Labour/Le Travailleur

Gender and the Unemployment Insurance Debates in Canada, 1934-1940

Ruth Roach Pierson

Volume 25, 1990

URI: https://id.erudit.org/iderudit/llt25art03

See table of contents

Publisher(s)

Canadian Committee on Labour History

ISSN

0700-3862 (print)
1911-4842 (digital)

Explore this journal

Cite this article

Pierson, R. R. (1990). Gender and the Unemployment Insurance Debates in Canada, 1934-1940. *Labour/Le Travailleur*, *25*, 77–103.

Article abstract

This article examines the underlying gender assumptions embedded in the political debate surrounding the implementation of an unemployment insurance scheme in Canada. The vision of UI articulated in the proposals for, drafts of, and responses to UI legislation emphasized and further aided in the construction of the gendered complementarily of masculine independence and feminine dependence as well as of the dichotomization of women into either single workers assimilated to the male norm or dependent wives/mothers. Framing much of this debate was the assumption of breadwinning as a male responsibility. Despite evidence to the contrary, participants in this political discourse reinforced the conception of the male worker as the head of household requiring a 'family wage' sufficient to support a wife and children. When UI was finally instituted, though male workers were privileged over female workers, the meagreness of the provision for dependent wives and children revealed the government's lack of commitment to the principle of the 'family wage.'

Gender and the Unemployment Insurance Debates in Canada, 1934-1940

Ruth Roach Pierson

ON 22 JANUARY 1935, in a House of Commons debate on the extent of unemployment in Canada, J.S. Woodsworth cited an account of murder and suicide from the *Winnipeg Free Press* of 18 December 1934. A Valour Road man had returned to his home to find his baby boy aged 18 months drowned in the bathtub, his five year-old daughter strangled, and his wife poisoned. The wife had come to Canada from England four years previously. The husband had not been able to find steady work for some time. The family had been trying to survive on relief, but, according to the *Free Press*, "there had not even been enough money in the house to buy the poison," a germicide, that the wife had ingested. In the note she had left on the kitchen table, she wrote "'I owe the drug store 44 cents: farewell.'"[1]

In the narrative of the Great Depression, both as told at the time, and in the main by historians after the fact,[2] it is men who fill the ranks of the unemployed — men who ride the rails, men who stand in the bread-lines, men who sell apples on street corners. Single unemployed women have a shadowy presence at best.[3] The married woman appears not as a person in her own right. If she was employed, she was seen as a symbol of the cause of unemployment among men and, if

[1]Canada, House of Commons, *Debates*, 22 January 1935, 85. Woodsworth was quoting from the *Winnipeg Free Press*, 18 December 1934.

[2]See, for example, Michiel Horn, ed., *The Dirty Thirties: Canadians in the Great Depression* (Toronto 1972); A.E. Safarian, *The Canadian Economy in the Great Depression* (Toronto 1970); H. Blair Neatby, *The Politics of Chaos: Canada in the Thirties* (Toronto 1972).

[3]Abraham Albert Heaps, a Labour spokesman, made one of the rare inclusions of women along with men among the unemployed when, in the parliamentary debate on unemployment insurance of January 1935, he referred to the "vast numbers of men and women at present out of work." Canada, House of Commons, *Debates*, 29 January 1935, 288. Beyond Agnes Macphail, one of the only other MPs to express concern for the plight of unemployed women was Charles Grant MacNeil, whose concern for "single, unemployed women transients" focused less on their material deprivation than on their lack of protection from sexual exploitation, which he believed would result in moral ruin and the attendant problems of unmarried motherhood and venereal disease. ("The problem of unmarried mothers is becoming more acute, the problem of illicit alliances is more acute....the problem of venereal disease is becoming more acute.") Canada, House of Commons, *Debates*, 8 February 1937, 670-1; 2 March 1937, 1434.

Ruth Roach Pierson, "Gender and the Unemployment Insurance Debates in Canada, 1934-1940," *Labour/Le Travail*, 25 (Spring 1990), 77-103.

dependent, as a symbol of the high cost of male unemployment to society.[4] The Great Depression was construed as a period of gender crisis. The focus of concern at the time, however, was masculinity in crisis, for the perception of crisis was framed by the belief that the position of head of household and family provider was an essential property of masculinity, a position that male unemployment undermined. While female unemployment was trivialized, male unemployment was seen not as undermining but rather as intensifying what was believed to be woman's complementary and natural role as nurturant wife and mother.[5]

Given the near invisibility of the army of unemployed women in the perceptions of politicians then,[6] and of mainstream historians more recently, it is not surprising that the subject of the female worker rarely surfaced in the unemployment insurance debates of the 1930s; nor is it surprising that gender issues, and the implications of legislation and policies for women, are not central to James Struthers' classic account of the emergence of Unemployment Insurance in Canada.[7] But if we understand gender to be a fundamental social category, we are justified in asking where and how concern for women fit into the Depression-era discussion of unemployment insurance. And if we further understand gender to be relational, to be a category comprising all that which shapes social relations between the sexes,[8] then we are justified in examining the gender implications for

[4]See Wendy Kozol's analysis of the use by the U.S. New Deal Resettlement Administration (later Farm Security Administration) of photographs of mothers in rags holding children in their arms in the doorways of shacks and other makeshift shelters to symbolize the poor's adherence to patriarchal ideals of family and motherhood, and thereby establish that the poor were deserving of relief. Wendy Kozol, "Madonnas of the Fields: Photography, Gender, and 1930s Farm Relief," *Genders*, 2 (Summer 1988), 1-23.

[5]For example, in her study of family violence through examination of the records of child protection agencies in Boston, Linda Gordon has disclosed that social workers "considered the stresses of the Depression as mitigating circumstances of (his) violence as they did not in the case of (her) neglect." Linda Gordon, *Heroes of Their own Lives — The Politics and History of Family Violence: Boston 1880-1960* (New York 1988).

[6]In parliamentary debate on the National Employment Commission's provision for a committee on women's employment, Agnes Macphail rose to comment on how little attention the House had paid to the plight of unemployed women. To make her case, she cited the fact that there were no camps for single destitute women as there were for men. "The problem of the young and old unemployed women should be given careful consideration," she argued, "because it has been given very little consideration in the past in connection with any projects to employ unemployed persons on public works and so on. One would almost think," she concluded, "that there was no problem in connection with unemployed women; that it did not exist, when in fact it is a serious problem." Canada, House of Commons, *Debates*, 7 April 1936, 1907-8.

[7]James Struthers, *'No Fault of Their Own': Unemployment and the Canadian Welfare State 1914-1941* (Toronto 1983).

[8]When I speak of gender as a fundamental category of social historical analysis, I understand gender to encompass all discourses, practices and structures shaping (and shaped by) the prescribed and prevailingly actualized social relations between the sexes. See, among others, Joan Kelly, "The Social Relation of the Sexes: Methodological Implications of Women's History," in *Women, History, and Theory: The Essays of Joan Kelly* (Chicago 1984), 1-18; Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *American Historical Review*, 915 (December 1986), 1053-75; Joan Wallach Scott, *Gender and the Politics of History* (New York 1988).

women of the silences regarding them: that is, of the measures that made no mention of them, of the concepts into which they were invisibly enfolded, and of the assumptions through which masculine priority was inscribed.

