, UIAC, 4 October 1950.

<sup>55</sup>*Ibid.*, MacNamara to N. Robertson, Clerk of the Privy Council, 12 October 1950.

<sup>56</sup>During the war Fraudena Eaton was the head of the Women's Division of the National Selective Service agency created to oversee the recruitment and allocation of labour. See

who might have been considered by the government to be a spokesperson on women's employment issues), who had expressed concern about the regulation, he stated:

I suppose that there are quite a number of girls who have no intention of working after they get married who will be glad to have Unemployment Insurance Benefits to pay the instalment on the Washing Machine — or is it a new Television set?<sup>57</sup>

The UIAC labour representatives played a somewhat ambiguous role in the implementation of the regulation for married women. The minutes of the July 1949 meeting at which the regulation was approved in principle record no objection from any of the three labour representatives: George Burt, (Canadian Congress of Labour), Percy Bengough, (President of the Trades and Labour Congress), and Romeo Vallee (Canadian and Catholic Confederation of Labour).<sup>58</sup> At a subsequent meeting in July 1950 when a draft of the regulation was discussed and approved, both Burt and Bengough were absent<sup>59</sup> and thus neither the CCL nor the TLC had any representation.

It is significant that while the committee endorsed a proposal to require additional conditions for married women, it failed to agree on a similar proposal with respect to pensioners and older workers.<sup>60</sup> Clearly, organized labour's strong representation on the latter issue was a critical factor. The UIAC labour members

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Alison Prentice *et al.*, *Canadian Women: A History* (Toronto 1988), 297. In 1956 she became president of the National Council of Women. Rosa L. Shaw, *Proud Heritage: A History of the National Council of Women of Canada* (Toronto 1957).

<sup>57</sup>NAC, Department of Labour Records, RG 27, vol. 3458, file 4-11, pt. 5, MacNamara to Mrs. Eaton, 1 April 1950. Another exchange of letters is carried on in a similar vein. In response to a question about the case of "a girl" who marries her employer, the UIC legal adviser notes that "of course... she may obtain relief if her husband becomes incapacitated, dies or is permanently separated from her and I do hope that this provision will not encourage self-imposed widowhood and reveal whatever criminal tendencies a woman may possess." MacNamara takes this up and notes that "possibly the best thing for the girl to do would be to send off the attractive male." *Ibid.*, Claude Dubuc to MacNamara, 28 October 1950; MacNamara to Bengough, 30 October 1950.

<sup>58</sup>NAC, UIC Records, RG50, vol. 53, 16th meeting UIAC, July 1949, "Minutes of the Meeting." At least one state official expressed surprise at labour's position, noting that it seemed odd that the labour members of the UIAC had approved such a regulation, even in principle. NAC, Department of Labour Records, RG27, vol. 3458, file 4-11, pt.5, M.M. Maclean, Director, Industrial Relations Branch to MacNamara, 3 October 1950.

<sup>59</sup>NAC, UIC Records, RG50, vol. 53, 18th meeting UIAC, July 1950, "Minutes of the Meeting."

<sup>60</sup>NAC, Department of Labour Records, RG27, vol. 3458, file 4-11, pt. 5. G.M. Ingersoll to A. MacNamara, 23 November 1949. The issue was also raised at the meeting of the UIAC, January 1950 and the Committee agreed not to recommend amendment of the Act in this regard. NAC, UIC Records, RG50, vol. 53, 17th meeting UIAC, January 1950, "Minutes of the Meeting," 8.

unequivocally opposed this proposal.<sup>61</sup> Also, the Dominion Joint Legislative Committee, of the railway transportation brotherhoods presented a brief voicing strong opposition, arguing that it would be unfair to pensioned railroaders to adopt the proposed, requirement that they be eligible for benefit following compulsory retirement from the railway only after working an additional 15 weeks to prove their attachment to the labour force. The brief suggested that many would be denied benefits because they would be unable to find work and thus the principle on which benefits are normally paid would be reversed. The brotherhoods stated that "this obvious violation of the principles of the Act and the destruction of the equity and right of the potential claimant, when in need, must be recognized."<sup>62</sup> Their statement, however, refers only to pensioners and there does not seem to be a similar concern on the part either of the Railway Brotherhoods, or UIAC labour members, about the violation of principles as far as married women were concerned. It is also significant that following the proposal to impose additional conditions on pensioners, the labour bodies were able to secure an amendment to the UI Act to increase the size of the UIAC, so that by July 1950 the railway brotherhoods (along with the railway companies) had direct representation.<sup>63</sup>

Also, there clearly was discussion of the possibility of a trade-off whereby in exchange for regulations regarding married women or pensioners, other workers would be treated more liberally. The UIAC secretary noted that:

... the thought has been that if the Fund could be protected against the drain arising from fraudulent claims and claims from groups whose attachment to the labour market is not continuous or genuine, it would probably be possible to meet the demands of organized labour for a reduction of the waiting period and a change in the provisions governing non-compensable days.<sup>64</sup>

It is not clear, however, to what extent the labour unions participated in this discussion.

In the period immediately following the announcement of a possible regulation, the TLC and the CCL took somewhat different positions. Despite the silence or absence of the CCL representative on the UIAC, there were other indications that at

<sup>61</sup>NAC, Canadian Labour Congress (CLC) Files, MG28 I103, vol. 25, file 2 United Automobile, Aircraft and Agricultural Implement Workers of America, George Burt, 1947-50, Burt to A.R. Mosher, President, CCL, 9 August 1949.

<sup>62</sup>NAC, UIC Records, RG50, vol. 53, 17th meeting UIAC, January 1950, "Minutes of the Meeting"; submission, Dominion Joint Legislative Committee, Railway Transportation Brotherhoods.

<sup>63</sup>*Labour Gazette*, (April 1950), 534; (June 1950), 792.

<sup>64</sup>NAC, Department of Labour Records, RG 27, vol. 3458, file 4-11, pt. 5, Ingersoll to MacNamara, 7 October 1950. See also *Ibid.*, Ingersoll to MacNamara, 23 November 1949. A similar point was made at a meeting of the UIAC by the chairperson of the Committee. NAC, UIC Records, RG50 vol. 53, 17th meeting UIAC January 1950, "Minutes of the Meeting".

least some of the CCL members were opposed to such a regulation, and the CCL as a whole quickly took a position of strong opposition. At its October 1949 convention (following the acceptance in principle of the regulation), the CCL adopted a recommendation (ironically, from the Committee on UI, chaired by Burt) that the "Congress oppose any attempt to impose special qualifications [for UI] on pensioners and married women."<sup>65</sup> Individual staff members indicated their opposition to a married women's regulation,<sup>66</sup> while the March 1950 CCL brief to the federal government called the amendment which placed married women in a special category "a retrograde step."<sup>67</sup> At the September 1950 convention, the CCL Committee on UI stated that it viewed the new section of the Act allowing for the married women's regulation as "discrimination and restrictive, calculated to work an injustice on married women who out of economic necessity must remain in the labour market."<sup>68</sup> The Committee "strongly urged that the elimination of this section be sought and that the Congress strongly oppose all further attempts to enact such provisions into the Act."<sup>69</sup>

Two points clearly emerge from the CCL discussion of the issue. First, while there was concern about discrimination against married women, a more fundamental issue — expressed in the statements at the conventions, in the brief to the federal government, and by individual members — was that such a regulation was simply the thin edge of the wedge that would open up the possibility of similar actions being taken against other groups, particularly pensioners, and that the Act as a whole might be undermined.<sup>70</sup> Secondly, it is clear that when the regulation was first proposed in UIAC deliberations, there was neither the interest nor the ability to oppose a regulation for married women in the same way that there was for pensioners.

The TLC took a position that was somewhat more ambiguous. Its September 1950 convention resolved to express concern about the possible restriction of benefits for pensioners and married women and to urge "the Advisory Committee of the UI Commission to allow the payments of benefits to remain as they are at

<sup>65</sup>Canadian Congress of Labour, *Proceedings of the Ninth Annual Convention*, (October 1949), 96, 98.

<sup>66</sup>See, for example, NAC, CLC Files, MG28 I103, vol. 25, file 2, Andy Andras to Pat Conroy, Secretary Treasurer CCL, 7 March 1950; *Ibid.*, vol. 238, file 238-16, Sam Wolstein to Pat Conroy, 4 March 1950.

