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Securing the Male Breadwinner: A Feminist Interpretation of PC 1003

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Résumé de l'article

J'examine ici l'identification implicite et non explorée du C.P. 1003 à la cause des travailleurs masculins. Telle synthèse est plus qu'une image, c'est la substance. À la lecture à contre-courant de l'expérience, je remets en question l'hypothèse habituelle à l'effet que le C.P. 1003 vise de façon inhérente et exclusive les relations emploi/classe.

Jusqu'à maintenant, les études portant sur le C.P. 1003 ont présumé sans problème que des catégories telles le travail et les travailleurs étaient des touts homogènes, impliquant alors que les hommes et les femmes partageaient des expériences communes. De plus en plus, cependant, les critiques féministes en sciences sociales ont démontré jusqu'à quel point la place des femmes au travail et à la maison différait de façon importante de celle des hommes. Et cela vaut autant à l'intérieur des classes sociales qu'entre elles. Alors, toute analyse visant à comprendre l'importance d'une loi, telle le C.P. 1003 pour le monde ouvrier au Canada, doit examiner son impact tant sur les femmes que sur les hommes.

Contrairement à l'approche habituelle en relations industrielles, j'ai défait des catégories telles « le travail » pour examiner la place différente des hommes et des femmes dans le système de relations du travail de l'après-guerre. Suite à ma relecture, le C.P. 1003 vise fondamentalement les droits de la classe ouvrière masculine. À l'unisson avec d'autres politiques d'après-guerre, le C.P. 1003 est basé sur la prémisse que les gagne-pain, les travailleurs, étaient des hommes. On considérait alors les femmes comme des non-travailleuses, des dépendantes, peu importe les circonstances individuelles. Alors les droits conférés par le C.P. 1003 (droit d'association, droit de libre négociation et droit de grève) ont été modelés selon les besoins des travailleurs masculins, et ces droits ont été exercés presque exclusivement par eux. Par contre, la classe ouvrière féminine a été mal servie par le C.P. 1003. À part quelques exceptions, la grande majorité des femmes employées dans le secteur privé sont demeurées non syndiquées.

Cela est ma prétention que j'étaie par trois arguments interreliés. D'abord, je soutiens que les droits des travailleurs ont effectivement été ceux des travailleurs masculins parce que ce sont seulement eux qu'on voyait comme gagne-pain et pour qui la négociation collective était à la fois nécessaire et légitime. On définissait alors les travailleuses comme épouses et mères sans droit aucun à des emplois stables à bons salaires et à la représentation syndicale. Ensuite, le C.P. 1003 a accordé des droits aux hommes (et non aux femmes) en ce qu'il a consacré un modèle industriel des droits des travailleurs. Ce qui est apparu dans les années 40 constitue un compromis visant à étouffer l'agitation des cols bleus dans les industries de production de masse et des ressources. En pratique, on a promu la négociation collective obligatoire pour les travailleurs industriels masculins seulement. Enfin, le C.P. 1003 a supporté et encouragé la croissance d'un modèle masculin de négociation collective. Par là, il faut comprendre que le modèle du C.P. 1003 a autant légitimé qu'encouragé une forme particulière de négociation collective qui institutionnalisait les droits et les privilèges visant à protéger et à promouvoir les intérêts économiques de la classe ouvrière masculine en excluant et en marginalisant les femmes.

En conclusion, j'examine les implications d'une analyse sur la base du sexe du C.P. 1003 pour l'étude des femmes et des relations industrielles. À ce sujet, il est à noter que le défaut d'examiner l'impact particulier de la négociation collective sur les femmes a mené à la conclusion simpliste que les femmes et les syndicats ne font pas bon ménage. Cette forte présomption a priori a fait concentrer l'attention sur les différences entre hommes et femmes oubliant ainsi les obstacles très réels confrontant les femmes cherchant à devenir gagne-pain de bon droit. Il est donc de croyance populaire que les hommes, par nature, sont à la fois gagne-pain et chefs de famille et que les femmes sont leurs obligées, des non-travailleuses. On a accepté sans critique comme sexuellement neutres ces politiques basées sur ces hypothèses.

Donc, les conséquences d'une analyse fondée sur le sexe sont essentielles à la construction de la théorie. Un débat de fond en relations industrielles vise la mesure dans laquelle les intérêts des travailleurs et des employeurs sont conflictuels de façon inhérente. Dans cette discussion, les chercheurs ont sans critique fait l'hypothèse que les hommes et les femmes d'une même classe sociale partagent des intérêts économiques communs. Une telle hypothèse n'est plus valable. Un système de relations industrielles est, entre autres choses, un système de relations basées sur le sexe. Ignorer cette dynamique sexuelle propre aux relations d'emploi est analogue à étudier les relations du travail sans reconnaître la centralité du conflit industriel. L'un comme l'autre ne font pas de bonnes relations industrielles.

Securing the Male Breadwinner
A Feminist Interpretation of PC 1003

ANNE FORREST

First, the author argues that labour's rights have been effectively the rights of working-class men because only men were constructed as family breadwinners for whom collective bargaining was both necessary and legitimate. Working-class women, by contrast, were defined as "non-working" wives and mothers, so had no claim to steady jobs at good wages or to union representation in their own right. Secondly, PC 1003 accorded rights to men (but not women) inasmuch as it codified an "industrial model" of workers' rights. Thirdly, PC 1003 supported and encouraged the growth of a "male model" of collective bargaining. Finally, the author briefly discusses the implications of a gendered analysis of PC 1003 for the study of industrial relations.

The story of PC 1003 – the victory that was labour's – is the story of men. The workers, the organizers, the strikers: all were men. It was their industrial "muscle," their daring and bravado that won the day. The sit-down strike at the Hughes Foundry, the blockade of cars at Ford, the "naval battle" in Hamilton Harbour: these were the actions that shook the presumption of managerial control to its very foundations.

It is this historical image – the implicit but unexplored identification of PC 1003 with the cause of working-class men – that provides the theme for this paper. This synthesis, I argue, is more than image; it is substance. Reading the historical record "against the grain,"[1] I challenge the commonly

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1. Reading against the grain is a technique developed by feminist scholars to discover the legacy of women "missing" from androcentric accounts of humankind.

held assumption that PC 1003 is inherently and exclusively about employment/class relations. On my rereading, PC 1003 is fundamentally about the rights of working-class men.