Unemployment insurance (UI) legislation was introduced and passed in the Commons only once during the Great Depression, in 1935, although a further bill was drafted in 1938. The initial UI legislation appeared as the only developed part of the omnibus Employment and Social Insurance bill which passed third reading in March 1935. But after the election in October resoundingly defeated R.B. Bennett's Conservative government and returned the Mackenzie King Liberals, the bill was never implemented. Although the bill's easy passage had testified to broad public support,[9] Bennett had not sought the consent of the provincial premiers to the idea of federal jurisdiction over unemployment insurance and other essential social services. When, in 1937-8, King considered introducing an Unemployment Insurance bill similar in basic outline to the UI provisions of the 1935 Act, his fear of effecting Ottawa's jurisdiction over unemployment relief far outweighed his commitment to a federal UI scheme. Because he was also wary of triggering a dominion-provincial jurisdictional row, and knew that the Judicial Committee of the Privy Council of Great Britain had, in December 1936, declared the Employment and Social Insurance Act of 1935 *ultra vires*, King sought the provincial premiers' support for amending the British North America Act to grant constitutionality to federal unemployment insurance legislation. But once it was clear that only six of the nine premiers were prepared to offer unreserved support, King used this lack of unanimity to justify postponing introduction of the UI bill, pending the report of the Royal Commission on Dominion-Provincial Relations. The Rowell-Sirois Commission Report eventually concluded, in February 1940, "that the care of employables who are unemployed should be a Dominion function."[10] But it was the outbreak of war in September 1939 that, as Struthers notes, "created the compelling new reason for unemployment insurance,"[11] namely, the perceived need to safeguard veterans and the enlarged war-time civilian labour force against the widespread unemployment expected in the wake of demobilization and the return to peace-time production. On 18 June 1940, King could tell the Commons that all provinces now agreed to an enabling amendment to allow for the introduction of the UI bill. And on 11 July 1940, he announced British Parliamentary approval of a constitutional amendment giving the federal government power over unemployment insurance.[12] In the first days of August, the legislation quickly passed both houses of the Canadian Parliament and became law.

The debate on unemployment insurance in Canada revolved around these three

[9]There were only three dissenting votes. See Struthers, *'No Fault'*, 129.

[10]National Archives of Canada [NAC], RG40, Records of the Department of Insurance, Vol. 24, file 7, Extract from Book II of the Recommendations of the Royal Commission on Dominion-Provincial Relations. Not submitted until February 1940.

[11]Struthers, *'No Fault'*, 197.

[12]Canada, House of Commons, *Debates*, 18 June 1940, 864-5; 11 July 1940, 1532.

pieces of legislation: the UI provisions of the Employment and Social Insurance Act of 1935, the Unemployment Insurance Bill of 1938, and the UI Act of 1940. Participants in the debate were many and included Members of Parliament, the ministers of labour, finance, and insurance and their top civil servants, trade union leaders, spokesmen for associations of manufacturers and financial institutions, members of governmental commissions, members of women's organizations, and academic social investigators. Of great influence behind the scenes were A.D. Watson,[13] Chief Actuary, Department of Insurance, and Hugh Wolfenden, his actuarial associate and consultant on contract until their falling out over the 1940 legislation. Also influential was the British expert D. Christie Tait of the International Labour Organization, who was brought in to review the 1938 draft bill and whose views helped shape the 1940 Act. It is in the vision of unemployment insurance articulated in the proposals for, the drafts of, and the responses to UI legislation that we shall search not only for the positioning of women in the scheme but also for the gender assumptions implicitly embedded in the entire discourse. In particular, we want to examine how a sex/gender system was inscribed in the overall conceptualization of unemployment insurance as well as in the paragraphs of draft and enacted legislation and in the administrative structure created for its implementation.[14]

Sex Distinctions in Contribution and Benefit Rates

WE CAN ISOLATE seven components of the legislation that were crucial in determining coverage: the method of calculating amount of contribution and amount of benefit; the provision of dependants' allowances; the setting of an income ceiling;

[13]Not to be confused with Sir Alfred Watson, the British Government Actuary in the 1920s and early 1930s.

[14]In a recent article, Alice Kessler-Harris takes a very different approach to the discussion among working people during the Depression as to "who was and was not entitled to work." Conflating gender perception with a notion of separate spheres, Kessler-Harris argues that it was neither of those but rather working people's concern for the integrity of "the family" and a working-class conception of justice that shaped working people's responses to the Depression. "In the code of honour of working people, jobs belonged to the providers." And the concept of the provider could include "widows, single women and married women with unemployed or disabled husbands as well." How does this qualification relate to the popular perception that "a male who worked would...'spend his income to the support of his family while the [married?] woman spends for permanent waves, lip sticks'?" Did "males who had other means of support" really face "the same criticism as married women?" Kessler-Harris calls "not gender specific" the perception that men should be "'men and provide for their mothers, sisters, wives and daughters, and womanhood...restored to its pedestal motherhood'." What she means is that such a view could be and was held by both men and women. But who would claim that a gender ideology is held by members of only one sex? In her rush to downplay or "decenter" the category of gender, Kessler-Harris sometimes goes too far, as in her claim that "one of the nation's first and most immediate responses [to the Depression-triggered "discussion of who was and was not entitled to work"] was to exclude the spouses of wage earners from the labour force." Male spouses? On the basis of her own evidence, one could conclude that the conception of who deserved employment was as deeply gendered as the notion of "the family" was patriarchal. Alice Kessler-Harris, "Gender Ideology in Historical Reconstruction: A Case Study from the 1930s," *Gender & History*, 1 (Spring 1989), 31-49.

the naming of categories of uninsurable employment (that is, the exception of certain occupations); the imposition of statutory conditions of eligibility for benefit; the qualification period; and the method of calculating the benefit period. In only one of these components was the female sex mentioned explicitly. This was in the 1935 Act's provisions for calculating contributions and benefits. (Married women received explicit mention in the 1935 schedule governing "special cases," and wives in the discussion of and clauses covering dependants' allowances, as we shall see.) The 1935 Act divided all insured persons into four major groups by age, and then further subdivided each group by sex. A flat rate of contribution was set for each sex (always higher for males) within each major age group. Accordingly, in all age categories, girls paid a lower contribution than boys, and women a lower one than men. As benefits were related in part to contributions, it followed that girls would receive lower benefits than boys, and women lower benefits than men of the same age.[15] The flat-rate system and the graduation of the rate according to distinctions of age and sex derived from British unemployment insurance legislation, the general model for the Canadian UI legislation until 1940.[16]

The 1938 draft bill, however, while retaining the four major groups based on age distinctions, eliminated sex distinctions entirely.[17] As Chief Actuary Watson noted in March 1938, the new UI bill was marked by an "absence of any distinction in benefits or contributions as between men and women, or as between boys and girls."[18] Given, as already mentioned, that unemployment in Canada in the 1930s was largely regarded in political and academic circles as a male problem and unemployed women as a consequence received little official concern, and given that the discourse at every level of the society from radio drama to university lecture castigated married women in paid employment for taking jobs from men,[19] how can we account for the 1938 draft bill's elimination of the distinction based on sex?

Insofar as policy analysts, legislators, and political and labour activists thought about women during the Great Depression, they tended to divide them into two categories, that of female worker and that of wife/mother.[20] It was, by and large, ideologically anathema for a woman to combine these two categories in herself.[21]

[15]NAC, RG 40, Series 3, Vol. 24, file 4, The Employment and Social Insurance Act, Bill 8, Passed by the House of Commons, 12 March 1935.

[16]L. Richter, "Limitations of Unemployment Insurance," *Dalhousie Review*, 18 (July 1938), 229-44.

[17]NAC, RG 40, Series 3, Vol. 24, file 5, The National Employment Insurance Bill, 1938.

[18]NAC, RG 40, Vol. 24, file Unemployment Insurance (6): Drafting 1938 Bill, Watson's Actuarial Report of 15 March 1938.

[19]Ruth Roach Pierson, Introduction to Chapter Six, "Paid Work," in Beth Light and Ruth Roach Pierson, eds. and comps., *No Easy Road: Women in Canada 1920s-1960s* (forthcoming).

[20]The National Employment Commission's "Summarized Report on Co-ordination of Aid" stated: "Of 3,375,000 women and girls fifteen years of age and over, who might by reason of age be eligible for gainful occupation a large proportion are married and are, therefore, not seeking employment or gainful occupation." NAC, RG 27, Records of the Department of Labour, Vol. 3358, file 12, "Summarized Report on Co-ordination of Aid," 20 March 1937, 39.