<sup>67</sup>*Canadian Unionist*, (April 1950), 80.

<sup>68</sup>CCL, *Proceedings of the 10th Annual Convention*, (1950), 76.

<sup>69</sup>*Ibid.*, 76-77.

<sup>70</sup>For example, the CCL brief to the federal government expressed the concern that such a regulation "is likely to lead to the undermining of the Act by the imposition of restrictions against other classes of workers." *Canadian Unionist* (April 1950), 80. See also NAC, CLC files, MG28 I103, vol. 25, file 2, Andras to Conroy, 7 March 1950; CCL, *Proceedings of the 10th Annual Convention*, (1950), 76.

present" (i.e. prior to the enactment of the regulation).<sup>71</sup> Nevertheless, Percy Bengough, a month later, in a memo to Deputy Minister of Labour MacNamara, stated that the married women's regulation was "both necessary and well thought out."<sup>72</sup> It seems that considerable weight was given to this latter position, for MacNamara stated that "in view of his attitude I think there should be no hesitation about putting through the regulations."<sup>73</sup>

In summary, the introduction of the married women's regulation must be seen in the context of a renewed emphasis on the pre-war ideology that married women belong in the domestic sphere. A policy restricting married women's right to UI was in keeping with the notion that they did not belong in the labour force, and that their status as dependents meant that they had more limited need for income security. The enactment of the regulation also reflected in part the overriding concern of both the business associations and the actuarial adviser (and through this person the UI Commission along with several UIAC members) with the scheme's actuarial soundness and the health of the UI Fund, their very limited conception of income security, and their belief that, given any chance, workers will be quick to defraud the system. This led to a somewhat contradictory view of women. On the one hand, the ideology of domesticity presented the image of the housewife content to take care of her family, worrying about their nutritional needs and providing the foundation for "true democracy."<sup>74</sup> On the other hand, the image presented by the promoters of the married women's regulation was that of the conniving married woman, calculating how to abuse the UI Fund to the maximum and who had to be "controlled by sound regulations."

The enactment of the regulation also has to be seen in the context of the constraints of the postwar economy, where limited employment opportunity was available, and where the enactment of "high employment" policies required the withdrawal of large numbers of women from the labour force. In the late 1940s for many women it was an economic necessity to work, but unlike during wartime, women, especially married women, had difficulty finding employment. To some extent, in a classic case of blaming the victim, married women were then singled out as extensive users of the system.

Finally, it is important to assess the nature of the organization and relative strength of the various social forces both inside and outside the state. The fact that

<sup>71</sup>Trades and Labor Congress of Canada, *Report of the Proceedings of the Annual Convention*, (September 1950), 444. The resolution was brought forward by the New Brunswick Federation of Labour.

<sup>72</sup>NAC, Department of Labour Records, RG27, vol. 3458, file 4-11, pt. 5, Bengough to MacNamara, 24 October 1950. He is referring both to the married women's and to another regulation.

<sup>73</sup>*Ibid.* MacNamara to Norman Robertson, Clerk of the Privy Council and Secretary to the Cabinet, 26 October 1950.

<sup>74</sup>The term is from the Subcommittee on the Postwar Problems of Women, Brandt, "Pigeon-Holed," 249.



the government's final position coincided with that of the business associations and the sections of the state whose views closely mirrored those of business (for example, the actuarial adviser) suggests the strength of the business position. At the same time, an assessment of the relative strength of different sections of the working class is critical in explaining why regulations were enacted against married women, but not other groups of workers. Reflecting no doubt both the attitude and membership of trade unions at the time, the interests of married women workers were not well represented by labour, and opposition equivalent to that concerning pensioners was not mounted. Nor were married working women well represented by women's organizations. Two that were particularly active at the time were the National Council of Women and the Canadian Federation of Business and Professional Women, both of them overwhelmingly middle-class in membership. As will be seen below, these groups initially did not speak out in opposition to the regulation. This meant that the interests of women workers were represented neither by the groups pressuring the state to enact particular policies, nor within the institutions of the state itself which were responsible for implementing UI.

It is significant that when the UIAC was established in 1940 there was a "woman's representative."<sup>75</sup> In 1947, however, the position for a woman on the UIAC was dropped.<sup>76</sup> The inability of women to retain representation on this latter body speaks to the relatively weak position of women in this period. As the Conservative MP Ellen Fairclough (Hamilton West) was later to point out, a large percentage of women in the labour force were not organized. Women were working as clerks in stores and in small places which were not unionized. Most had no voice in the administration of the Act, whether through labour unions, management, or as individuals. Thus it was "comparatively easy for the administration to legislate against them for the purpose of disqualification, whether justified or not."<sup>77</sup>

What did these regulations mean for the women concerned? Two sources provide some indication of how the regulation affected individual women. A number of cases were raised in the House of Commons. In addition, further evidence is provided in the decisions of the UI Umpire. A provision to which many objected was the requirement to work 90 days (later 60 days) *after the first job*

<sup>75</sup>NAC, UIC Records, RG50, vol. 59, Ingersoll to A.H. Brown, 30 April 1947. This was Miss Estelle Hewson, from the Border Branch of the Canadian Red Cross Society, Windsor.

<sup>76</sup>It is not clearly specified why this change took place. At this time the number of employer and employee representatives was increased from two to three and it was argued that this did not leave room for a women's representative, since the maximum number on the Committee was six plus the chairperson. It appears that the change may have been to ensure regional representation and to allow the addition of a representative from the Quebec labour movement. See *Ibid.*, MacNamara to V.R. Smith, 23 June 1947; Mackintosh to Stangroom 20 August 1946; Ingersoll to Brown, 30 April 1947.

<sup>77</sup>Canada, House of Commons, *Debates*, 10 June 1955, 4625. See also Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 26 May 1955, 187-8.

*separation* subsequent to marriage. This meant that women who were recently married and who left or were laid off from their jobs and did not meet the exemption requirements had to find *another* employment for 90 days before being able to collect their benefits, even if they had been working and paying contributions for many years. CCF member Clarence Gillis (Cape Breton South) provided an example of what this entailed in his region:

For example, the Maritime Telephone and Telegraph Company put in a dial system. When that happened a lot of women were let out. Many of them were married, and had gone back to work. Some of them had been working for as long as four or five years. But when they registered for unemployment insurance they were told that since this was their first separation after being married, they must go back and take employment for 60 days in order to qualify. That is the way it was administered. For many, many months we wrestled with that particular problem and it was never cleared up.<sup>78</sup>

CCF member Stanley Knowles pointed out that women not only had to be unemployed, but also had to find work in order to be eligible for benefits:

... you require of married women ... not only that they be available and not only that they report once a week; you require that they actually be at work. If a married woman needs work, wants it, and tries her best to get it but cannot get it then you deny her unemployment insurance benefits to which she is otherwise entitled because she has not proven her attachment to the labour market by actually being at work.<sup>79</sup>

Although women who became unemployed because of a shortage of work were exempt from the regulation, there were many other situations in which women who were laid off were disqualified for the two-year period following their marriage. For example, one case involved a woman who worked as a folder in a shirt and overall manufacturing company who said she had been laid off for not working overtime although she had not been told to do so, while the employer claimed that she was dismissed because her work was not satisfactory. She was disqualified for a period of two years from the date of her marriage.<sup>80</sup> Another situation brought forward by two locals of the United Electrical, Radio and Machine Workers of America (UE) involved 80 women who refused to be strikebreakers by returning to work under the employer's terms. The two women who were recently married were disqualified for the two years following marriage, while the other 78 were able to claim benefits while seeking employment else-

<sup>78</sup>Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 6 June 1955, 475.

<sup>79</sup>Canada, House of Commons, *Debates*, 18 May 1951, 3203.