In this paper, I deconstruct apparently ungendered categories such as "workers" and "organized labour" to examine the different position of men and women in the post-war industrial relations system.[2] In unison with other post-war policies, PC 1003 was premised on the assumption that workers/breadwinners were men. Women, by contrast, were constructed as non-workers/economic dependents, regardless of their individual circumstances.[3] Thus it was that the rights achieved under PC 1003 – the right to organize, the right to strike, and the right to "free" collective bargaining – were shaped by the needs of workers/men and, over the years, have been exercised almost exclusively by men. Working-class women, by contrast, have been badly served by PC 1003. With few exceptions, the vast majority of women employed in the private sector remain unorganized (White 1993).

This claim is explored using three inter-related arguments. First, I argue that labour's rights have been effectively the rights of working-class men because only men were constructed as family breadwinners for whom collective bargaining was both necessary and legitimate. Working-class women, by contrast, were defined as "non-working" wives and mothers, so had no claim to steady jobs at good wages or to union representation in their own right. Secondly, PC 1003 accorded rights to men (but not women) inasmuch as it codified an "industrial model" of workers' rights. What emerged in the 1940s was a compromise designed to quell unrest among blue-collar workers in the mass-production and resource industries. As a practical matter, therefore, the promise of compulsory collective bargaining was made only to industrial workers/men. Thirdly, PC 1003 supported and encouraged the growth of a "male model" of collective bargaining. By this I mean that industrial relations law on the PC 1003 model both legitimized and encouraged the development of a particular form of collective bargaining that institutionalized rights and privileges designed to protect and advance the economic interests of working-class men by excluding and marginalizing women. Finally, in the concluding section, I discuss the implications of a gendered analysis of PC 1003 for the study of industrial relations.

2. To date, studies of PC 1003 have unproblematically assumed that working people, whether men or women, stand in the same relationship to labour law. Exceptions to this rule are Ursel (1992: 248–252) and Fudge (1993).

3. The proportion of single-parent households in 1941 (12.2 percent) was only marginally lower than in 1991 (12.9 percent) (*Globe & Mail*, February 18, 1994).

THE GENDER OF THE BREADWINNER

Contrary to popular belief, World War II was not an economic milestone or turning point for women. The years 1939–1945 "did not mark any major advances towards equality in the workplace" (Sangster 1985: 74). Not only were the conventional distinctions between men's and women's work left intact, women's contribution to the war effort did not secure their "right" to work for wages in the post-war period. In Pierson's (1986: 11) view, the recruitment of large numbers of women to work outside the home during the war "represented no concession of the principle of women's right to work." Other scholars agree: the government's goal was to maximize the use of female labour "for the duration," not to support the integration of women into the labour market on a permanent basis (Ursel 1992: 202).

The popular image of the emancipated "working girl" with few responsibilities and money in her pocket reflected the reality of only a small minority of Canadian women.[4] For most, the war imposed new responsibilities[5] and deprivations. Thrust into the unfamiliar roles of single parent and family provider, thousands of women were confronted with the need to go "out to work" for the first time in their lives.[6]

Government programmes designed to ease women's entry into the labour force fell well short of actual need. The income tax system was amended to permit families a tax deduction for working wives; however, for much of the war the majority of working-class families fell below the threshold for paying tax.[7] A much larger impediment was the limited availability of childcare. Government-funded day-nurseries were intended only to meet the needs of women employed in designated war industries (Prentice 1989: 116).[8] For women employed in industries not classified as essential — i.e., the vast majority — publicly funded day-care was unavailable (Scheinberg 1994: 163). Even in industrial centres such as Brantford, St. Catharines, and

4. Sugiman (1994: 39) reports that relatively few Canadian women were employed in heavy industry during the war by comparison with American women.

5. In addition to their paid work, women supported the war effort daily: "someone had to collect the salvage and the contributions to Victory Loans and to pass out information on how to practice domestic economies necessary for the war effort" (Pierson 1986: 35).

6. The inadequacy of military pay (Scheinberg 1994: 163) suggests that wives of enlisted men sought employment out of economic need as well as patriotic duty.

7. However, the tax burden increased throughout the war so that, by 1944, fewer than one-quarter of Canadian families were exempt from paying income tax (Ursel 1992: 183).

8. Only Ontario and Quebec accepted federal funds to establish day nurseries. Other provinces argued that they were insufficiently industrialized so did not need childcare programmes intended for workers in war industries (Prentice 1989: 116).

Oshawa, day-care facilities were not established until 1943 (Sugiman 1994: 58).

At work, women – even those hired into heavy industry – were likely to be assigned to designated "women's jobs" in women's departments; few were integrated into the larger, male work force. "One of the myths about World War II holds that it broke down the sexual division of labour and removed the sexual barriers to occupations" (Pierson and Cohen 1984: 233). In fact, the majority of women were employed in traditional "women's work," not in war industries. Fewer than one in six held jobs in manufacturing and almost half of those were employed in textiles (not a war industry), where they continued to be restricted to "women's jobs" despite an acute shortage of men. Scheinberg (1994: 180–181) describes the lengths to which one textile firm went to avoid putting women on "men's jobs."

Government policy was to protect men's privileged position as skilled workers in industry. Although labour shortages appeared early on, government-sponsored industrial training for women remained in short supply. Well into the war, the training directed at women continued to focus on traditional women's skills: domestic service, dressmaking, power sewing machine operating, and handicrafts. Not until 1941, when the supply of men fell short of demand, were women eligible for industrial training; even then, they were assigned a lower priority than male applicants (Pierson and Cohen 1984).

Pierson and Cohen (1984: 216–219) conclude that while some women were being trained for jobs that "belonged" to men, wartime training programmes did not equip women for lifetime careers as industrial workers. Initially, courses ran for three months; however, increased specialization in industry led to the introduction of a wide variety of shorter courses. For women, training courses generally lasted from two to six weeks, and were sometimes as short as a single day, which inevitably confined them to a narrow range of unskilled jobs.