[21]With reference to postwar Britain, Denise Riley has written that "the dominant rhetoric described the figure of woman as mother and woman as worker as diametrically opposed and refused to consider the

Those who did risked putting themselves outside the solicitous embrace of public policy. Let us consider, for instance, the unwed mother who, by necessity, combined motherhood with work for pay because she was ineligible for a mother's allowance (only one of the provinces with such legislation — British Columbia — provided allowances for unmarried mothers, and then only under exceptional circumstances).[22] Bearing the stigma of having transgressed patriarchal morality and largely bereft of child care facilities,[23] the single mother had to scrounge in the dregs of the job market for employment. A second type of woman who violated the female worker/wife and mother dichotomy was the employed married woman. Even before the Depression, women with paying jobs who married were forced to resign from federal and provincial civil service posts, and from teaching positions and other white-collar jobs.[24] During the Depression, as already has been noted, social censure directed at married women for causing male unemployment intensified.[25] As the Depression worsened, married women's right to employment became an increasingly divisive issue among members of the National Council of Women of Canada as local Councils of Women, and even some Business and Professional Women's Clubs, went on record as opposed to married women working for pay.[26]

Of the two categories, the single woman worker tended to take a back seat in social policy to the wife/mother whom the hegemonic ideology constructed as the dependant of a bread-winning husband/father. The dominant frame in operation at the time, no matter how divergent from social reality,[27] was the conception of the male worker as the head of household and therefore deserving of a 'family wage,'[28]

---

possibility of their combination." Denise Riley, "Some Peculiarities of Social Policy concerning Women in Wartime and Postwar Britain," in Margaret Randolph Higonnet, Jane Jenson, Sonya Michel, and Margaret Collins Weitz, eds., *Behind the Lines: Gender and the Two World Wars* (New Haven 1987), 260.

[22]NAC, MG 28, I 10 Canadian Council on Social Development, Vol. 63, file 497, Aid to Dependent Mothers and Children in Canada: Social Policy Behind our Legislation, 1942.

[23]Those religious orders providing sanctuary for single mothers and their offspring tended to accept the death of the 'illegitimate' infant, the incarnation of the sin of its parents, as a 'blessing.' See Andrée Lévesque, "Deviants Anonymous: Single Mothers at the Hôpital de la Miséricorde in Montreal, 1929-1939," in Katherine Arnup, Andrée Lévesque and Ruth Roach Pierson, eds., *Delivering Motherhood: Maternal Ideologies and Practices in the 19th and 20th Centuries* (London 1990), 108-25.

[24]Veronica Strong-Boag, *The New Day Recalled: Lives of Girls and Women in English Canada, 1919-1939* (Toronto 1988), 62-3.

[25]Pierson, Introduction to Chapter Six "Paid Work," in *No Easy Road*.

[26]According to Margaret Hobbs' research for her PhD thesis on women and work in the Depression, University of Toronto, forthcoming.

[27]See, for an example from the USA, Lois Rita Helmbold, "Beyond the Family Economy: Black and White Working-Class Women During the Great Depression," *Feminist Studies*, 13 (Fall 1987), 629-55. Thanks to Margaret Hobbs for this reference.

[28]Ruth Roach Pierson, Introduction to Chapter Five "Unpaid Work," in *No Easy Road*; Hilary Land, "The Family Wage," *Feminist Review*, 6 (1980), 55-77; and Michèle Barrett and Mary McIntosh, "The 'Family Wage': Some Problems for Socialists and Feminists," *Capital & Class*, 11 (1980), 51-72; Martha May, "The Historical Problem of the Family Wage: The Ford Motor Company and the Five Dollar Day," *Feminist Studies*, 8 (Summer 1982), 399-424.

that is, a wage sufficient to support both the man's unwaged children and the children's unwaged, housekeeping mother.[29] This conception would frame the theory informing Leonard Marsh's *Report on Social Security for Canada 1943*, the document regarded as the founding text of 'the welfare state' in Canada.[30]

Hegemonic as this master frame was, it did not completely obscure the existence of women workers nor, provided they were single, totally preclude concern for their welfare. The Left, in particular, admitted the single woman worker into the fold of workers whose interests it sought to protect and advance. But given that the Left was little different from society as a whole in subscribing to the woman as worker/woman as mother dichotomy,[31] it was principally as non-mothers that women and their labour-market interests qualified for the attention of trade union spokesmen and male socialists, communists, and eventually liberals. Usually when trade unionists and left-to-liberal politicians took up the banner of sexual equality, it was for female non-mothers.[32] On the whole, only when thus "desexed"[33] did women workers acquire eligibility for equal treatment. In other words, equality of situation was usually required for women to be considered eligible for equality of treatment. And it was with this understanding of equality between the sexes in mind that J.S. Woodsworth rose in the House, as he did on a number of occasions, to criticize the discrimination according to sex in UI contributions and benefits that was inscribed in the 1935 Act.[34]

In the politically radicalized atmosphere of the Depression, opposition to discrimination on the basis of sex was *de rigeur* among members of the CCF and the CPC. And the "equal treatment of both sexes"[35] as regards contributions and benefits that was incorporated into the 1938 bill reflected the liberal opinion of British expert D. Christie Tait that it was necessary to acknowledge the "increasing reluctance among many people to making such a discrimination in unemployment insurance."[36] The Fifth Convention of the Canadian Federation of Business and Professional Women's Clubs had protested as "unequal pay for equal work" the lower UI contributions and benefits established for girls and women in the 1935

[29]Or her substitute. As Sonya Michel has noted with respect to the United States, "public policy during the Depression upheld the ideal of the conventional family with a wage-earning father and housekeeping mother." Sonya Michel, "American Women and the Discourse of the Democratic Family in World War II," in Higonnet *et al.*, *Behind the Lines*, 156.

[30]See particularly Leonard Marsh, Part IV: "Family Needs," *Report on Social Security for Canada 1943*, with a new Introduction by the Author and a Preface by Michael Bliss (Toronto 1975), 195-232.

[31]A minority within the political Left were sympathetic to the concerns of married women workers. Nonetheless, the view that came to predominate was one that favoured the 'family wage.' See Joan Sangster, *Dreams of Equality: Women on the Canadian Left, 1920-1950* (Toronto 1989).

[32]Sangster, *Dreams of Equality*.

[33]Riley, "Some Peculiarities of Social Policy concerning Women," 261.

[34]Canada, House of Commons, *Debates*, 18 February 1935, 914; 8 March 1935, 1537-8.

[35]NAC, RG 40, Series 3, Vol. 24, file 6 (1935-39), A Summary of the 1938 Draft Unemployment Insurance Bill.

[36]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), D. Christie Tait, "Report on a Proposed Unemployment Insurance Bill in Canada," n.d. (probably early 1938).

legislation.[37] And the Ottawa Women's Liberal Club had passed a resolution disapproving of "the discrimination between the sexes with regard to the scale of insurance payments and benefits."[38] But the discrimination so signified was less that against dependent wives and mothers than that against single women workers who, in their independent state, were more similar to men. It was possible, in other words, to entertain at one and the same time disapproval of discrimination on the basis of sex and the notion that married women should be supported by their husbands.

Gender in the Flat versus Graded Rates Debate

AT THE SAME TIME, however, the single woman admissible to equality with men on the grounds of independence was crucially different from the large proportion of men in the labour force who were married with dependants.[39] By 1940, those consulted in the revising of the 1938 bill for submission to Parliament were concerned to address the 'social injustice' that they saw entailed in the abandonment of sex categories for setting the rate of contributions and benefits while a flat rate within age categories was retained. Perceived as a 'social injustice' was the flat rate system's non-accommodation of the fact that "men usually have more dependants than women and therefore need a higher benefit."[40] Although both the 1935 Act and the 1938 Bill had provided for dependants' allowances, the amount of allowance was not regarded as sufficient to compensate for the 1938 elimination of the sex-based differential in basic benefit. Clearly, the concept of sexual equality resided uneasily within the master frame of male breadwinner entitled to a 'family wage' to support a dependent wife and children. While the single working woman's independence qualified her for equality with the working man, the married woman's presumed dependence threatened to disqualify her from such equality, and the married male worker claimed a position of more equal than others.[41]

[37]NAC, MG 28, I 55, Papers of the Canadian Federation of Business and Professional Women's Clubs, Vol. 43, Minute Book 1, Minutes of the 5th Convention, CFBPWC, Calgary, 3-6 July 1935, 9-10.