<sup>80</sup>Canada, Unemployment Insurance Commission, *Digest of the Decisions of the Umpire* (Ottawa 1960), CUB 848, 21 August 1952.

where.<sup>81</sup> In another case, a woman writing to Stanley Knowles explained that she lost her job at the T. Eaton Co. when she got married because the policy of the department she was working in was not to employ married women. However, she did not qualify for an exemption to the married women's regulation since Eaton's stated that they had no *over-all* store policy with regard to married women. She was therefore disqualified from receiving UI for two years from the date of her marriage.<sup>82</sup> In her letter to Knowles she noted that:

The cost of living is so high that my husband and I find it very difficult to get along with only one of us working. For the past three months I have tried to get a job but have been unable to do so. An Insurance Officer told me in an interview that it was almost impossible to place me now that I was married and this same person also told me that I would have to work 90 days before I could claim benefits. When I appealed my case I asked the court how they expected me to work for 90 days if I was unable to find a job and they said "That is the \$64.00 question. We can't answer that."<sup>83</sup>

Many cases involved women who had left their employment or been laid off because of pregnancy. The Act had no specific provisions concerning pregnancy (whether in the case of recently married women, or others). By administrative ruling, however, insurance officers generally disqualified women for a six-week period before the expected date of confinement and for six weeks after it, on the grounds that they were not available for work.<sup>84</sup> Under the married women's regulation, however, married women who left or were laid off (as many were<sup>85</sup>) because of pregnancy were disqualified for a period of two years following marriage.

<sup>81</sup>Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 26 May 1955, 262.

<sup>82</sup>NAC, Stanley Knowles Papers, MG32 C59, file 19-A, UIC cases, correspondence 1942-1952, Mrs. Dora Doersam to Stanley Knowles, 10 May 1951; Milton F. Gregg, Minister of Labour to Stanley Knowles, 11 June 1951. In a subsequent similar case where a woman lost her job at the T. Eaton Co. because of department policy not to keep on married women, the decision to disqualify her was successfully appealed and the woman was therefore able to collect benefits. See Decision of the Umpire CUB 859, 5 September 1952. Quoted in *Labour Gazette*, (January, 1953), 118-9.

<sup>83</sup>NAC, Stanley Knowles Papers, MG32 C59, file 19-A, UIC cases, correspondence, 1942-1952, Mrs. Dora Doersam to Stanley Knowles, 10 May 1951.

<sup>84</sup>See NAC, UIC Records, RG 50, vol. 53, 16th meeting UIAC, July 1949, C.A.L. Murchison, Commissioner, UIC to UIAC 11 July 1949. See also NAC, Department of Labour Records, RG 27, vol. 3458, file 4-11, pt. 7, J.G. Bisson, Chief Commissioner, UIC, to Minister of Labour, 3 September 1954.

<sup>85</sup>See for example, Canada, Unemployment Insurance Commission, *Digest*, CUB 1101, 8 December 1954. In this case an employer laid off a pregnant woman six months before her due date and she was disqualified for two years from receiving UI.

Clarence Gillis spoke of a case of "rank miscarriage of justice" where a "little girl" in Sydney had paid into the UI fund for five years, had worked for more than 90 days after marriage, but was laid off because she was pregnant and had "slowed up a bit in her work." She was barred from UI benefits for two years.<sup>86</sup> (She would have had to find work for 90 days *after the first separation* subsequent to marriage in order to qualify.) While the regulation was amended in 1955 to allow an exemption if the separation from employment was due to "illness, injury or quarantine," this did not include pregnancy. In the words of the UI Umpire who ruled on the issue, "there can be no question of incapacity for work due to illness in the case of a mere pregnancy."<sup>87</sup> It seems that pregnancy was still considered a voluntary state, and that women who chose to enter that condition were not deserving of an independent source of income security.

One of the exemptions to the regulation was for those who voluntarily left their job for reasons solely and directly connected with their employment, such as a dangerous work situation (1951 revision). A number of cases cited involved women who left their jobs in order to follow their husbands to another city. They were disqualified for a period of two years following marriage, however, because they voluntarily left their jobs for personal rather than employment-related reasons.<sup>88</sup> (Other people who voluntarily left their employment without just cause generally were disqualified for a period of up to six weeks.<sup>89</sup>) This section of the regulation was later amended (1955) so that a woman moving to another city would qualify, but only if there were "reasonable opportunities for her to obtain suitable employment" in that area. The latter phrase meant that many women were still disqualified.<sup>90</sup>

Thus, in all these cases, it can be seen that the consequence of the regulation was to deny an independent source of income security to married women who otherwise were entitled to benefits. Married women were presumed guilty of abuse until they were able to prove otherwise, by finding employment subsequent to marriage.<sup>91</sup> The regulation, which implied that married women did not really need

<sup>86</sup>Canada, House of Commons, *Debates*, 13 June 1952, 3197-8.

<sup>87</sup>CUB 1215, 9 February 1956, reported in *Labour Gazette*, (April 1956), 428.

<sup>88</sup>Canada, Unemployment Insurance Commission, *Digest*, CUBs 772 and 773, 6 December 1951.

<sup>89</sup>Dingledine, *Chronology*, 13. Regulation 5A also went much further than the general provision of the Act in recognizing as just cause for leaving employment only those reasons solely and directly connected with employment.

<sup>90</sup>See, for instance, Canada, Unemployment Insurance Commission, *Digest*, CUB 1457, 7 February 1958. This issue was also brought up a number of times in the House of Commons. See, for example, Mr. Bryce in Canada, House of Commons, *Debates*, 11 August 1956, 7452.

<sup>91</sup>This was later pointed out by the CLC at the 1961 hearings of the Committee of Inquiry into the UI Act. See NAC, Gill Commission Records, RG33/48 vol. 10, Submission to the Committee of Inquiry into the Unemployment Insurance Act by the Canadian Labour Congress, 58.

the money and therefore should not be entitled to UI, was contrary to the basis of the scheme, according to which benefits are a right, not something for which a means test should be applied.<sup>92</sup> The over-all consequence for women of the measure was to increase their income instability, to increase their dependence on the male head of the household, and to reinforce the view that women's place was primarily in the household, where they were responsible for meeting the domestic requirements of the family.

What was the reaction of various groups and political actors after the regulation was enacted? Business organizations several times expressed their approval of the regulation.<sup>93</sup> Both the Commission and the actuarial adviser also went to considerable lengths to justify the regulation. For example, Watson, in his report of July 1954, calculated that while the number of married women in insurable employment was about half the number of single women, the number of benefit days paid to them was more than three times as great.<sup>94</sup> While seeming oblivious to the possibility that this might reflect the difficulty married women faced in finding permanent jobs, he argued that the claims of married women on benefit were excessive both as to number and duration.<sup>95</sup> The UI Commission took up this theme and stated that the proportion would be even higher if the regulation were not in force to control unjustified claims.<sup>96</sup> It also suggested that married women were using various tactics when they were sent to jobs to cause employers to reject them, so they could remain on UI. For instance, "trained stenographers who have been taking shorthand for years have suddenly found they have lost their knowledge."<sup>97</sup>

On the other hand, there were numerous protests against the regulation by labour organizations and women's groups, as well as by various members of the

<sup>92</sup>This was pointed out by Svanhuit Josie. NAC, Gill Commission Records, RG33/48 vol. 10, Submission to the Committee of Inquiry into Unemployment Insurance, 31.

<sup>93</sup>See, for example, NAC, UIC Records, RG 50, vol. 54, 24th meeting UIAC, July 1954, "Minutes of the Meeting." The Canadian Manufacturers Association stated that "it would be unsound to consider ... any changes in the Act or Regulations which would have the effect of increasing the drain on the Fund."

<sup>94</sup>NAC RG50, vol. 54, 24th meeting UIAC, July 1954, "Actuarial Report," 8-10.

<sup>95</sup>*Ibid.* He also made the suggestion that married women were contributing to the recorded rate of unemployment since they were only registering as unemployed for the purpose of collecting benefits and did not genuinely want employment.

<sup>96</sup>Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 6 June 1955, 463-8. Brief from Mr. Barclay, UI Commission. He noted that while married women made up 33.9 per cent of the insured labour force in 1954, they accounted for 51.4 per cent of all female claimants. *Ibid.*, 468.

<sup>97</sup>*Ibid.*, 464. This caused Ellen Fairclough to call Barclay's brief a "slander against women in employment." *Ibid.*, 469. The UI Commission also argued that since in the first month after they came into effect 18 per cent of women kept alive their application for employment, 5 per cent reported finding work and 77 per cent allowed their application to lapse, this proved that they were not really interested in finding employment. Canada, Unemployment Insurance Commission, *Annual Report* (1951), 38.