When women were hired to replace men, the War Labour Board made it possible for employers to reclassify jobs by creating new, lower paid categories for less experienced women and youth (Ursel 1992: 203). Responding to Ford's application for permission to hire women into its all-male factory, the WLB recommended that the proposed wage, already significantly lower than that paid to men performing the same work, be reduced. Board members went so far as to visit Windsor in an effort to convince union leaders that their insistence on the principle of equal pay for equal work would disrupt the economy (Sugiman 1994: 46).

New patterns of job segregation emerged during the war. While demarcation lines were redrawn in some industries, the distinction between men's and women's work remained essentially undisturbed (Pierson and Cohen

1984: 233).[9] In any event, women's limited claim to "men's jobs" ended with the armistice.

For women, home and marriage were a popular, though far from universal, choice after the war. When enlisted women were asked about their post-war plans, "home-making" was ranked second to stenography.[10] And at least two other surveys confirmed the attachment of many women to the labour force: in one, 72 percent and in the other, 80 percent of the women questioned intended to continue working outside of the home; of those who were married, fully one-half hoped to keep their jobs after the war (reported in Pierson and Cohen 1984: 222).

In theory, women, including married women, were accorded the right to work outside the home in post-war Canada. In practice, however, their role was defined much as it had been prior to 1939: "one unchanging assumption was that women had a special responsibility for and tie to the domestic sphere" (Pierson and Cohen 1984: 233). Marriage and motherhood were promoted as the defining roles for women — the foundation of "true democracy" (Brandt 1982) — and both were thought to be incompatible with full-time employment outside the home.

The government's post-war goal of maintaining a "high and stable level of employment and income" applied only to men; indeed, it was thought that economic security could be achieved for men only if large numbers of women left the labour force (Porter 1993: 115). Various measures were aimed at reducing women's, especially married women's, attachment to the labour force. The federal government withdrew the funds available for childcare programmes[11] and cancelled the tax concession for employed wives. In 1950, the unemployment insurance programme was altered to exclude married women as full claimants; thereafter, their status was one of dependant (Porter 1993: 111). As a result, the labour force participation of women, which had risen to 33.5 percent during the war, quickly dropped, reaching its post-war nadir of 23.5 percent in 1954 (Pierson 1986: 215).

For those women who wished to continue to work for pay, the range of job opportunities was severely narrowed. Women laid off from their wartime jobs were denied the training required for "good jobs" in industry and encouraged to undertake training in domestic service, household management, waitressing and hairdressing (Porter 1993: 114–115). There were even plans

9. This finding reflects a similar experience in the United States. See, for example, Milkman (1987) and Gabin (1990).

10. Note that the design of the survey presumed that homemaking and paid work were mutually exclusive choices.

11. Publicly funded childcare, "which had been defended as a support to the family and a measure of prevention against juvenile delinquency was re-fashioned as a communist threat and evidence of mother's neglect" (Prentice 1989: 116).

afoot to solve the anticipated problem of large-scale unemployment among single women by settling them on farms. But it was marriage, not paid work, that was considered the real solution (Brandt 1982: 250). Many major employers, including the federal government,[12] reimposed their pre-war ban on the employment of married women. And once married, a woman's "job" was in the home.

The assumption that women would remain at home necessitated that men earn a "family wage." Yet, the ideal of the single-earner household was unattainable for many working-class families. Any number of inquiries reported that thousands of Canadian families, particularly those with three or more children, could not meet basic needs.[13]

Herein lay the legitimacy of organized labour's claim to a right to union representation. The justice of the industrial workers' cause hinged to a great extent on men's "natural" roles as family heads and breadwinners. There was considerable public support for the plight of working men humiliated and emasculated by the abuse of managerial power on the job. Stories of the indignities suffered by men in desperate need of employment to support their families – plying the foreman with liquor or painting his porch to secure a job – abounded.

Prior to World War II, the practice of collective bargaining had been limited to a small minority of predominantly craft workers, and only they had been assured of a wage sufficient to support a dependent wife and children comfortably. The 1940s, by contrast, was a decade in which unskilled and semi-skilled men sought to broaden and deepen the parameters of that privileged group. Union representation was the means by which working-class men asserted their claim to the status of family breadwinner.

THE INDUSTRIAL/MALE MODEL OF WORKERS' RIGHTS

The right to organize and the right to strike were forged in the crucible of industrial conflict: on this point all commentators are agreed. Escalating labour unrest – in particular, the "terrifying" rise in strike activity during 1943 (Logan 1956)[14] – forced the government to act.

12. Married women were excluded from the federal civil service until 1955.

13. The Curtis Commission identified one-third of the urban population as low-income. Health reports indicated that less than half of the families of urban wage-earners had sufficient income to guarantee them a satisfactory diet. And the Heagerty Commission found that the majority of Canadians did not have sufficient income to provide for medical care during a serious illnesses (Ursel 1992: 212-213).

14. Work stoppages escalated throughout the war, doubling in number between 1941 and 1942 and again the following year. By 1943, one union member in three was involved in a labour dispute, a level of strike activity unprecedented in Canadian history, including the tumultuous year 1919.

What emerged from this historic confrontation was a compromise designed to quell unrest in the critical war industries. The government conceded far less than "free" collective bargaining and only as much of the right to organize and the right to strike as was needed to satisfy the pent-up demand for union representation among blue-collar workers employed in the mass-production and resources industries. When transposed to "women's work," this "industrial model" of workers' rights and freedoms have proven to be ineffective. For this reason, the conflict over PC 1003 can be understood as a struggle over the rights of working-class men.

As many have noted, PC 1003 was motivated by a pragmatic concern for labour relations peace, not by any philosophical commitment to industrial pluralism. In Woods and Ostry's (1962: 71) view, there is no evidence that the Canadian government thought that "the road to industrial peace was paved with collective bargaining." Legislation along the lines of the Wagner Act was initially rejected as "class legislation" by a government which preferred the more "even-handed" approach of conciliation, despite its history of ineffectiveness when applied to recognition disputes (Webber 1985: 62).