[38]At its 31 January 1935, meeting. NAC, MG 26, K, R.B. Bennett Papers, Vol. 793, Reel M-1461, 503874.

[39]According to data used by the Department of Insurance in 1940, 39.8 per cent of male wage-earners were married in 1921 (58.4 per cent were single) and 40.4 per cent were married in 1931 (57.6 per cent were single). NAC, RG 40, Vol. 24, file 6, A Summary of the Draft Unemployment Insurance Bill (1938), January 1940.

[40]NAC, RG 40, Series 3, Vol. 24, file 7, "The Principles of Flat and Graded Employee Contributions and Benefit, as Applied to a Projected Canadian Unemployment Insurance Scheme," memo attached to a letter to A.D. Watson from Gerald H. Brown, Assistant Deputy Minister, Department of Labour, 8 May 1940.

[41]Catharine MacKinnon has identified the tendency to establish men as the norm against which women are measured as a salient feature of law and other social discourses and institutions. Women, she has written, "have to meet either the male standard for males or the male standard for females." Catharine MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Cambridge 1987), 71-2. I am grateful to Sherene Razack for bringing this point to my attention in "Feminism and the Law: The Women's Legal Education and Action Fund," PhD thesis, University of Toronto, 1989.

This male claim was based on the concept of the 'family wage.' From its frequent invocations in Commons debates, and from its service as the implicit rationale underpinning dependants' allowances for spouses, one can see that the concept of the 'family wage' was widely accepted as common sense. MPs across party lines invoked the 'family wage' as an ideal or as a principle of social justice. For example, on 12 February 1935, G.D. Stanley of the Conservative Party identified as "the ideal to which [the male worker] strives" the possibility of becoming "self-supporting," which Stanley defined as the condition of a male worker's being able, "during his working years, ... to earn enough to provide for the maintenance of his family during his whole life."[42] On 18 February 1935, Woodsworth of the CCF criticized the capitalist wage system in Canada for the social injustice of "fixing the price of labour" while having "no regard ... to the conditions necessary to maintain the labourer and his wife and family in a state of well-being."[43] And on 9 April 1935, H.B. McKinnon of the Liberal Party made a case for including dependants' allowances in minimum wage legislation on the grounds that "a man with a family of six or seven or eight should be given some consideration over and above what is given to the man who is single."[44]

Civil servant Eric Stangroom of the federal Department of Labour recognized as one of the positive "social effects" of incorporating dependants' allowances within an unemployment scheme the fact that fewer children would be forced into employment, and wives would not be obliged to take on "unsuitable work."[45] Both the 1935 Act and the 1938 draft bill provided for dependants' allowances and allowed that both adults and children could be dependants. The dependent adult was defined in Section 15 (2) of the 1938 draft legislation as "the wife or dependent husband of the insured person, or a female having the care of the dependent children of the insured person."[46] Used without the qualifier "dependent," the term "wife," it should be noted, here bore the social meaning of "dependence" as the very essence of its signification in a way that not even the term "children" did. Moreover, while it was acknowledged that women could have dependent husbands as well as dependent children, it was also assumed by Chief Actuary Watson, among others, that "the dependants of women claimants will be relatively unimportant."[47] Indeed, provision for dependants' allowances was made on the assumption that "the

[42]Canada, House of Commons, *Debates*, 12 February 1935, 768.

[43]Canada, House of Commons, *Debates*, 18 February 1935, 914-15. Apparently Woodsworth was unaware of any contradiction in his espousal in the same speech of a principle of "social justice" that contravened the principle of the 'family wage,' namely that "men and women should receive equal remuneration for work of equal value."

[44]Canada, House of Commons, *Debates*, 9 April 1935, 2565-66.

[45]NAC, RG 40, Vol. 24, file Unemployment Insurance (6), Eric Stangroom, "Some Aspects and Anomalies of the British Unemployment Scheme as They Might Relate to Possible Canadian Legislation," December 1939.

[46]NAC, RG 40, Vol. 24, file Unemployment Insurance (6), "Notes on the Unemployment Insurance Draft Bill (1938)," n.a.

[47]NAC, RG 40, Vol. 24, file Unemployment Insurance (6), Watson's Actuarial Report, 15 March 1938.

dependants of female wage-earners are relatively few." To support this claim, British data was cited to show that in 1924 only about 2 per cent of working women had adult dependants and only about 2.7 per cent had dependent children.[48] Canadian civil servants assumed, in the complete absence of hard data, that the proportion of female workers with dependent children "would *probably* be lower in Canada as *probably* relatively few women with children are wage earners."[49]

In the discussions surrounding the drafting of the 1940 UI legislation, the question of how to deal in a 'socially just' way with the need of the male head of household for a higher benefit than the single male or female worker turned on the relative merit of a "graded rating" versus the "flat rating schemes" embodied in the 1935 Act and the 1938 Draft Bill.[50] Pivotal to the proposed "graded rating" system was the use of a fixed ratio to allow contributions and benefits to vary in direct relation to income. In other words, the varying amount of contribution to be paid and amount of benefit to be collected were both to be computed in terms of a set proportion of the individual worker's usual earnings.

As early as 1935, Tom Moore of the Trades and Labour Congress of Canada had asked the Senate Committee on Unemployment Insurance to consider "graded benefits 'proportionate to the man's earnings'." William Beveridge had recommended earnings-related contributions and benefits to the British Royal Commission on Unemployment Insurance of 1930-32 (sometimes referred to as the Gregory Commission). The United States had shown a preference for graded rates from the start.[51] By 1938 social policy experts writing in Canada, such as L. Richter in the *Dalhousie Review*[52] and D. Christie Tait in his Report to the Dominion Government,[53] had been criticizing the flat-rate system of contributions and benefits for its unfairness to higher-paid workers. With their deeply entrenched suspicion that the social-insurance recipients would sooner collect benefits than put in a good day's work, many Canadian social-policy drafters and analysts were as wedded to the principle of 'less eligibility' as their British counterparts.[54] In the context of

[48]NAC, RG 40, Series 3, Vol. 24, file (6), A Summary of the Draft Unemployment Insurance Bill (1938), January 1940. In 1915 the Fabian Women's Group in Britain had estimated that 50 per cent of working women were partially or wholly maintaining others. The validity of their sample was questioned by B. Seebohm Rowntree and Frank D. Stuart, who put the figure at 12 per cent. Ellen Smith, *Wage Earning Women and their Dependants* (London 1915), and B. Seebohm Rowntree and Frank D. Stuart, *The Responsibility of Women Workers for Dependants* (Oxford 1921). Thanks to Jane E. Lewis for these references.

[49]NAC, RG 40, Series 3, Vol. 24, file 6, A Summary of the Draft Unemployment Insurance Bill (1938), January 1940, author's emphasis.

[50]NAC, RG 40, Series 3, Vol. 24, file 7, "The Principles of Flat and Graded Employee Contributions and Benefits, as Applied to a Projected Canadian Unemployment Insurance Scheme," memo attached to a letter to A.D. Watson from G.H. Brown, ADM/Labour, 8 May 1940.

[51]*Ibid.*, 3.

[52]L. Richter, "Limitations of Unemployment Insurance."

[53]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), D. Christie Tait, "Report on a Proposed Unemployment Insurance Bill in Canada," probably early 1938.