House of Commons. Ellen Fairclough, who appears at the time to have been the parliamentary spokesperson for women's organizations, was probably the most persistent of the MPs at calling for its elimination. She also urged on numerous occasions that there be provision for the representation of women on both the UI Commission and the UIAC, and on more than one occasion proposed amendments to that effect.<sup>98</sup> Stanley Knowles and Clarence Gillis of the CCF also, as noted above, played an important role in urging that "this discrimination against married women ... be eliminated."<sup>99</sup>

Of the central labour bodies, the CCL continued to play the most active role in protesting against the married women's regulation and in urging its repeal. Although the regulation did not top its list of concerns about UI in the 1950s (it generally being listed after such issues as the extension of coverage to other occupations, the increase in benefit rates, and so on), the CCL nevertheless had the most visible role (along with MPs) in calling for its repeal. CCL annual conventions consistently passed resolutions reiterating its opposition to the regulation.<sup>100</sup> In its annual brief to the federal government, its submissions to the UIAC and to the UI Commission, the CCL repeatedly expressed its opposition to the discriminatory treatment of married women claimants and called for the elimination, or at least drastic revision, of the married women's regulation and Section 38(1)(d) of the Act allowing the Commission to make regulations regarding married women.<sup>101</sup> Protests against the married women's regulation were also registered at meetings of the labour representatives on the Courts of Referees (attended by the CCL, TLC and CCCL). This was particularly the case for meetings in Quebec, where for example, "the members... insisted that the regulation be repealed."<sup>102</sup>

<sup>98</sup>See, for example, Canada, House of Commons, *Debates*, 18 June 1952, 3397. Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 26 May 1955, 183-7.

<sup>99</sup>Knowles, Canada, House of Commons, *Debates*, 4 June 1952, 2913.

<sup>100</sup>In addition to the resolutions passed at the 1949 and 1950 conventions (see notes 65, 68), resolutions on the subject were passed in 1951-1954. See CCL, *Proceedings of the Annual Convention*, (1951), 98; (1952), 71; (1953), 87; (1954), 94. In all cases the recommendation to abolish or significantly modify the married women's regulation is part of the Report of the Committee on Unemployment Insurance, which had consolidated the resolutions on the subject. In 1955 the Committee simply expressed surprise that amendments to the regulation recommended by the UIAC and the UI Commission were turned down by Cabinet. *Ibid.*, (1955), 97-8.

<sup>101</sup>For the annual briefs, see *Canadian Unionist*, (April 1950); (April 1951); (April 1952); (March 1953); (November 1954); (December, 1955). On the CCL submissions to the UIAC see NAC, UIC Records, RG50, vol. 53, 19th meeting UIAC, July 1951; 21st meeting UIAC, July 1952; 23rd meeting UIAC July 1953; RG50 vol. 54, 24th meeting UIAC, July 1954. On the submission to the UI Commission see NAC, CLC Files, MG28 I103, vol. 238, file 238-19; UIC "Minutes of the Meeting with Representatives of Labour Organizations, May 10, 1951."

<sup>102</sup>NAC, CLC Files, MG28 I103, vol. 239, file 239-11, "Minutes of a Meeting of the Employees' Representatives on the Courts of Referees in the Province of Quebec," 29 March 1952. See

One of the major labour initiatives on the issue was a 1951 joint submission to the UI Umpire by the three labour bodies (CCL, TLC, and CCCL), undertaken at the behest of the CCL.<sup>103</sup> The labour representatives argued that Section 38 (1)(d) and Benefit Regulation 5A had resulted in “unjustifiably discriminatory action against certain married women”; had introduced an inconsistency in the Act by creating a “class of persons” distinguishable not by the nature of their employment or by their wage arrangement, but merely by marital status; that the blanket disqualification of married women meant that the innocent were being made to suffer; that “this is flagrantly contradictory to our whole concept of justice and to the practice of law in this country” and “is a gross abuse of authority by the Commission and a strengthening of the dead hand of the bureaucracy.”<sup>104</sup> The labour submission further objected to the fact that the regulation was applied retroactively and that it was so restrictive that neither the Courts of Referees nor the Umpire had much leeway to modify the insurance officer’s decisions. Thus, argued the labour delegation, it curtailed and inhibited the right of appeal provided for in the Act.<sup>105</sup>

The Canadian and Catholic Confederation of Labour also clearly voiced its opposition to the married women’s regulation. In addition to participating with the other labour bodies in presentations to the UI Umpire and the UI Commission in which it urged the elimination of the regulation,<sup>106</sup> the CCCL, in its annual brief to Cabinet regularly requested the abolition of the sections of the UI Act and the Regulations which placed married women in a special category.<sup>107</sup> Indeed, in 1951 the CCCL devoted a whole section of their brief (considerably more than the other labour bodies) to the married women’s regulation, declaring that it could not agree to “the disqualification in advance of a whole category of insured persons simply because it is more difficult to verify their good faith.”<sup>108</sup>

The TLC, on the other hand, was somewhat less active in opposing the regulation. Resolutions continued to be brought forward and passed at TLC conven-

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also *Ibid.*, file 239-9, “Report on the Conference of Employee Members of the Courts of Referees in the Province of Quebec,” 18 February 1951; file 239-12, “Conference of Employee Nominees of the Courts of Referees in Ontario,” 19 April 1952. In the latter case only modifications in the regulation were recommended.

<sup>103</sup> NAC, CLC Files, MG28 1103 vol. 284, file UI part 5, 1951-1952, J. Marchand, CCCL to A. Andras, CCL, 7 March 1951; A. Andras to P. Conroy, 16 March 1951.

<sup>104</sup> NAC, CLC Files, MG28 1103, vol. 238, file 238-20, A. Andras to P. Conroy, 16 March 1951; “Joint Submission to the Umpire Re Appeals Against Disqualification Under Benefit Regulation 5A,” 1-6.

<sup>105</sup> *Ibid.*

<sup>106</sup> NAC, CLC files, MG28 1103, vol. 284, file UI part 5, 1951-1952, J. Marchand to A. Andras; *Ibid.*, vol. 238, file 238-20, “Joint Submission to the Umpire”; *Ibid.*, vol. 238, file 238-19, UIC, “Minutes of the Meeting with Representatives of Labour Organizations,” 10 May 1951.

<sup>107</sup> *Labour Gazette* (May 1951), 647; (April 1952), 411; (April 1953), 542; (December 1954), 1705; (January 1956), 50; (January 1957), 154.

<sup>108</sup> CCCL brief to the federal government. Quoted in *Labour Gazette* (May 1951), 647.

tions expressing opposition to and urging the repeal of the married women's regulation and accompanying statutes.<sup>109</sup> The TLC executive, however, appeared at best lukewarm in its opposition to the regulation. Unlike the CCL, it did not raise the issue in submissions to the UIAC.<sup>110</sup> In a 1951 joint meeting of labour representatives with the UI Commission, the TLC — unlike the other two labour bodies — did not argue that the married women's regulation should be revoked. It simply urged that the words "after her first separation" be dropped so that the additional 90 days that a married woman would have to work would simply be after her marriage.<sup>111</sup> The TLC executive council annual convention reports regularly recommended changes to the UI Act, but it was only in 1955 that one urged the removal of the married women's regulation.<sup>112</sup> Similarly, each year in its brief to the federal government, the TLC recommended changes to the UI provisions. But it was not until 1952 that this included changes to the married women's regulation and then it simply was stated that the regulation "should be given more sympathetic consideration" and that the 90 days required to establish benefit rights should be reduced to 60.<sup>113</sup> It was only in 1954 and 1955 that their brief called for abolishing the married women's regulation altogether.<sup>114</sup>

The Canadian Labour Congress, formed with the CCL-TLC merger of 1956, seems to have taken up the former CCL's strong opposition to the married women's regulation. For example, a 1957 brief strongly urged the removal of these regulations, stating that they "perpetuate inequities and discrimination, result in anomalies and undermine confidence in the Act."<sup>115</sup> Individual union locals also played a role in representing their members before the Courts of Referees and the Umpire and urging that the regulation be rescinded.<sup>116</sup>

<sup>109</sup>Trades and Labor Congress of Canada, *Report of the Proceedings of the Annual Convention*, (1951), 196, 276-7; (1952), 173-4; (1954), 475; (1955), 377.