For most of the war, the federal government sought to deflect the issue of union representation rather than deal directly with the underlying cause of workers' disaffection.[15] When pushed, it conceded only the desirability of union recognition and collective bargaining as industrial norms. The principles embodied in the 1940 declaration (PC 2685) were merely advisory (Webber 1985: 65) and proved to be no foundation on which to build a collective bargaining regime. Employers, including the federal government itself,[16] routinely refused to meet with union leaders, even after recognition of the union had been recommended by government-appointed conciliation boards. To the considerable disgust of organized labour and the consternation of its own board appointees, the government proved unwilling to enforce these recommendations (Webber 1985).

15. In 1941, for example, of the disputes giving rise to applications under the Industrial Disputes and Investigation Act (IDIA), 44 concerned recognition alone, 45 concerned recognition and other issues, and 54 dealt only with issues other than recognition (Webber 1985: 69).

16. Belying its own pronouncement, the government-appointed controller at National Steel Car in Hamilton refused to recognize the union (MacDowell 1978). It also utilized the Defence of Canada Regulations to jail and intern a number of labour leaders, including such notables as George Burt (for picketing Chrysler in Windsor) and C.S. Jackson (for reasons the *Toronto Star* described as "outrageously a violation of the lawful liberties of a labour organizer") (Whitaker 1986: 152–156). Later in the war, it went so far as to promise RCMP protection for workers willing to break a strike at General Motors in St. Catharines and to order in troops to resolve a dispute at the Aluminum Company of Canada in Arvida (Ursel 1992: 187).

Throughout the war, the government's chief industrial relations concern was the enforcement of its wage stabilization programme. Wage restraint and the maintenance of the existing wage structure, with regional and occupational differentials intact, were explicit goals of the federal government's war-time labour relations policy and were considered vital to Canada's post-war competitiveness (Fudge 1987: 309). Wage guidelines, introduced in 1940,[17] were replaced the following year by strict controls. Under the tighter 1941 rules,[18] no employer could increase wages without the permission of a War Labour Board.[19] Increases were allowed only if the wages under review were found to be "low as compared with the rates generally prevailing for the same or substantially similar occupations in a locality," thus effectively limiting increases to those designed to bring substandard wages up to local norms (Murchison 1946: 674).[20]

How to maintain its policy of wage restraint in the face of workers' demands for collective bargaining and industry-wide terms and conditions of employment was the federal government's most pressing industrial relations dilemma. Concerned to curb what it saw as the excesses of the emerging industrial union movement, the government attempted to rein in union bargaining power even as it formally acknowledged the right to organize and the right to strike. Warrian (1986: 2) argues that the structure of PC 1003 reflected the government's fear that compulsory collective bargaining would exacerbate industrial conflict and contribute to inflation.

17. PC 7440, adopted in 1940, defined as "fair and reasonable" the level of wages prevalent during the period 1926–29 or between 1929 and 1940, if higher. The order also permitted, but did not require, employers to pay a cost-of-living bonus (MacDowell 1982: 65–66).

18. The 1941 Wartime Wages and Cost-of-Living Bonus Order (PC 8253) was subsequently revoked and replaced with the Wartime Wages Control Order (PC 5963). The 1942 order broadened the restrictions on wage increases by defining wages to include any work rules, regulations, or conditions which indirectly affected wages (MacDowell 1982: 66).

19. Conciliation boards were permitted to make recommendations within the limits set by PC 8235, but any increase in wages needed the approval of the relevant War Labour Board (national or regional depending on the industry involved) (Webber 1985: 66). Not until March 1943 did parties have the right to appeal from a regional to the national WLB (Murchison 1946: 675).

20. In the case of Dosco's Peck Rolling Mills in Montréal, where wages were higher than in 1926–29, the union's claim that the adequacy of the workers' wages ought to judged in light of steel workers' wages in other provinces was rejected by the Conciliation Board. The WLB held that regional differences and variations in employment practices made national standards impossible. Consequently, the "fairness and reasonableness" of a wage could be judged only by local community standards. In the Board's view, the only national wage scales that could be said to exist in Canada applied to railway employees (Warrian 1986: 12–13).

The identifiably "Canadian" features of the law—leniency toward company unions,[21] compulsory conciliation, single-establishment certification, and limited right to strike – signalled the federal government's determination to undercut organized labour's capacity to eliminate sharp regional and occupational wage differentials and raise the standard of living of union members. The protection afforded company unions and the preservation of craft privilege in the context of single-establishment certification meant that fragmented patterns of union representation and bargaining were inevitable. When combined with rules that virtually precluded lawful sympathy strikes, it was apparent that the federal government intended to block the evolution of industry-wide bargaining such as the Auto, Packinghouse, and Teamsters unions had employed to great advantage in the United States.[22]

Though framed as a policy of compulsory collective bargaining, PC 1003 embodied no guarantee that certification would lead either to union recognition or to improved terms and conditions of employment. Certification was adopted only in the breach and then surrounded by a host of legalisms that acted to impede organizing activity.[23] Fudge (1987: 263, 283) concludes that under PC 1003 voluntarism, not compulsion, remained "at the heart of industrial relations." And this is the accepted interpretation. Knowledgeable commentators such as Woods (1955) and Weiler (1980) argue forcefully that the "logic" of free collective bargaining necessarily entails the right of either party to accept or reject the terms offered by the other. Under PC 1003, consequently, the extent to which unions might encroach upon the traditional prerogatives of management continued to depend upon the relative economic strength of labour and management.

These were the trade-offs demanded of organized labour. Although PC 1003 did not "radically alter the balance of power" between labour and management, it "underwrote the gains made by organized labour through the exercise of its economic power during the war" (Fudge 1987: 221).[24] For this reason labour leaders supported the policy in principle even as they protested against the absolute prohibition against mid-agreement strikes

21. Initially, for example, the Labour Relations Board was willing to accept an agreement signed with an employee association in the shadow of an organizing drive as a bar to union applications for certification (Millar 1980).

22. For an account of the 1943 steel strike in which the union was outmanoeuvred in its demand for industry-wide wages, see MacDowell (1982).

23. Unions discovered that they were required to prove majority support by way of representation votes, rather than membership cards; moreover, they were required to secure the votes of a majority of those entitled to vote, rather than a simple majority of those voting.

24. This is Millar's (1980: 176) view: "Once again, it was clear that Canadian legislators did not intend to set up any countervailing power, but simply to recognize union power where it was too great to ignore."