[54]Struthers, *'No Fault'*, 6-7, 85, 100, 135, 147, 181, 188, 205, 207, 211-12.

unemployment insurance, honouring this principle meant that the benefit collected had to be set at a level lower than the recipient's usual earnings, otherwise "overinsurance" would occur.[55] Applied within a flat rate system, it meant that contributions and benefits had to be fixed low enough that the insurable worker "earning the lowest rate of wages"[56] would not receive more in UI benefits than his/her normal earnings. According to the 1935 Act and the 1938 Draft Bill, the total benefit possible for a claimant could not exceed 80 per cent of the person's average weekly pay while employed.[57] For so long as they were employed, the more highly-paid insurable workers enjoyed the advantage of contributing a lower proportion of their wages to the UI fund than the less well paid. Once unemployed, however, those who had enjoyed a higher income level would receive in UI benefit a much smaller proportion of their former wages and, as a consequence, would suffer a sharp drop in their standard of living. Following this line of reasoning with respect to Canada's vast regional differences, Labour Minister N.A. McLarty concluded in the Commons debates of 1940 that because "the unemployment benefit can never rise as high as wages, ... the yardstick used to measure UI benefits would necessarily have to be the lowest wages paid in the lowest wage-paid area in the country."[58] It was the graded system's elimination of the leveling effect of the flat-rate system of benefit computation that helped fuel the "strong intellectual argument," noted by Watson in 1940, that the graded system would be more "socially just."[59] Here, clearly, the concept of social justice needs to be read as encompassing the maintenance of wage and salary hierarchies. According to a memo Gerald H. Brown, assistant deputy minister of labour, sent Watson in May 1940, the introduction of graded contributions and benefits would protect the higher standard of living of higher wage earners.[60]

If the existence of wage and salary hierarchies was not perceived as 'socially unjust,' there was some sense that sex-based hierarchies of contribution and benefit might be. The ideology of sexual equality in wages and social benefits was

[55]NAC, RG 40, Series 3, Vol. 24, file 7, "The Problem of Dependency in Unemployment Insurance," received by Watson from Eric Stangroom, 5 June 1940.

[56]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), D. Christie Tait, "Report on a Proposed Unemployment Insurance Bill in Canada," 45.

[57]NAC, RG 40, Series 3, Vol. 24, file 7, "The Problem of Dependency in Unemployment Insurance," received by Watson from Eric Stangroom, 5 June 1940.

[58]Canada, House of Commons, *Debates*, 16 July 1940, 1786.

[59]NAC, RG 40, Series 3, Vol. 24, file 7, Memo. from Watson to Gerald R. Brown, Assistant Deputy Minister, Department of Labour, 6 May 1940.

[60]NAC RG 40, Series 3, Vol. 24, file 7, "The Principles of Flat and Graded Employee Contributions and Benefit, as Applied to a Projected Canadian Unemployment Insurance Scheme," memo attached to a letter to Watson from G. H. Brown, ADM/Labour, 8 May 1940. In a comparison of the 1935 and 1940 Acts, the following argument was advanced in support of abandoning the flat rate system of calculating contributions and benefits: "If circumstances compel an insured man to subsist on benefits for several months, the man of high income (within the scope of the Act) will suffer greater hardship than the man of low income because he will have higher obligations in the way of rent and other fixed expenses." NAC, RG 50, Records of the Unemployment Insurance Commission, Vol. 24, file 1-2-2-9, Memorandum of 7 May 1940.

prevalent on the Left, as we have seen, at least insofar as the single female worker could be assimilated to the norm established by the male worker. In 1935, the All Canadian Congress of Labour had raised objections to the system of flat rates graduated "according to age and sex," and recommended its replacement "by a scale of contributions [graded] according to earnings."[61] The 1938 bill had dispensed with sex-based differentiations, but, despite the retention of dependants' allowances, the very removal of sex distinctions in a flat-rate system was seen by some, as mentioned earlier, to violate the principle of the 'family wage,' and penalize the male head of household.[62] The adoption of a system of variable rates, graded according to income, appeared to be the solution to the problem. The differentiation on the basis of sex, by which girls and women in each age group were to pay and receive less in contributions and benefits than boys and men, was "the result," Stangroom reflected in 1939,

> of [a] tradition which has had a bad psychological effect on the efficiency of the woman, who feels she is held cheaply; on the employer, who feels a woman should be paid less; and on the male worker, who feels, from the age of 16 when he enters the scheme, that he is superior by reason of his sex alone.[63]

Stangroom concluded that "an employee contribution equal as to both sexes" should be a feature of any future UI plan contemplated by the Canadian Parliament. Earnings-related contributions and benefits achieved that end and therefore established "a principle more easily defended," for they would not "give to the women wage earners a status of inferiority," as, according to the Ottawa Women's Liberal Club, the 1935 sex-discriminatory provisions had done.[64] Graded contributions and benefits, moreover, "would appeal as more logical and realistic than a division by age and sex."[65] The 1939 response of Watson, the pragmatist, was that "there may, however, be sound reasons for treating men and women technically alike. It certainly does simplify the scheme."[66]

Albeit by 1940, studies showed that the graded system was, in fact, more complicated to administer, in the end it was its potential for creating the illusion of sexual equality that commended the earnings-related system to those concerned with averting charges of sex discrimination. As the May 1940 report comparing flat versus graded rating systems succinctly stated, the latter "dispenses with the

[61]Cited by Woodsworth. Canada, House of Commons, *Debates*, 8 March 1935, 1534.

[62]NAC, RG 40, Series 3, Vol. 24, file 7, "The Principles of Flat and Graded Employee Contributions and Benefit, as Applied to a Projected Canadian Unemployment Insurance Scheme," memo attached to a letter to Watson from G. H. Brown, ADM/Labour, 8 May 1940.

[63]NAC, RG 40, Vol. 24, file Unemployment Insurance (6), Stangroom's memo re. Some Aspects and Anomalies of the British Unemployment Scheme as They Might Relate to Possible Canadian Legislation, December 1939, 16-17.

[64]In resolution passed by the Ottawa Women's Liberal Club on 31 January 1935. NAC, MG 26, K, R.B. Bennett Papers, Vol. 793, Reel M-1461, 503874.

[65]*Ibid.*

[66]NAC, RG 40, Vol. 24, file Unemployment Insurance (6), Watson's response to Stangroom's Memo. re. British Scheme, 1939, 7.

sex distinction question, and achieves the same end."[67] In other words, the 1940 adoption of the graded-rates system gave the appearance of formal equality in Canadian UI legislation by eliminating any explicit differentiation in contribution or benefit based on sex. At the same time, however, in the absence of any concurrent social program to change the sexually unequal wage structure of the Canadian labour market, the graded-rate system, calculated as it was in direct relation to individual earnings, implicitly embedded sexual inequality in contributions and benefits into the Canadian unemployment insurance scheme. In the language of the authors of the report outlining the case for the earnings-related system,

> A direct grouping by wages rather than by sex would establish a sounder relationship [between contributions and earnings and between earnings and benefits] which would not be so unfavourable, psychologically, to female labour....

It would, in other words, achieve the desired smoke-and-mirrors effect. At the same time, the report openly acknowledged that the variable-rate system, relative to earnings, would "give public recognition to the common circumstance of lower wages for women as a fixed principle."[68] Given that the report acknowledged that legislated inequality on the basis of sex had a negative psychological effect on women while it simultaneously called for recognition of "the usual difference in wages between men and women" as a matter of "fixed principle," one might paraphrase the report's position as 'No inequality but inequality anyway.' On the one hand, inequality between the sexes would not be explicit in the UI legislation, while on the other there would still be real inequality because women were lower paid than men and would therefore contribute and benefit less.

Provision for Dependants

THE EARNINGS-RELATED SYSTEM, then, was heralded for removing the 'social injustice' of sexual inequality from UI legislation by sleight of hand. Equally important to drafters and supporters was the conviction that the graded rating "does not involve [the] injustice" of penalizing men, who "usually have more dependants than women," as it was believed the flat-rated scheme with no provision for sex categories would have done.[69] Dichotomized into either single female workers or dependent wives and mothers, women as dependants, not independent single women, were the prime objects of social policy throughout the 1930s-1950s, except during the war emergency years. (Women who did not fit into one or the other of these categories tended to fall through the holes of the emerging social security net.) Because the assumption was that most women were dependants, the concept

[67] NAC, RG 40, Series 3, Vol. 24, file 7, "The Principles of Flat and Graded Employee Contributions and Benefit, As Applied to a Projected Canadian Insurance Scheme," memo attached to a letter to Watson from G.H. Brown, ADM/Labour, 8 May 1940.
[68] *Ibid.*
[69] *Ibid.*

of dependency is the key to understanding many of the gender issues raised in the UI debates.[70] Within the master frame that assigned economic primacy to the man on the grounds of his heading a household of dependants, the claim to dependants' allowances was the logical extension of the claim to a 'family wage.' On this basis, both the 1935 Act and the 1938 UI bill included provisions for dependants' allowances in which a "wife" was by definition classified as a dependant.