<sup>110</sup>See, for example, NAC UIC files, RG50, vol. 53, 19th meeting UIAC, July 1951, TLC submission to the UIAC. The CCL presented submissions to the UIAC far more frequently than did the TLC.

<sup>111</sup>NAC, CLC Files, MG28 I103, vol. 238, file 238-19, UIC, "Minutes of Meeting with Labour Organizations," 10 May 1951.

<sup>112</sup>Trades and Labor Congress of Canada, *Report of the Proceedings of the Annual Convention*, 1949-1955.

<sup>113</sup>*Trades and Labor Congress Journal*, (April 1952), 14.

<sup>114</sup>*Ibid.*, (November 1954), 8; (January 1956), 9-10.

<sup>115</sup>NAC, UIC Records, RG 50, vol. 54, 32nd meeting UIAC, July 1957, CLC Submission to the UIAC, 3.

<sup>116</sup>The United Electrical, Radio and Machine Workers of America (UE) appears to have been particularly active in this regard. For example, they appeared, along with the CCL before the Umpire and requested that the Umpire recommend that Regulation 5A and the authorizing statute be rescinded. See CUB 655, March 22, 1951, reprinted in full in *Labour Gazette*, (May 1951), 711-3. Two locals of UE, as noted earlier, also appeared before the 1955 hearings on the amendments to the UI Act to protest about the case of two married women denied benefits



Women's organizations had a much less institutionalized forum for expressing their views on unemployment insurance than did the labour organizations. Again, this reflected their relative strength and organization at the time. Not only did organized labour have representation on the UIAC and the UIC, but it often made submissions to the UIAC. Women's organizations, on the other hand, had a much less visible presence. It seems they usually were not notified of hearings on the subject of UI or invited to attend.<sup>117</sup> Nevertheless, both individual women and women's organizations as a whole eventually came to play an important role in urging the repeal of the regulation. Two groups which took a stand on the issue were the National Council of Women of Canada (NCW) and the Canadian Federation of Business and Professional Women's Clubs (BPW).

The National Council of Women was an umbrella group to which a range of organizations — church-based, professional, and other — were affiliated.<sup>118</sup> While their meetings to some extent were concerned with arranging social functions, they also discussed and passed resolutions on many important matters of the day, ranging from the guaranteed annual wage to international peace. They supported equal rights and greater opportunities for women in many fields, including the appointment of women to the civil service commission, the Senate and the UI Court of Referees<sup>119</sup>; the right of women to serve on juries; and equal pay legislation.<sup>120</sup> On labour issues, however, their positions often reflected the middle-class bias of their membership. For example, the Economics and Taxation Committee of the NCW suggested that "women of Canada might use their influence to discourage wage demands."<sup>121</sup> On the issue of unemployment, their concern largely took the form of an effort to have their homes redecorated or renovated during the winter months. This was at least in part at the urging of the federal government which had undertaken a campaign to stimulate winter employment.<sup>122</sup>

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and to urge the elimination of the regulations. Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 26 May 1955, 262.

<sup>117</sup>It appears, for example, that they were not initially notified of the 1955 hearings on amendments to the UI Act. The issue was raised by Ellen Fairclough, Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 17 May 1955, 61.

<sup>118</sup>For an analysis of the National Council of Women in an earlier period see Veronica Strong-Boag, *The Parliament of Women: The National Council of Women of Canada, 1893-1929* (Ottawa 1976). See also Rosa L. Shaw, *Proud Heritage*.

<sup>119</sup>See, for example, NAC, National Council of Women (NCW) Papers, MG28 I25, vol. 97, file 7, Brief to Prime Minister St. Laurent December 1953; vol. 93, file 9, Milton F. Gregg to Mrs. R.J. Marshall, 5 September 1951.

<sup>120</sup>See for example, NAC, NCW Papers, MG28 I25, vol. 97, file 11, Resolutions, 1953-54.

<sup>121</sup>NAC, NCW Papers, MG28 I25, vol. 97, file 12, Annual Report, Economics and Taxation Committee, 1953-54.

<sup>122</sup>NAC, NCW Papers, MG28 I25, vol. 99, file 4, Newsletters 1954-55, January-February, 1955, 7; vol. 100, file 16, Newsletters 1955-56, February 1956; vol. 125, file 2, Correspondence

On the question of the married women's regulation, there was little recorded discussion until the mid-1950s. When a resolution was passed on the issue by the Council of Women of West Algoma in 1951, it was not brought forward to the annual NCW meeting because members of the executive who were in contact with the UI Commission expressed the view that the Commission was dealing with the issue and thus "they did not think anything would be gained by Council action at the present time."<sup>123</sup> In 1953 the issue was discussed in a number of local councils.<sup>124</sup> There is little indication of the content of these discussions, although the Winnipeg Trades and Professions Committee did note that "since recent amendments to this Regulation there appears to be a minimum of hardship imposed on married women ... The benefit fund...is definitely *not* a subsidy...."<sup>125</sup>

At the 1954 annual NCW meeting, a resolution was nevertheless brought forward by the Trades and Professions Committee of the Toronto Council of Women that Regulation 5A be rescinded and that the "UI Commission take the same action to protect the Unemployment Insurance Fund against unjust claims from married women as is taken with other categories of claimants."<sup>126</sup> The government's case that married women were claiming a disproportionate amount of benefit was presented by Ruth Hamilton, UIC adviser on women's employment,<sup>127</sup> and after some discussion, the resolution was defeated by 139 to 41

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1957-58, Michael Starr to Mrs. Eaton, 9 October 1957; vol. 125, file 3, Correspondence 1958-59, Mrs. Rex Eaton to "Dear President."

<sup>123</sup>NAC, NCW Papers, MG28 I25, vol. 92, file 4, Agnes Reau, Chairman, Committee on Resolutions to Mrs. D.F. Duncan, Corresponding Secretary, Fort Williams, 30 April 1951. The view that the UI Commission was dealing with the matter was expressed by Mrs. Finlayson, NCW representative to the National Employment Committee of the UI Commission and Mrs. Turner Bone representative "to the Montreal branch."

<sup>124</sup>This was at the request of Isabel Finlayson who suggested that the local Laws and Trades and Professions Committees find out about the application of Regulation 5A in their locality. NAC, NCW Papers, MG28 I25, vol. 96, file 7, I. Finlayson to "Madame Chairman," 6 November 1953.

<sup>125</sup>NAC, NCW Papers, MG28 I25, vol. 96, file 10, Local Councils of Women, 1953-1965, "Report of Trades and Professions Committee presented to Winnipeg Council, 23 April 1954." See also *Ibid.*, vol. 97, file 12, Standing Committees, 1953-1954, "Report of the Committee on Laws"; "Report of the Trades and Professions Committee, June 1954."

<sup>126</sup>NAC, NCW Papers, MG28 I25, vol. 96, file 1: Annual Meeting, 1954, "Minutes, 61st Annual Meeting June 25-July 1, 1954," 4.

<sup>127</sup>Women had somewhat more representation in the employment section of the UI commission than they did with respect to the administration and coverage of the insurance itself. For example, not only was there an adviser on women's employment within the UI commission administrative structure, but women also had representation on the National Employment Committee which oversaw the operations of the employment offices under the jurisdiction of the UI commission. For example, the NCW had a representative on this committee in the 1950s. Rosa L. Shaw, *Proud Heritage*, 199.

votes.<sup>128</sup> This position was reversed, however, when the same resolution passed at the NCW's 1956 convention.<sup>129</sup> Subsequently, the NCW made representations requesting that the married women's regulation be rescinded both to the labour minister<sup>130</sup> and to Prime Minister Louis St. Laurent.<sup>131</sup>

The BPW brought together women in business and the professions and thus tended to be more focused on the issue of women's employment opportunities. They also passed resolutions on a variety of issues that would improve the position of women. They urged the introduction of equal pay legislation, the removal of discrimination against married women in the federal civil service, the appointment of women to the Senate, the establishment of a women's bureau by the federal government, and so on.<sup>132</sup> On numerous occasions, the BPW passed resolutions urging the federal government to appoint a woman to the UI Commission<sup>133</sup> and that the UI Act be amended to include "sex" as a basis for nondiscrimination in referring applicants to employers (this already was the case with respect to race, creed, colour, ancestry, and origin).<sup>134</sup> Resolutions at both the 1954 and 1956 biennial conventions were passed urging the revocation of the married women's regulation.<sup>135</sup> Representations urging the repeal of the regulation were subsequently made to the federal Minister of Labour, to the Industrial Relations Committee examining the 1955 revisions to the UI Act, and to both Prime Ministers St. Laurent and John Diefenbaker.<sup>136</sup>

<sup>128</sup>NAC, NCW Papers, MG28I25, vol. 96, file 1: Annual Meeting 1954, "Minutes, 61st Annual Meeting June 25 - July 1, 1954," 4.