(Warrian 1986: 122; Fudge 1987: 319) and the built-in bias favouring local over national bargaining (Warrian 1986: 187; Fudge 1987: 307).

Limited though it was, PC 1003 allowed industrial workers to achieve their bargaining objectives. Years of pent-up frustration combined with their large numbers and strategic location in the production process propelled the newly formed unions to victory in the face of stiff employer resistance.[25] Although relatively few unions established industry-wide bargaining structures, judicious use of "key" settlements and pattern bargaining allowed workers in many industries to overcome the fragmentation imposed by the law. *De facto* industry-wide bargaining provided the base for wage uniformity in the steel, auto, rubber, and electrical products industries through the 1940s, 1950s, and 1960s.

When applied outside of the industrial core, however, the rights guaranteed by PC 1003 broke down. In situations where women were more likely to be employed – in small- and medium-sized firms, service and white-collar work in the private sector – the law failed to support workers' efforts to organize and bargain collectively. By and large, workers in these settings have been unable to exercise their right to organize in the face of aggressive anti-union campaigns and their right to strike has been rendered null and void by the enormous disparity in bargaining power that has been institutionalized by the law.[26] But none of this is new: the deficiencies in PC 1003 when applied outside of large-scale manufacturing and resource firms were evident by the late 1940s when organizing drives at Simpson's and Eaton's foundered under the weight of the law (see Sufrin 1982).[27]

What PC 1003 represents, then, is a construct of workers' rights shaped by the needs of blue-collar workers/men employed in the mass-production and resources industries. Despite its many limitations, the PC 1003 framework was acceptable to organized labour precisely because it proved to be a workable, though highly constrained, foundation for *bona fide* collective bargaining among production workers in these industries. Had PC 1003 not allowed for these outcomes – had production workers in the auto, steel, rubber and mining industries been frustrated in their efforts to win union recognition and an improved standard of living – I believe that labour

25. Warrian (1986: 120–121) reports that more than a year after the adoption of PC 1003 Ford, Stelco, the Wright-Hargreaves and Sylvanite mines, Canada Bread, Westinghouse, Imperial Optical, Electro-Metallurgical and Halifax Shipyards were still defying the law.

26. For discussion of these issues, see Lennon (1980), Forrest (1988), and Fudge (1993).

27. According to Millar (1980: 178), PC 1003 "simply legalized the existing structure of AFL and CIO unionism, especially in mining and manufacturing. It did not favour the spread of unions in unorganized sectors," notably smaller firms outside of large urban centres.

unrest would have continued unabated until a revised policy, more acceptable to organized labour was promulgated.

"MALE MODEL" OF COLLECTIVE BARGAINING[28]

It is no accident that union membership and labour unrest grew most rapidly among workers in those industries in which the tradition of the male breadwinner was long entrenched. The mass appeal of unions for industrial workers lay in their capacity to fuse the idea of unionism with manliness. Asserting the unskilled worker's right to be treated "like a man," the new unions sought to establish "everyman's" right to steady jobs at breadwinner wages. To this end, unions actively sought to build a "male model" of collective bargaining that self-consciously advanced the rights of working-class men, often at the expense of their union sisters.

Despite the promise of CIO/CCL radicalism and inclusivity, the reality was one of conservatism so far as women were concerned. By contrast with the image of the "union man" as responsible worker and family head, industrial unions promoted the ideal of the working-class woman as housewife whose proper place was in the home, not the factory. She might be employed to provide "extras" for her family, but not to put food on the table.

This vision of the working-class family led industrial unions such as the UAW to adopt "a narrow, gender-biased vision of social justice" (Sugiman 1994: 41). Committed to the ideal of the male breadwinner, union leaders negotiated collective agreements which provided job security and good wages for male workers while limiting women's economic opportunities. "Guided by an assumption that women were financial dependents and that men were, and should be, breadwinners, male unionists adopted a family wage strategy that was premised on the notion that, as breadwinners, men deserved and required higher wages and better jobs than other workers" (Sugiman 1994: 27). As a result, collective bargaining under PC 1003 institutionalized already existing patterns of job segregation by sex which allocated women to the lowest paying, least secure jobs appropriate for "secondary" wage earners.

The presumption that men alone were entitled to steady jobs at good wages legitimated union efforts to bar women from breadwinner jobs.

28. In this section, I have chosen to rely only on Canadian sources, limited as they are. To date, few scholars have taken up the subject of women and unions in Canada. Consequently, it is difficult to fully document my claim that certain bargaining practices were widespread. As indirect support for my arguments, I have provided references to American studies covering the same period.

Throughout the war, union leaders opposed the hiring of women to perform "men's work," urging the government not to "dilute" the labour supply with women except as a last resort (Warrian 1986: 7).[29] When the shortage of male labour made the hiring of women into male enclaves unavoidable, unions continued to resist their introduction.

Seemingly at stake in these disputes was the time-honoured union principle of equal pay for equal work. However, Sugiman argues that such an uncomplicated interpretation fails to address the assumptions about gender that underlay both company and union action. She notes, for example, that even as the UAW was on strike against Ford in Windsor ostensibly over the issue of equal pay for newly-hired women workers, the union continued to negotiate unequal wages based on male and female job classifications elsewhere. Moreover, having won the strike, the union did not press the company to hire women: "In fact, in 1946, local officials again agreed to the company's policy against the employment of female workers in manufacturing operations in Windsor" (Sugiman 1994: 44-47).[30]

Women's presumed status as economic dependents, whether or not they were employed, meant that paid work and union representation were considered to be incidental to their real (that is to say, domestic) interests by unions and employers alike. As a result, women were commonly bypassed in organizing drives. Office workers were almost entirely ignored by union organizers during the 1940s and 1950s, even in those firms in which production workers were well organized.[31] Women were commonly overlooked in the factory as well. Sugiman (1994) reports that while UAW organizers actively recruited male workers in the auto plants they devoted few resources to organizing the women's departments.[32] The union was not

29. Gabin (1990: 51) states that early in the war while men remained unemployed, UAW locals in the United States sought to exclude women from most jobs.

30. When it could no longer avoid hiring women into men's jobs, Courtaulds conceded the principle of equal pay for equal work, yet continued to meet union resistance (Scheinberg 1990: 77-80).