Those who were as concerned with expediency as with social justice, like the author of the memo on "The Problem of Dependency in Unemployment Insurance" circulating within the Departments of Labour and Insurance in spring 1940, believed that the 'family wage' should be honoured through provision of dependants' allowances because "the existence of dependants arouses a sense of responsibility in the workman."[71] But for civil servants and their advisors, and the Conservative and Liberal politicians whom they served, the commitment to the 'family wage' and, by extension, dependants' allowances was limited by their concerns about the costs of a social security system, and by their overriding commitment to preserving wage differentials. Throughout the debates on unemployment insurance in Canada, a distinction was drawn between "predictable" and therefore respectable and "insurable" need, on the one hand, and "absolute" need, on the other.[72] UI legislation was never intended to address the latter, the need of the destitute, of the long-term unemployed and of the unemployable. The Dominion Actuary could compare the unemployment insurance scheme proposed in 1940 with the dole, relief, or unemployment assistance and pronounce UI the "soundest socio-economic institution on the whole."[73] But if the first proposed UI legislation had been implemented in 1934 or 1935, a time of high unemployment, it would not have relieved the existing joblessness, as both its authors[74] and its critics[75] well knew. Nonetheless, there were some provisions in the 1935 UI Act, as L. Richter pointed out, that "satisfie[d] the social principle." However restric-

[70]See Jane Lewis, "Dealing with Dependency: State Practices and Social Realities, 1870-1945," in Jane Lewis, ed., *Women's Welfare, Women's Right* (London 1983), 26-30.

[71]NAC, RG 40, Series 3, Vol. 24, file 7, "The Problem of Dependency in Unemployment Insurance," received by Watson from Eric Stangroom, Department of Labour, 5 June 1940.

[72]Watson, the Chief Actuary, Department of Insurance, defended the inclusion of dependants' benefits in the 1940 UI plan on the grounds that, although they depended on marital status and dependants, because these variables were taken into account regardless of need in the sense of 'absolute' need, they did not contravene the "insurance principle" of predictable need. NAC, RG 40, Series 3, Vol. 24, file 7, Memo from Watson to G.H. Brown, ADM/Labour, 16 January 1940.

[73]*Ibid.*

[74]In June 1934, Dominion Actuary Watson more or less advised Bennett that it was an inopportune time to introduce UI. "The plain fact is that until means are found of effecting greater stability than heretofore in social and economic conditions, an unemployment insurance fund is liable to be called upon to bear burdens so uncertain and so incalculable as to set at naught the best considered rates of contributions." NAC, RG 40, Series 3, Vol. 24, file 3, Actuarial Report on Contributions Required under "The Employment and Social Insurance Act," prepared by A.D. Watson, 14 June 1934.

[75]In the 1935 debate in the House, Woodsworth criticized the proposed UI legislation for not meeting "the needs of the great mass of the unemployed." Canada, House of Commons, *Debates*, 29 January 1935, 284.

tedly, they addressed need by providing training and rehabilitation programs, loans for the fares of unemployed men to move to where work was available, and an employment exchange system. Included in the list of provisions addressing need was the "payment of additional benefit for families without any increase of the premium."[76] Asked for his opinion in 1935, an American consultant criticized the inclusion of dependants' allowances in UI plans precisely because they introduced "an element of payment according to need."[77]

By 1940, the issue of whether the new UI bill should or should not include dependants' allowances was muddied by the debate taking place over family allowances.[78] There was a strong belief on the part of some highly placed civil servants in the Departments of Labour, Insurance and Finance that the retention of dependants' allowances in UI legislation and the introduction of family allowances were mutually exclusive. This belief dovetailed with the assumption that the proposed, earnings-related system of setting UI contribution and benefit levels dispensed with the need for dependants' allowances in a UI scheme. It was assumed that, under a graded system that related contributions and benefits directly to earnings, since men earn more, the higher UI benefits they would receive would be sufficient for them to meet their responsibilities as family providers. Dependants' allowances, therefore, could be eliminated. This assumption was used to argue that the graded-rate system would not be more expensive than the flat-rate system because the latter was "accompanied by dependants' allowances" which increased the cost of UI.

Eric Stangroom, in particular, articulated this line of reasoning in a series of memos to Watson in May and June, 1940, on flat versus graded rates and "the problem of dependency." A supporter of an independent scheme of "Family Endowments or Family Allowances regardless of the employment or unemployment status of the breadwinner or breadwinners," Stangroom felt that the retention of dependants' allowances in a UI benefit scheme "would prejudice the introduction of Family Allowance schemes...." [79] Stangroom recognized that having to provide for family dependants had the positive effect of stabilizing a male work force. But in the context of the debate over Family Allowances, Strangroom's

[76]L. Richter, "General Principles and European Experience," *The Employment and Social Insurance Bill*, Proceedings of the May 1935 Meeting of the Canadian Economics and Political Science Association, *The Canadian Journal of Economics and Political Science*, 1 (1935), 447. See also A.W. Neill's discussion of Section 14 of the 1935 bill. Canada, House of Commons, *Debates*, 12 February 1935, 771.

[77]W.J. Couper, "A Comment From the Point of View of American Opinion," *The Employment and Social Insurance Bill*, Proceedings of the May 1935 Meeting of the Economics and Political Science Association, *Canadian Journal of Economics and Political Science*, 1 (1935), 455.

[78]In fact, when Family Allowances were implemented in 1944, even though the cheques were made out to mothers, the amounts were insufficient to counteract the general tendency of Canada's social organization which encouraged women's dependence on men.

[79]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), Memo to Watson from Stangroom, 10 May 1940. See also RG 40, Series 3, Vol. 24, file 7, Memo on "The Problem of Dependency in Unemployment Insurance," received by Watson from Stangroom, 5 June 1940.

desire to detach dependants' allowances from UI led him to argue that dependants' allowances were a matter of need, and need was not a matter to be addressed by Unemployment Insurance.[80] To corroborate his argument, he cited the statistics that

> In Canada between 1934 and 1936, as much as 15.6% of male wage-earners and 49.5% of female wage-earners would not even receive the allowance for an adult dependent [and one dependent child], because their average wage while in employment was less that $12 weekly.[81]

"The truth," he contended, was that "the great need of [Canadian] families" was the result of "a wage situation"; that is, due to pervasive low wages, "need exists in many of the families of the nation *even when the breadwinner is at work.*" In other words, social reality fell far short of the ideal of the 'family wage,' and it was not UI's job to bridge this enormous shortfall. The most "needy" kinds of employment were excluded from the proposed UI scheme anyway, Stangroom pointed out.[82] He feared, moreover, that if dependants' benefits were introduced, they would be difficult to abolish.[83]

Watson, in contrast, held that not providing dependants' allowances in a UI scheme would be difficult, as they were provided under other social insurance measures, such as Workman's Compensation, the Old Age Annuity Scheme in the U.S. Social Security Act, and Canada's Civil Service Superannuation Scheme. Alert to questions of cost, Watson suggested that "there might be advantages in limiting the dependants to children alone rather than including wife and children,"

[80]As Eric Stangroom, Department of Labour, responded in a letter dated 17 October 1940, to a query from Angus MacInnis, C.C.F. M.P. from Vancouver, "Personally, I feel that as wages take no account of dependency some system of family allowances might be the proper solution, leaving unemployment insurance to compensate for loss of earnings." NAC, RG 27, Vol. 3454, file 4-1, part 1.

[81]NAC, RG 40, Series 3, Vol. 24, file 7, Memo on "The Problem of Dependency in Unemployment Insurance," received by Watson from Stangroom, 5 June 1940. In both the 1935 Act and the 1938 Bill, the total benefit paid to claimants could not exceed 80 per cent of a person's average weekly pay while employed. Thus, for example, under the 1935 Act, a man 21 years of age or older, earning $12 a week, would have been eligible for a maximum benefit package of $9.60 which would have entitled him to draw, beyond the basic benefit of $6.00 for himself, the adult dependant benefit of $2.70 plus benefit for only one dependent child at 90 cents. Because the flat benefit rate for a woman 21 or over was $5.10, while the adult dependant and dependent child benefit rates remained constant, the average weekly pay for an adult working woman would have needed to be approximately $11 in order for her to collect, beyond her own UI benefit, dependants' benefits for one adult and one child.