<sup>129</sup>The convention proceedings do not reveal the reasons for this abrupt change. See NAC, NCW Papers, MG28 I25, vol 100, file 1: Annual Meeting, "NCW, Resolutions for Annual Meeting, 1956"; vol. 103, file 7: P.M. and Cabinet Correspondence 1956-1957, Milton F. Gregg to Mrs. F.F. Worthington, 30 October 1956, acknowledging receipt of recommendation that the married women's regulation be rescinded.

<sup>130</sup>NAC, NCW Papers, MG28 I25, vol. 103, file 7, PM and Cabinet: Correspondence, 1956-57, Milton F. Gregg to Mrs. F.F. Worthington, 30 October 1956.

<sup>131</sup>*Labour Gazette*, (March 1957), 267.

<sup>132</sup>See, for example, NAC, Papers of the Canadian Federation of Business and Professional Women's Clubs (BPW Papers) MG28 I55, vol. 44, "Minutes of the 13th biennial convention, July, 1952."

<sup>133</sup>See, for example, NAC, BPW Papers, MG28 I55, vol.44, "Minutes of the 10th Convention, July, 1946," 3; vol. 65, Resolutions: 15 June 1948; vol. 45, "Minutes of the Meeting of the Board of Directors 4 June 1955," 6.

<sup>134</sup>NAC, BPW Papers, MG28 I55, vol. 12, "Report of Chairman of Standing Committee on Legislation, 1950-52."

<sup>135</sup>NAC, BPW Papers, MG28 I55, vol. 44, Minutes of the Biennial Convention, July 1954, 38; Minutes of the Biennial Convention July 1956, 19; vol. 45, Reports 1954-56.

<sup>136</sup>At Fairclough's request, the Ontario BPW sent a telegram urging the deletion of discriminatory clauses against married women to the labour minister as the 1955 amendments to the UI Act came before the House. See NAC, BPW Papers, MG28 I55, vol. 34, 1955 Correspondence, BPW of Ontario, Ontario Provincial Conference, 30 September-2 October

The married women's regulation was revoked on 15 November 1957 by PC 1957-1477, shortly after Diefenbaker's Conservative government came to power. Labour Minister Michael Starr announcing the order in council, cited two reasons for it: a dislike of discrimination, and the continually increasing importance and permanence of married women as working women.<sup>137</sup> In addition, as noted above, both labour and women's groups played a critical role in pushing for the revocation of the regulation. While labour had been more consistently and for a longer period of time urging the abolition of the married women's regulation, the addition in the mid-1950s of the voice of women's organizations was nevertheless crucial.<sup>138</sup> The position of women's groups was given added weight by the fact that Ellen Fairclough, a member of the BPW who for many years had spoken out against the discrimination of women in this regulation, had become a cabinet minister (although not directly responsible for UI) in the new Diefenbaker government.<sup>139</sup>

The question of a special regulation for married women remained a contentious issue into the early 1960s. The issue came up again in the UIAC where, at the request in 1959 of one of the employer representatives, the Commission prepared a memorandum outlining the history of the married women's regulation, providing figures that showed that the proportion of married women claiming benefit had increased since the regulation had been revoked<sup>140</sup> (which is hardly surprising, given the number that had been excluded), and reasserting that "many married women are claiming benefit when they are not really unemployed and available for employment and unable to find work."<sup>141</sup> The Commission also suggested a

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1955, Report of the Provincial President. The representation to the Industrial Relations Committee took the form of a telegram from the BPW sent to both the labour minister and Fairclough. Canada, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 6 June 1955, 472-3. On the meetings with Prime Ministers St. Laurent and Diefenbaker, see NAC, BPW Papers, MG28 155, vol. 81, *The Business and Professional Woman*, xxv, (May-June 1957), 6; xxv, (January-February 1958), 16.

<sup>137</sup> Canada, House of Commons, *Debates*, 15 November 1957, 1171-2.

<sup>138</sup> The role of these groups is frequently cited in assessments of why the regulation was eventually revoked. See, for example, Canada, Committee of Inquiry into Unemployment Insurance (Gill Committee), *Report*, 38. NAC, Gill Commission Records, RG33/48, vol. 10, Svanhuit Josie, Submission to the Committee of Inquiry into Unemployment Insurance, 1961, 32; NAC, CLC files, MG28 1103, vol. 285, UI Misc. Inquiries 1959-1960, part 2, Andras to O'Sullivan, 9 February 1960.

<sup>139</sup> Fairclough's role was recognized by Fraudena Eaton, President of the NCW when, in a letter to Fairclough she noted "I recognized that your firm hand on this matter strengthened the hand of the Minister of Labour." NAC, NCW Papers, MG28 125, vol. 125, file 2: Correspondence 1957-58, Mrs. Rex Eaton to the Honourable Ellen Fairclough, 19 December, 1957.

<sup>140</sup> NAC, UIC Records, RG50 vol. 56, 38th meeting UIAC, April 1960; UI Commission to UIAC, 12 July 1960, "Impact of Benefit Regulations to Married Women," 3. The memorandum noted that benefit payments to single women increased by 60 per cent between 1957 and 1958, while payments to married women rose by 80 per cent.

<sup>141</sup> *Ibid.*, 6.

number of possible solutions, including a return to the old regulation; that a married woman could be excluded from receiving benefit if her husband was employed; that a married woman could be disqualified as not available for employment if she had children under school age, and so on.<sup>142</sup> Unlike a decade earlier, however, UIAC members were unable to agree on a recommendation to reinstate some form of regulation for married women. While the employer-members were in favour of such a regulation, the labour representatives were opposed to it. Thus, in the end, no recommendation was forthcoming.<sup>143</sup>

There were also attempts on the part of the Canadian Manufacturers' Association to bring back the regulation. For example, in the CMA's 1959 brief, it was stated strongly that "abuses must be eliminated ... or the Fund will be drained by special minority groups at the expense of the majority of contributors," and that "[a]lthough the Married Women's Regulations were reasonable and designed solely to limit a manifest abuse, they were attacked by women's organizations and labour unions which claimed that married women were being discriminated against."<sup>144</sup> This was followed in 1960 by a virulent letter to the labour minister which argued that UI Act changes had "resulted in dangerous dissipation of the Unemployment Insurance Fund," and identified seasonal workers and "certain types of workers who have left the labour force such as housewives and retired persons" as the source of the drain.<sup>145</sup>

The question of the status of unemployed married women and their use of the UI system also surfaced at the 1960 hearings of a Senate special committee on manpower and employment. Dr. Warren James<sup>146</sup> cited figures to show that a disproportionate number of those registering at UI offices for jobs were married women, particularly under the age of 45, young people, and men over 65.<sup>147</sup> For example, he found that the proportion of women registered for jobs at UI offices who were married (67 per cent) was much greater than the proportion of married

<sup>142</sup>*Ibid.*, 6-7.

<sup>143</sup>NAC, UIC Records, RG50, vol. 56, 40th meeting UIAC, October 1960, "Special Report of the UIAC resulting from Meeting October 27, 1960."

<sup>144</sup>NAC, Department of Labour Records, RG 27, vol. 3458, file 4-11, pt.8, Submission to the Standing Committee on Industrial Relations of the House of Commons on Bill C-43, An Act to Amend the Unemployment Insurance Act by the Canadian Manufacturers' Association, 21 May 1959, 13, 16.

<sup>145</sup>NAC, Department of Labour Records, RG 27, vol. 3458, file 4-11, pt. 8, J.C. Whitelaw, General Manager, Canadian Manufacturers' Association to Michael Starr, Minister of Labour, 20 December 1960.