31. Strom (1985: 213) reports that the United Office and Professional Workers of America operated at a disadvantage after the CIO limited its jurisdiction by allowing existing industrial unions in steel, auto, electrical manufacturing and rubber to claim organized office workers for themselves. Although the UOPWA successfully organized office workers in the steel and rubber industries in the United States, it was forced to give them up to the United Steel Workers and United Rubber. None the less, "few CIO unions included clerical workers in their contracts, and therefore these industrial union monopolies were tantamount to a 'no-union' policy for clerical workers employed by manufacturing firms."

32. One example of the American UAW's reluctance to involve itself in organizing plants where women were in the majority is described by Meyerowitz (1985).

opposed to women members, merely indifferent: if the women organized themselves, well and good; if not, little was lost.[33]

Once organized, women's place in their unions was contradictory: they were both union sisters entitled to equal treatment and women whose economic interests were subordinate to those of their male co-workers. This meant that, as a practical matter, women were well represented insofar as their interests paralleled those of the men; however, women's issues as such (e.g., sexual harassment and child care) were more or less ignored.[34] According to Sugiman (1994: 41), "UAW leaders seriously took up only those matters that they could understand on the basis of their own experiences in industry." The lack of attention to women's concerns by the textile union at Courtaulds was similar (Scheinberg 1994).

In the early years, women were rarely found among the leadership of unions, even at the local level. At Courtaulds, women were elected as stewards but were excluded from wage negotiations (Scheinberg 1990: 89–90). In the Auto Workers, as well, women acted as stewards, but only exceptionally were they elected to local executive or bargaining committees. Sugiman (1994: 61) argues that "labour activism was constructed as antithetical to proper womanhood" during the 1940s and 1950s. Women activists in the UAW had a reputation for being "mouthy" and "loose," among women as well as men. Similarly, Parr (1990: 104–118) observes that women textile workers on strike against Penman's in 1949 lost their claim to respectability if they were perceived to be too militant.

When discriminatory attitudes and treatment left women workers poorly organized, male co-workers attributed women's limited involvement in union activities to their innate conservatism (Sugiman 1994). This construction of cause and effect was prevalent among male textile and auto workers. At Courtaulds, the union not only neglected to take up a case of sexual harassment but also routinely negotiated larger wage increases for the better paid male job classifications. None the less, the men concluded that support for the union was weak among the women workers because they were anti-union by nature (Scheinberg 1994).

Committed to the ideal of the male breadwinner, industrial unions routinely negotiated collective agreements which formally delineated men's from

33. By contrast with the UAW's determination to recruit black men – another group considered "hard to organize" – the UAW had no particular programmes designed to interest women (Sugiman 1994).

34. Sugiman (1994: 37–41) reports that women in the UAW in the United States fared somewhat better, possibly because many more women were employed in American plants during the war than in Canada. Under the auspices of the UAW Women's Bureau, women auto workers held their own conferences and tried to set their own agenda for change.

women's work. Although the precise pattern of job segregation differed from firm to firm, women were typically, assigned to a narrow range of semi-skilled occupations. Among the Big Three auto companies in Canada, for example, Ford employed no women as production workers[35] while Chrysler employed a modest number in its parts and trim plants. At General Motors, which hired the largest number of women, most were confined to the sewing and wire and harness departments, before, during and after the war. There, they sorted, marked and sewed fabric while men were employed as skilled cutters and mechanics or as stock men (Sugiman 1994: 18-26).[36]

Under collective bargaining, men's and women's wage scales were commonplace. When benchmarked against the traditional measures of skill and strength which defined men's work, the jobs allotted to women were commonly labelled "light," regardless of their difficulty, and so poorly paid.[37] Even in cross-over occupations, in which women and men performed virtually the same work, women were paid at a lower hourly rate. Promoted to men's jobs in the weaving room during the war, women employed by Courtaulds earned more than they had before, but less than male weavers (Scheinberg 1990: 72-73). Likewise, female assemblers, bench hands, clerks and tag writers at General Motors were paid significantly less than men employed in the same classifications (Sugiman 1994: 123).[38]

The privileged economic position of men in the factory was ensured by the practice of establishing separate seniority lists for each gender. As a rule, men and women were divided into separate and non-interchangeable occupational groups. This meant that women were confined to specified "women's jobs," usually in "women's departments." Sugiman (1994: 51) describes how these restricted seniority rights affected women during a lay-off: "Since their seniority was specific to their sex, they could not 'bump' any male employees. Thus, a man with three years of service with the firm could potentially retain his job, while a woman with ten years of service would be laid off (and theoretically, vice versa)."

The reverse was rarely the case, however. The construction of women as economic dependents meant that at the end of the war, women's seniority rights were worth less than men's. The first act of labour-management

35. As late as 1977, Ford employed no women as production workers (Sugiman 1994: 204).

36. During the war, however, GM hired women "for the duration" into production jobs in its newly opened armaments division that in other circumstances would have gone only to men (Sugiman 1994: 23).

37. For a discussion of the role of unions in perpetuating job segregation by sex in the auto and electrical industries in the United States, see Gabin (1990) and Milkman (1987).

38. Sugiman (1994: 123) does not provide wage data for the 1940s. In 1953, women and boys employed as assemblers started at $1.24 per hour while the base rate for men was $1.49. Similar differentials pertained at McKinnon Industries.

consolidation under PC 1003 was the expulsion of women from many of the jobs they had held during the war. With the agreement of unions – occasionally, at their insistence – employers dismissed women to make way for men, returning veterans and newly hired alike.[39] Sugiman (1994: 51–57) describes the various ways in which this occurred in the auto industry. In some plants, women's restricted bumping rights resulted in their lay-off while in others union and management agreed to lay women off before men, regardless of their seniority.[40] In the UAW, the resulting internal conflict, in which the defence of hard-won seniority rights lost out to male prerogative, revealed the extent to which men's entitlements defined the union's purpose.

None of these everyday, frankly discriminatory, bargaining practices offended the principles of PC 1003. Framed in a period in which women were universally assumed to be economic dependents, collective bargaining law and practice reflected the common understanding that women were, at most, "secondary workers" with a lesser entitlement to good jobs at good wages. Consequently, neither employers nor unions ran afoul of the law when they agreed to terms of employment which relegated women to the least secure and poorest paid jobs or paid women lower wages for performing substantially the same work as men.