[82]People in low-paid and irregular employment would have faced great difficulty fulfilling the entry requirements for UI under either the 1935 or 1940 Acts or the 1938 draft bill. Introducing a daily rate of contribution option in the 1938 bill and 1940 Act overcame the difficulties with the definition of "continuous employment" encountered when only a weekly contribution was possible, as in the 1935 Act. NAC, RG 50, Vol. 24, file 1-2-2-9, Comparison of 1935 and 1940 Acts, Memorandum from J. MacKenzie, 7 May 1940. The 1940 Act, however, established an earnings floor of 90 cents per day below which a person would not be eligible to collect benefits. NAC, RG 40, Series 3, Vol. 24, file 8, First Reading UI Bill, July 1940, Section 19 (3).

[83]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), Memo to Watson from Stangroom, 10 May 1940.

but, he conceded, "it might also be difficult to get acceptance for that view."[84] To those who opposed the inclusion of dependants' allowances in the belief that they "would militate against the adoption of family allowances," Watson years later recalled arguing that their inclusion "would hasten rather than retard family allowances."[85] On balance, Watson, ever the pragmatist, recommended "a thorough-going recognition of dependants" in the 1940 UI bill "as in the Act of 1935"[86] to obviate the necessity for additional assistance or relief measures.[87]

Given the prevailing assumption that most women were dependants and were, therefore, to be provided for by men, whether daughters by fathers or wives by husbands, the major channel through which UI coverage was to be extended to women was the provision of dependants' allowances. That the drafters of the UI legislation seriously considered either dispensing with dependants' benefits altogether or not including wives (dependants by definition, as we have seen) says something about the lesser importance, in the eyes of the policy makers, of women relative to men, of wives relative to husbands and of daughters relative to fathers, as well as of the expendability of the 'family wage' principle. Indeed, the debate over UI dependants' allowances versus 'family allowances' was, in large part, a debate over the function of the wage. Although lip service was paid regularly to the principle of the 'family wage,' it was well known that wages did not vary according to need, that is, that dependants' allowances were not built into wages. In a sense, the advocates of 'family allowances' regarded this measure as *the* solution to the non-reality of the 'family wage'. Moreover, dependants' allowances as an integral part of the unemployment insurance benefit package threatened to contravene the 'less eligibility' principle as applied to UI, and cause what bureaucrats and policy analysts of the day called "overinsurance."[88] As Stangroom wrote in his analysis of the problem of dependency in UI, "whatever our decision, it seems that benefits should not exceed wages ... or overinsurance will result, with the danger of malingering."[89] To grant more, in an unemployment insurance benefit package that included dependants' allowances, than a person could earn while in waged or salaried employment would, it was feared, destroy the work incentive.

Initially, dependants' allowances were not a feature of the early drafts of the 1940 UI bill. In the end, partly as a result of representations from labour, particular-

[84]NAC, RG 40, Series 3, Vol. 24, file 7, Memo. from Watson to Gerald R. Brown, Assistant Deputy Minister, Department of Labour, 16 January 1940.

[85]NAC, RG 40, Series 3, Vol. 26, file 3-25-2, vol. 5, A.D. Watson's Comments on General Review of the UI Act, 1940 by R.G. Barclay, Director of U.I., Parts I & II, as submitted to N. McKellan for comment, 17 February 1951.

[86]*Ibid.*

[87]NAC, RG 40, Series 3, Vol. 24, file 7, Memo. from Watson to Gerald R. Brown, ADM/Labour, 16 January 1940.

[88]NAC, RG 40, Vol. 24, file Unemployment Insurance (6), Eric Stangroom, "Some Aspects and Anomalies of the British Unemployment Scheme As They Might Relate to Possible Canadian Legislation," December 1939, 10, 27.

[89]NAC, RG 40, Series 3, Vol. 24, file 7, "The Problem of Dependency in Unemployment Insurance," received by Watson from Eric Stangroom, 5 June 1940.

ly Quebec labour, the 1940 UI Act did contain provision for dependants' allowances. They were included in the legislation, however, just as the sex distinctions in contributions and benefits had been excluded from the 1938 bill, by sleight of hand. Watson told the story in 1951. The base benefit rate had been originally set at 40 times the average daily/weekly contribution. A person earning between $5.40 and $7.50 a week and paying a 12 cent weekly contribution would have received a weekly benefit of $4.80. Asked to evaluate the relationship of benefits to contributions in the original 1940 Bill with an eye to increasing the latter to cover dependants' allowances, Watson remembered having found the benefits "to be very considerably in excess of" the contributions. In disagreement with him, however, were those who thought that the rates of benefit were already "so moderate" that they could not possibly be further decreased, but who were "equally reluctant" to propose higher contributions for the sake of dependants' allowances. "Some practical decision had to be reached quickly," Watson recalled in 1951, because "the bill had to go forward into the Senate the next day or perhaps the day after that." The compromise solution was to bring in dependants' allowances through the back door by reducing the base benefit rate from 40 times the average daily/weekly rate of contribution to 34 times for those claimants without dependants, and by allowing only claimants with dependants to receive benefits of 40 times their average contribution.[90] Now, with respect to those covered by UI who had been earning between $5.40 and $7.50 a week, the unemployed person with dependants would receive $4.80 in weekly benefits while the person without, only $4.08.[91]

The "differential on the basis of dependency"[92] thus amounted not to a "15 per cent supplement to [the] base rate" for claimants with dependants, as Struthers describes it,[93] but rather to a reduction to 85 per cent of the base rate for claimants without dependants. In other words, claimants without dependants both were penalized for not having them, and expected to subsidize the 'allowances' for those who did. As it was widely assumed that few women in the labour force had dependants, this measure can hardly be regarded as designed to be of advantage to female workers. At the same time, since the major provision of unemployment

[90]NAC, RG 40, Series 3, Vol. 26, file 3-25-2, vol. 5, A.D. Watson's Comments on General Review of the UI Act, 1940 by R.G. Barclay, Director of UI, Parts I & II, as submitted to N. McKellan for comment, 17 February 1951. The compromise proposal of setting the graded contributions and benefits rate for persons without dependants at 85 per cent of the total for those with dependants was sent to Watson for his appraisal by Gerald H. Brown, ADM/Labour, on 12 July 1940. NAC, RG 40, Series 3, Vol. 24, file 8, letter to Watson from Brown, 12 July 1940.

[91]Senator L. Coté was incensed that the differential between those with and those without dependants was so small and threatened to "blow up the whole thing" in the Senate. According to Watson, he was able to reassure the Senator that, "when the opportunity should arise, the differential would be widened." NAC, RG 40, Series 3, Vol. 26, file 3-25-2, vol. 5, Watson's Comments on General Review of the UI Act, 1940 by R.G. Barclay, Director of UI, Parts I & II, as submitted to N. McKellan for comment, 17 February 1951. See also Canada, Senate, *Debates*, 1 August 1940, 412.