<sup>146</sup>Dr. James was formerly of the Dominion Bureau of Statistics, then working for the Department of National Defence.

<sup>147</sup>Canada, Senate, *Proceedings of the Special Committee of the Senate on Manpower and Employment*, 1960, 217-8.

women in the labour force as a whole (46 per cent).<sup>148</sup> He also calculated that two-thirds of married women had a "somewhat tenuous attachment to the labour market,"<sup>149</sup> and concluded that "there are some systematic influences at work which lead many of these people to register for jobs although their membership in the labour force is clearly often marginal."<sup>150</sup>

The economist Sylvia Ostry, appearing before the Committee as an academic expert, similarly drew attention to the phenomenon she referred to as "schizoid respondents" — married women, elderly men, and seasonal workers who classified themselves as "unemployed and seeking work" for the purpose of collecting UI, but not when asked the question by the monthly labour force survey administered by the Dominion Bureau of Statistics.<sup>151</sup> Both of these studies were taken up in the Senate committee's report, which suggested that the high proportion of married women registering for jobs at UI offices "reflects some features of the unemployment insurance system which merit attention."<sup>152</sup>

The actual use that these experts made of the statistics is, it should be noted, highly questionable. It repeatedly was pointed out that the concept of unemployment used in Dominion Bureau of Statistics labour force survey could not be compared to that used for UI purposes.<sup>153</sup> For example, in the labour force survey, if a person had been laid off because of bad weather, or with instructions to return to work within 30 days, he or she was not considered unemployed, yet was entitled to draw UI benefit. Similarly, a person working at all during the survey week, even for part of a day, was not considered as unemployed, but could be drawing UI.

<sup>148</sup>*Ibid.*, 218. The figures on married women registered for jobs is from a survey conducted at the UI offices; those on the proportion in the labour force are from the monthly labour force survey administered by the Dominion Bureau of Statistics.

<sup>149</sup>*Ibid.*, 238. This was based on the number indicating that it was not financially necessary to work (and included those indicating that "the extra money is desirable and useful" or that they "like to have something useful to do"), who preferred part time or temporary work, and the proportion whose husbands were working full time. *Ibid.*, 209, 236-8.

<sup>150</sup>*Ibid.*, 252.

<sup>151</sup>*Ibid.*, 364-6. Such a comparison had also appeared in early reports of the Commission. For example, Barclay, one of the UI Commissioners, noted that in 1946-49 more women were claiming UI benefits than were reported by the labour force survey as without jobs and seeking work. Canada, House of Commons, Standing Committee on Industrial Relations, *Minutes of Proceedings and Evidence*, 6 June 1955, 464.

<sup>152</sup>Canada, Senate, *Report of the Special Committee of the Senate on Manpower and Employment* (Ottawa 1961), 65.

<sup>153</sup>This was pointed out, for example, by a staff person at the UI Commission. See NAC, UIC Records, RG 50, vol. 53, 18th meeting UIAC, July 1950, W. Thomson, Supervisor of Analysis and Development Division UI Commission to Chief Commissioner, 20 July 1950. Ostry also notes some of the differences between the two measures, but nevertheless compares the two. Canada, Senate, *Proceedings*, 356-63. The differences are also indicated in Canada, Senate, *Report of the Special Committee of the Senate on Manpower and Employment*, 14.

What is lacking in these studies from the period is any analysis of the particular employment situation of married women, or any suggestion that perhaps both the high rate of claims and the high proportion registering for work at UI offices might reflect the difficulty such women had in obtaining jobs, and their concentration in vulnerable employment areas, where they were more likely to be laid off. That such might have been the case was suggested, for instance, in various statements during the early 1950s by the Women's Division of the National Employment Service (the section of the UI Commission that referred people to jobs). For example, the division reported that in 1950 there was a steady increase in the number of female applicants registered at local offices of the Commission for whom it was not possible to find suitable employment. This situation was attributed at least in part to the rising cost of living in Canada and the necessity for married women to find work in order to augment family incomes.<sup>154</sup> In both 1951 and 1952, the division had difficulty filling orders for secretaries, stenographers, and typists although competent women with good qualifications were available:

...it was generally the experience of placement officers that most of these applicants were married or in the older age brackets, and thus could not meet requirements of employers' orders in many instances. Despite efforts of employment officers to persuade employers to consider such applicants, the general trend was for single women well under thirty years of age.<sup>155</sup>

The Women's Division reported in 1954 that the number of unplaced female job applicants had steadily increased, while the number of job vacancies had decreased.<sup>156</sup> Women also appear to have been over-represented among those placed in casual jobs by the UI employment service, and therefore would be more likely to have renewed claims for benefits. In 1952, women accounted for 36.3 per cent of regular placements, but 63 per cent of casual placements.<sup>157</sup>

In fact, it appears that women as a whole were not drawing a disproportionate number of claims. Svanhuit Jose, a labour economist appearing at a later round of hearings, pointed out that when account was taken of both single and married women (and many married women had previously contributed as single women), it was evident that a much smaller proportion of women were drawing benefits than were in the insured population and that the proportion of UI money they received was even less. Specifically, she calculated that between 1942 and 1959 women made up from 25 per cent to 34 per cent of the insured labour force, but accounted for a minimum of 13 per cent and a maximum of 26 per cent of those drawing benefits, and that the proportion of money paid out that went to women varied from

<sup>154</sup>Canada, Unemployment Insurance Commission, *Annual Report*, (1951), 25.

<sup>155</sup>*Ibid.*, (1952), 14. See also *Ibid.*, (1951), 25.

<sup>156</sup>*Ibid.*, (1954), 14. The division does not distinguish between married and single female applicants.

<sup>157</sup>Quoted by Ellen Fairclough. Canada, House of Commons, *Debates*, 18 June 1952, 3396-7.

11 per cent to 26 per cent.<sup>158</sup> What her figures show is that, far from being a drain on the UI Fund, women as a whole in fact were *subsidizing* it! Nor is there any indication that the UI Fund was actually being drained. The balance in the Fund rose steadily from the time it was started to a peak of \$927 million in December 1956.<sup>159</sup> It reached such a high point that the CCL suggested it was over-funded and that the benefit rate consequently should be increased.<sup>160</sup>

The subject of married women's regulations came up a final time during the 1961 hearings of the Committee of Inquiry into UI (the Gill Committee). The committee was set up in part because by the end of the 1950s, unemployment had risen to seven percent and for the first time there was a depletion of the UI Fund. Its terms of reference included determining "the means of correcting any abuses or deficiencies that might be found to exist." A long list of business organizations accused married women (again, along with older workers and seasonal workers) of draining the Fund and urged the reinstatement of married women's regulations.<sup>161</sup> This included the Canadian Manufacturers' Association and the Canadian Construction Association (both of which seemed to have changed their position little in the intervening 10 years) as well as the Canadian Retail Federation, the Canadian Chamber of Commerce, the Canadian Life Insurance Officers' Association, the Canadian Metal Mining Association, the Canadian Lumberman's Association (which claimed that "the greatest abuse is from married women"), and the Canadian Pulp and Paper Association (which argued that "secondary" wage earners should be subjected to more stringent requirements than heads of families). Office Overload, describing itself as giving employment to more than 15,000 mostly married women every year and one of the largest employers of female office workers in Canada, while not calling specifically for regulations for married women, did state that "coming into daily contact as we do with so many temporary workers — as most of these married women are in the labour force for a relatively short period of time... we are exposed to perhaps more than our share of abuses of the U.I. Fund."<sup>162</sup>

Yet, a number of organizations rejected the reinstatement of regulations for married women. In some respects the tenor of the hearings with respect to women had changed considerably since the time the regulation first was enacted. First, women, both as individuals and as members of organizations, had a more visible presence. Of the two major women's organizations, the NCW in this instance

<sup>158</sup>NAC, Gill Commission Records, RG 33/48, vol. 10. Submission to the Committee of Inquiry into the Unemployment Insurance Act by Svanhuit Jose 1961, 34.

<sup>159</sup>Canada, Committee of Inquiry into the Unemployment Insurance Act, *Report*, (Ottawa 1962), 1.

<sup>160</sup>The point was made by Stanley Knowles, quoting a CCL document. Canada, House of Commons, *Debates*, 4 June 1952, 2913.