Systematic reform of collective bargaining came about, not by way of official employer or union action, but as the result of the persistent agitation by working women. Sugiman (1994: 137–170) recounts how women activists in the UAW forged an alliance with middle-class women to win collective bargaining reform through legislative amendment. With the advent of the Auto Pact, women auto workers discovered that they were particularly vulnerable to corporate restructuring. Because of their truncated seniority rights, women with many years of service lost their jobs while inexperienced men were being hired in other parts of the plant. When confronted with the women's demands for change, union officials agreed to challenge the practice through the grievance procedure (short of arbitration) but were unwilling to negotiate substantive changes to the seniority system in bargaining.

In Ontario, the critical change came with an amendment to the Human Rights Code.[41] When passed into law in 1970, employers and unions were

39. This occurred in both Canada and the United States. Gabin (1990) and Milkman (1987) describe the experiences of American women employed in the auto and auto and electrical industries, respectively.

40. In some firms, the order of lay-off was married women, followed by the wives of service men, followed by single women (Sugiman 1994: 53).

41. Earlier equal pay legislation designed to prevent wage discrimination against women had little effect, largely as a result of job segregation by sex. Ursel (1992: 246–248) notes that even with equal pay legislation in place, both the federal and Ontario governments continued to prescribe lower minimum wages for women than men.

obliged to remove the word "female" from their collective agreements and merge male and female seniority lists. Soon afterwards, women auto workers began to transfer into better-paying jobs in all-male departments. In the process, they discovered that some men were supportive of their struggle for equality while others deeply resented working alongside women (Sugiman 1994: 171-206).

Collective bargaining reform remains incomplete, however. An employer, today, does not violate the law when it pays part-time workers — most of whom are women — less than full-time workers for comparable work. Neither Eaton's nor the chartered banks was found to have breached the duty to bargain in good faith when they used their overwhelming bargaining power to maintain their access to a cheap and ready supply of female labour. Despite their unwillingness to compromise on a single issue of substance, Eaton's and the banks were judged to have engaged in lawful, "hard bargaining" in defence of their legitimate economic self-interest.[42] More remarkable was Eaton's ability to escape its collective bargaining obligations following the imposition of a first agreement in Manitoba. No issue of bad faith was raised when the company subsequently laid off half of the employees at its store in Brandon to avoid paying significant wage increases (Phillips and Phillips 1993: 142). What were, in effect, recognition strikes (supposedly unnecessary under PC 1003) turned into a rout of the unions' organizing drives.

The PC 1003 framework presumes that employers have a legitimate interest in paying employees, particularly so-called non-standard employees, as little as possible. Ensuring that a collective agreement contains favourable terms is considered a legitimate bargaining objective, an objective upon which an employer can insist to the full extent of its bargaining power. In Weiler's (1980: 130) view, "It would be completely inconsistent with the principle of free collective bargaining to find that hard bargaining by an employer for a perfectly legal substantive term amounted to bad faith bargaining."

By extension, lower rates of pay (or other forms of inferior treatment) for particular groups of unionized workers such as part-time or seasonal employees do not in themselves establish a breach of unions' duty of fair representation (Sack, Goldblatt, Mitchell 1992: 62-64). In the two jurisdictions where the duty applies to negotiating as well as administering collective agreements (Sack, Goldblatt, Mitchell 1992: 25), it has provided almost no protection for part-time or seasonal employees. In evaluating the fairness of bargaining outcomes, it is "the norms of the industrial community and

42. For a discussion of the Eaton's organizing drive and strike, see Forrest (1988); for the chartered banks, see Lennon (1980).

the measures and solutions that have gained acceptance within that community" by which unions have been judged (Sack and Mitchell 1985: 8:6400). And since those norms presume that women are less entitled to good wages and job security than men, union bargaining strategies which articulate these expectations have long been viewed as lawful, not withstanding their discriminatory impact.

Collective bargaining under PC 1003 has failed women chiefly because it has supported, rather than challenged, job segregation by sex. Almost every study of wage disparities between men and women names job segregation as the underlying reason why women in Canada continue to earn 70 cents for every dollar earned by men. Yet, even today, when the majority of Canadian families have two earners and women's labour force participation patterns mirror those of men, collective bargaining law presumes that women, particularly women employed part-time, have a lesser entitlement to steady jobs at good wages than do men.

CONCLUSION

In this paper, I have demonstrated that gender relations have been a vital, but little explored dynamic in the post-war industrial relations system. By contrast with conventional interpretations, which emphasize the importance of PC 1003 as the legal foundation for workers' (ungendered) rights, the analysis presented here examines the different experiences of men and women. In so doing, I have offered a critique of the widely-held view that the rights embodied in PC 1003 – the right to organize and the right to strike – were "labour's" due and so available to working men and women alike.

Most important for my analysis was the assumption – affirmed in public policy – that men were breadwinners/family heads while women were essentially "non-working" wives and mothers. Against the backdrop of these constructs, the rapid growth of unions during the 1940s can be understood as the means by which semi-skilled men asserted their presumed right to steady jobs and the family wage. PC 1003 supported these demands inasmuch as it provided a foundation for collective bargaining among blue-collar workers in the mass production and resources industries (but not elsewhere) and legitimated union policies and bargaining practices rooted in the ideology of the male breadwinner. The PC 1003 framework presumes that women are economic dependents, whatever their circumstances, with highly restricted rights to secure jobs and good wages.

PC 1003 has generated a rhetoric of rights and freedoms – the right to organize, the right to strike, the right to free collective bargaining – that is problematic for women. Women are labeled "hard to organize," even

"anti-union," for the assumption is that those workers who are not union members choose not to be. Yet, there remains a widespread belief that women's, particularly married women's, need to work is less pressing than men's (Faludi 1991: 281-333). Any number of studies (see Forrest 1993) incorporate the traditional "saturation school" argument – principally that union membership is less cost effective for women because they are only temporarily attached to the labour force and consider their wages as a supplement to the family income – to explain lower levels of union density among women.