<sup>161</sup>NAC, Gill Commission Records, RG 33/48 vol. 10 for all briefs.

<sup>162</sup>NAC, Gill Commission Records, RG 33/48, vol. 10, Submission to the Committee of Inquiry into the Unemployment Insurance Act from Office Overload Co. Ltd., October 1961.



provided the stronger statement with regard to the possibility of a new regulation for married women, declaring that they were "unalterably opposed to any change in regulations which would be prejudicial to the rights and interests of women, whether married or single."<sup>163</sup> The BPW brief contained no specific reference to the question of regulations for married women, but did recommend the inclusion of "sex" in clauses preventing discrimination in employment.<sup>164</sup> A second change was greater support from labour unions on the issue. The National Legislative Committee of the International Railway Brotherhood, which 10 years previously had represented only the interests of pensioners, now stated "its opposition to discrimination against any particular group."<sup>165</sup> A number of other groups and individuals appearing before the committee expressed similarly strong and unequivocal opposition to the reinstatement of regulations restricting benefits to married women. This included the CLC, the Government of Saskatchewan, and Svanhuit Josie, who appeared as an individual before the Committee and expressed concern about "the attacks on working women — most of them unfounded."<sup>166</sup>

Thus, despite the studies of the experts and the requests from business groups, the married women's regulation was not reinstated.<sup>167</sup> This change in state policy reflected a shift in two respects in the position of working women — especially married working women. First, changes were beginning to occur in the prevailing ideology concerning the proper role for women. Between 1951 and 1961, women's overall labour force participation role increased from 24 per cent to 29 per cent while that of married women doubled from 11 per cent to 22 per cent and it had increased more than five times (from approximately 4 per cent) since 1941.<sup>168</sup> Married women were becoming an increasingly important source of labour both for the growing service sector and the state. This development meant that the idea that women only worked for a short time before marriage and then belonged in the home no longer corresponded to the reality of women's lives. It seemed increasingly anomalous for state policy to be based on such a notion. That changes were beginning to occur in the prevailing ideology is evidenced, for example, in the statement by the Labour Minister, Starr, in announcing the revocation of the

<sup>163</sup>NAC, Gill Commission Records, RG 33/48, vol. 10, Submission from the National Council of Women.

<sup>164</sup>NAC, Gill Commission Records, RG 33/48, vol. 10, Submission from the Canadian Federation of Business and Professional Women's Clubs.

<sup>165</sup>NAC, Gill Commission Records, RG 33/48, vol. 10, Submission from the National Legislative Committee, International Railway Brotherhood.

<sup>166</sup>NAC, Gill Commission Records, RG33/48, vol. 10, Submission from Svanhuit Josie, 11.

<sup>167</sup>The Gill Committee recommended that no special regulations be enacted relating to married women, although they did suggest more active claims supervision. *Canada, Committee of Inquiry into Unemployment Insurance, Report*, 12.

<sup>168</sup>Sylvia Ostry, *The Female Worker in Canada* (Ottawa 1968), 3-4.

regulation, the increased acceptance of the notion that women should be paid equally for work that they perform and so on.<sup>169</sup>

Secondly, there was beginning to be a change in the representation of women's interests in the political arena, later to become more clearly articulated in the "second wave of feminism" of the 1960s. As women came to play an increasingly important role in the paid labour force, their interests came to be better represented both by labour and by women's organizations. While figures on the number of women in unions are not available for this period,<sup>170</sup> increased concern about women workers on the part of labour by the late 1950s can be seen in the growing number of discussions on the role of women in trade unions, the formation of white-collar organizing committees, and the establishment of women's committees in some of the central labour bodies.<sup>171</sup> Women's organizations also had a renewed

<sup>169</sup>By 1961 equal pay laws had been enacted by eight provinces and by the federal government. *Labour Gazette* (June 1965), 518.

<sup>170</sup>The Department of Labour in their publication, *Labour Organization in Canada* did report on the percentage of trade union membership made up of women until the early 1950s. They noted, however, that the figures were unreliable since many of the local labour unions did not differentiate on the basis of sex in their membership records. See, for example, *Labour Organization in Canada*, (1948), 19; (1949), 21. In 1953 they discontinued the reports. When the *Labour Gazette* produced a special issue on women in the labour force in 1954, they requested, but were unable to obtain, this information from the central labour bodies. For examples of both the TLC and the CCL inability to provide such figures, see NAC, CLC files, MG28 I103, vol. 269, Dept. of Labour, Misc, Part 2, 1952-56, Bengough to H.J. Walker, 19 February 1954; vol. 190, file 6: Federal Dept. of Labour correspondence, Part 1, 1950-54, Burt to Dowd, 3 February, 1954. In 1954 the CCCL estimated that more than a third of its members were women. *Labour Gazette* (March 1954), 389. In 1963 women accounted for 16.3 per cent of trade union membership. Canada, Ministry of Trade and Commerce and Dominion Bureau of Statistics, *Annual Report under the Corporations and Labour Unions Return Act, Part II: Labour Unions, 1963* (Ottawa 1966) 37, table 15A.

<sup>171</sup>For example, in 1959 a special course on the role of women in trade unions was held for the first time at the CLC Ontario summer school and it was also noted that each year the number of women enrolled in various courses had increased. *Labour Gazette* (September 1950), 910. In 1952 the CCCL decided to reserve one of its vice-presidencies for a woman and it also established a women's committee that was active from 1952-1956 and from 1960-1966. See Lucie Piche, "Entre l'accès à l'égalité et la préservation des modèles: Ambivalence du discours et des revendications du Comité Féminin de la CTCC-CSN, 1952-1966", *Labour/Le Travail*, 29 (Spring 1992); *Labour Gazette* (March 1954), 389. In 1960 a women's committee was also established in the Ontario Federation of Labour. *Labour Gazette* (December 1960), 1290. In 1959 the CLC established a committee to coordinate white collar organizing. *Labour Gazette* (August 1959), 797. Individual unions had already established office worker departments. For example, Eileen Tallman was the head of the Office Workers Department of the United Steelworkers of America from 1952 to 1956. It should be noted that while women clearly formed a high proportion of white collar workers, organizing in this area was not necessarily presented as a "women's issue."

interest in equality rights for women workers, as evidenced not only by their actions with respect to UI, but also through their efforts to have equal pay legislation introduced, to have a woman's bureau established in the federal Department of Labour, and so on. Particularly important, on certain issues, labour and women's organizations now had a commonality of viewpoint. The result was that whereas in 1950 it was possible to enact a regulation that disqualified a large number of married women from receiving UI benefits, by 1960 this was no longer possible.

### *Conclusion*

IT HAS BEEN SEEN that the postwar UI scheme contributed in two ways to the tendency to restrict both employment possibilities and income security for women. The first was that in the years immediately following the war, women — unlike men — were disqualified for a period of time from receiving UI unless they accepted work in low-wage sectors, often at a fraction of the pay they had received during the war. The second was the introduction in 1950 of a regulation imposing additional conditions on married women. These policies combined had the effect of disqualifying a large number of women from receiving benefits to which they were otherwise entitled, denying many married women an independent source of income security, and contributing to the concentration of women in low-wage job ghettos. The consequence was to increase women's dependence on the male head of the household and to reinforce the view that women's place was primarily in the domestic sphere.

A second concern of the article has been the question of the formation and dynamic of change in state policies, particularly with regard to women. In this respect, a greater understanding of the role of gender relations, including changes in the prevailing ideology as well as in the relative strength and political representation of women, is important. The married women's regulation was introduced in the context of the economic constraints of the postwar period, where there was a renewed emphasis on the idea that married women belonged in the domestic sphere, but not in the labour force. As the 1950s progressed, however, there was a considerable erosion in this ideology of domesticity. As married women entered the labour force in increasing numbers, the idea that they belonged exclusively in the home no longer corresponded to the reality of their lives. It became more difficult to justify a policy that was based on such an assumption. In addition, in the late 1940s, working women, who constituted a relatively small part of the labour force, were not well represented either by labour or by women's organizations. By the late 1950s, however, both groups began to pursue more actively the issue of equal rights for women workers. The combined opposition of both these groups to a policy that discriminated against certain women was key both in the revocation of the married women's regulation and in ensuring that a similar one was not later reinstated.