Failure to explore the particular impact of collective bargaining law on women has led to the overly simple conclusion that women and unions do not mix. The strong *a priori* presumption that women are not union-minded has focused attention on women's difference from men while deflecting attention from the very real obstacles in the path of women who seek to become breadwinners in their own right. In the labour market, institutionalized job segregation by sex constrains the extent to which women can earn a family wage. On the one hand, there is limited opportunity for women to move into unionized, "men's jobs"; on other hand, employer resistance (reinforced by limited labour laws) and union complacency have proven to be insurmountable obstacles to the conversion of "women's jobs" into "good jobs" that could support a family.

The analysis presented here breaks through these myths by demonstrating that government officials, employers and working men alike shared the understanding that women were, at most, "secondary earners" whose primary responsibilities were in the home. Significantly, these views have been shared by scholars as well. So commonplace are the beliefs that men, by nature, are breadwinners/family heads and women their "non-working" complements, that policies based on these assumptions have been uncritically accepted as gender-neutral.

The consequences of a gendered analysis for theory building are substantial. A core debate in industrial relations revolves around the extent to which the economic interests of workers and employers are inherently conflictual. In considering this matter, researchers on both sides of the question have uncritically assumed that men and women within a social class share common economic interests. Such an assumption is no longer tenable. An industrial relations systems is (among other things) a system of gender relations. To ignore the gender conflict inherent in work relations is akin to studying labour-management relations without recognizing the centrality of industrial conflict: neither makes for good industrial relations.

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RÉSUMÉ

L'assurance du gagne-pain masculin: une interprétation féministe du C.P. 1003

J'examine ici l'identification implicite et non explorée du C.P. 1003 à la cause des travailleurs masculins. Telle synthèse est plus qu'une image, c'est la substance. À la lecture à contre-courant de l'expérience, je remets en question l'hypothèse habituelle à l'effet que le C.P. 1003 vise de façon inhérente et exclusive les relations emploi/classe.

Jusqu'à maintenant, les études portant sur le C.P. 1003 ont présumé sans problème que des catégories telles le travail et les travailleurs étaient des touts homogènes, impliquant alors que les hommes et les femmes partageaient des expériences communes. De plus en plus, cependant, les critiques féministes en sciences sociales ont démontré jusqu'à quel point la place des femmes au travail et à la maison différait de façon importante de celle des hommes. Et cela vaut autant à l'intérieur des classes sociales qu'entre elles. Alors, toute analyse visant à comprendre l'importance d'une loi, telle le C.P. 1003 pour le monde ouvrier au Canada, doit examiner son impact tant sur les femmes que sur les hommes.

Contrairement à l'approche habituelle en relations industrielles, j'ai défait des catégories telles « le travail » pour examiner la place différente des hommes et des femmes dans le système de relations du travail de l'après-guerre. Suite à ma relecture, le C.P. 1003 vise fondamentalement les droits

de la classe ouvrière masculine. À l'unisson avec d'autres politiques d'après-guerre, le C.P. 1003 est basé sur la prémisse que les gagne-pain, les travailleurs, étaient des hommes. On considérait alors les femmes comme des non-travailleuses, des dépendantes, peu importe les circonstances individuelles. Alors les droits conférés par le C.P. 1003 (droit d'association, droit de libre négociation et droit de grève) ont été modelés selon les besoins des travailleurs masculins, et ces droits ont été exercés presque exclusivement par eux. Par contre, la classe ouvrière féminine a été mal servie par le C.P. 1003. À part quelques exceptions, la grande majorité des femmes employées dans le secteur privé sont demeurées non syndiquées.

Cela est ma prétention que j'étaie par trois arguments interreliés. D'abord, je soutiens que les droits des travailleurs ont effectivement été ceux des travailleurs masculins parce que ce sont seulement eux qu'on voyait comme gagne-pain et pour qui la négociation collective était à la fois nécessaire et légitime. On définissait alors les travailleuses comme épouses et mères sans droit aucun à des emplois stables à bons salaires et à la représentation syndicale. Ensuite, le C.P. 1003 a accordé des droits aux hommes (et non aux femmes) en ce qu'il a consacré un modèle industriel des droits des travailleurs. Ce qui est apparu dans les années 40 constitue un compromis visant à étouffer l'agitation des cols bleus dans les industries de production de masse et des ressources. En pratique, on a promu la négociation collective obligatoire pour les travailleurs industriels masculins seulement. Enfin, le C.P. 1003 a supporté et encouragé la croissance d'un modèle masculin de négociation collective. Par là, il faut comprendre que le modèle du C.P. 1003 a autant légitimé qu'encouragé une forme particulière de négociation collective qui institutionnalisait les droits et les privilèges visant à protéger et à promouvoir les intérêts économiques de la classe ouvrière masculine en excluant et en marginalisant les femmes.

En conclusion, j'examine les implications d'une analyse sur la base du sexe du C.P. 1003 pour l'étude des femmes et des relations industrielles. À ce sujet, il est à noter que le défaut d'examiner l'impact particulier de la négociation collective sur les femmes a mené à la conclusion simpliste que les femmes et les syndicats ne font pas bon ménage. Cette forte présomption a priori a fait concentrer l'attention sur les différences entre hommes et femmes oubliant ainsi les obstacles très réels confrontant les femmes cherchant à devenir gagne-pain de bon droit. Il est donc de croyance populaire que les hommes, par nature, sont à la fois gagne-pain et chefs de famille et que les femmes sont leurs obligées, des non-travailleuses. On a accepté sans critique comme sexuellement neutres ces politiques basées sur ces hypothèses.

Donc, les conséquences d'une analyse fondée sur le sexe sont essentielles à la construction de la théorie. Un débat de fond en relations industrielles

vise la mesure dans laquelle les intérêts des travailleurs et des employeurs sont conflictuels de façon inhérente. Dans cette discussion, les chercheurs ont sans critique fait l'hypothèse que les hommes et les femmes d'une même classe sociale partagent des intérêts économiques communs. Une telle hypothèse n'est plus valable. Un système de relations industrielles est, entre autres choses, un système de relations basées sur le sexe. Ignorer cette dynamique sexuelle propre aux relations d'emploi est analogue à étudier les relations du travail sans reconnaître la centralité du conflit industriel. L'un comme l'autre ne font pas de bonnes relations industrielles.