[92]*Ibid.*

[93]Struthers, *'No Fault'*, 201.

insurance for women was to be by way of their dependence on men, to disguise "the differential on the basis of dependency" as a supplement for dependants was not only to mask the cut in the base benefit rate for the single worker but to disregard the real material needs of wives and children living in households organized on the basis of the 'family wage.' Nonetheless, being by definition connected to the labour market only indirectly through their husbands, married women were to have access to unemployment insurance through the dependants' benefits (however meagre) extended to their male providers. As already noted, married women in paid employment did not fit comfortably into the master frame. Upon marriage, women were presumed to enter a state of dependency in which husbands would provide for them. Therefore, for a married woman to claim unemployment insurance was a contradiction in terms or, what was greatly feared, a way to defraud the system. Hovering on the edges of the UI debate in the 1930s was the suspicion that women workers who married would make fraudulent claims. This was the subject of a series of memos exchanged between Watson and Wolfenden in late 1934. Wolfenden clearly delineated two feared scenarios as follows: the woman who had worked long enough to qualify for UI benefits before marriage would, on marriage, leave employment and make claims; or the married woman would continue in paid employment only long enough to qualify for benefits.[94] That both of these cases would have already been covered by the exclusion from benefit of all those who voluntarily severed their employment contract "without just cause" attests to the strength of the fear. The perceived anomalousness (and feared duplicity) of gainfully employed, married women was written into the 1935 Act. Section 25 gave the Unemployment Insurance Commission power to make regulations in respect of "special classes," that is, to impose additional conditions and terms as the commissioners saw fit. This section identified five classes of "anomalies": a) casual workers; b) seasonal workers; c) intermittent workers; d) "married women who, since marriage or in any prescribed period subsequent to marriage, have had less than the prescribed number of contributions paid in respect of them;" and e) piece workers.[95] This section of the 1935 legislation closely followed the British UI Anomalies Act and Regulations of 1931. The framers of Canada's 1938 Bill and 1940 Act, however, felt that the schedule for anomalous cases could be simplified by eliminating both married women and intermittent workers once the "ratio rule," to be discussed below, was built into the UI scheme.

Indirect Methods of Controlling Women's Access to Benefit

IN ADDITION TO DIRECT, there were also indirect methods of controlling women's

[94]NAC, RG 40, Series 3, Vol. 24, file 2, Wolfenden Memo. re. Married Women, enclosed in a letter to Watson dated 11 December 1934.

[95]NAC, RG 40, Series 3, Vol. 24, file 4, The Employment and Social Insurance Act, Bill 8, Passed by the House of Commons, 12 March 1935. The subsequent history of the treatment of married women workers within UI legislation, complicated, if not to say tortuous, as it is, is the subject of a separate study.

access to UI benefit. The remaining five of the seven sets of regulations governing eligibility and coverage (listed on pages 80 to 81 above) all affected women without explicitly mentioning either the female sex or married women. Most importantly, there was, throughout all the drafts from 1935 to 1940, the scheme's inherent bias toward 'the good worker,' the 'good risk.' The framers of the Canadian UI legislation were well aware of the fact that Great Britain's UI scheme had collapsed in the 1920s under the sheer weight of the numbers of unemployed. As the initial drafting in Canada was undertaken at a time of mass unemployment, it is no wonder, then, that the framers exercised great caution, and sought to make eligibility regulations strict and coverage strictly limited. Watson's (and Wolfenden's) preoccupation with actuarial soundness so unmistakably informed the 1935 legislation as to draw fire from CCF critics who attacked the principle as contrary to the interests of workers.[96]

By its thoroughgoing application of a ratio formula that related benefit period to employment and contributory history,[97] the 1938 bill was decidedly framed to reward the steady worker. Moreover, as a summary of the 1938 bill disclosed, the reduction in the number of future benefit days by past claims would penalize the worker who might make what were labelled "trifling claims." In general, the scheme was to function in such a way that "the more he works the greater his benefits."[98] The 1940 legislation retained the "ratio rule," establishing, within a qualifying period of 30 weeks worked over any two-year period, a fixed ratio of five to one between the number of days of paid contributions and the number of days of benefit. Thirty weeks (or 180 days) of employment and contributions within twenty-four months got one six weeks (or 36 days) of benefit. Five years of insurable employment and contributions got one an entire year on UI. As Watson wrote to Arthur MacNamara, Chairman of the Committee on Unemployment Insurance, Dependants' Allowance Board, Department of National Defence, "one important purpose of an unemployment insurance Act ought to be, although not always observed, to give benefit for a good long period to a person who has had a good employment record and then falls on evil days."[99]

Certainly, as Labour Minister McLarty told the House in July 1940, the ratio rule for computing of benefit days was an incentive for "insured persons to try to improve their benefit status by keeping employed."[100] Equally true, as Tait pointed out in discussing the disadvantages of the ratio rule in 1938, was the fact that "the insured worker may be entitled to only a short period of benefit for the simple reason

[96]Specifically Woodsworth. Canada, House of Commons, *Debates*, 18 February 1935, 915.

[97]In a comparison of the the 1935 Act and the 1938 bill, Watson singled out, as one of the major differences, the latter's "determination of benefits wholly on the ratio rule principle, instead of partially on that principle as in the 1935 Act and in the British Act." NAC, RG 40, Series 3, Vol. 24, file 8, Memo to MacNamara from Watson, 6 December 1940.

[98]NAC, RG 40, Series 3, Vol. 24, file 6, A Summary of the 1938 Draft Unemployment Insurance Bill.

[99]NAC, RG 40, Series 3, Vol. 24, file 8, Memo to MacNamara from Watson, 6 December 1940.

[100]Canada, House of Commons, *Debates*, 26 July 1940, 1990.

that he has suffered a great deal of unemployment through no fault of his own."[101] Overlooked by (or invisible to) all was the fact that, through no fault of *her* own, the average woman worker was handicapped in the race for 'good worker' status, since circumstances dictated that she had less access than the average male worker either to steady or to long-term insurable employment. Indeed, rather than expressing concern about any possible harmful effects on the woman worker, architects of the 1938 and 1940 legislation heralded as a positive outcome of the ratio rule that it would *disadvantage* married women. Tait, for example, cited as support for the adopting ratio rule an Australian's opinion that it

> would prevent serious anomalies arising from an undue drain on the fund on the part of casual, intermittent and seasonal workers and married women and thus it may avoid the necessity for complicated regulations like the Anomalies regulations in Great Britain.[102]

As we have seen, the schedule for anomalous cases in both the 1938 Draft Bill and the 1940 Act was simplified by the elimination of married women and intermittent workers.

As explicated by Watson in 1934, the proposed UI scheme was designed to alleviate short-term, but not structural, seasonal, or cyclical joblessness.[103] Nor, he could have added, as Tait did in 1938, was it to alleviate the intermittent unemployment of the irregularly employed.[104] In their attempt to negotiate the contradiction between the assumed dependency of wives and the non-realization of the 'family wage,' women, particularly married women, turned to just the sorts of catch-as-catch-can, temporary, and improvised jobs in the 'informal' economy that were deemed uninsurable. And insofar as they did (and had to do) this, women were excluded from unemployment insurance coverage.

According to the 1935 Act, part-time workers were not by definition ineligible, but they were required to contribute for the equivalent of 40 weeks before acquiring eligibility, a condition that a woman working two or three days a week or less would have taken a long time to fulfill.[105] Two changes in the 1940 Act brought some increase in access to benefit for the less regularly employed. One was the reduction of the qualifying period from 40 to 30 weeks worked over two years, and the second was the option of making daily, rather than weekly, contributions towards establishing qualification period. The latter opened the door somewhat to those who would have found it impossible to meet the "continuous employment" requirement of the 1935 legislation.[106] Despite these two changes, the 1940 Act still put UI

[101]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), D. Christie Tait, "Report on a Proposed Unemployment Insurance Bill in Canada," early 1938, 40.
[102]*Ibid.*, 42.
[103]NAC, RG 40, Series 3, Vol. 24, file 1, Watson's (Revised) Actuarial Report on Contributions, 3 November 1934.
[104]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), D. Christie Tait's 1938 Report on UI Bill, 2-6.
[105]Frederick George Sanderson, Liberal M.P. for Perth South, Ontario, criticized the Act for its treatment of part-time workers. Canada, House of Commons, *Debates*, 19 February 1935, 990.
[106]Canada, House of Commons, *Debates*, 19 July 1940, 1786.

coverage well beyond the reach of most 'intermittently' or 'irregularly' or 'casually' working women.

In a Canadian economy still heavily reliant on male labour in the primary (and seasonal) industries of agriculture, logging, and fishing, the relegation of seasonal unemployment to the status of an anomaly was bound to affect adversely a large proportion of working men. Furthermore, agricultural labour, logging and fishing were explicitly excluded from insurance coverage, on various grounds, in all the drafted and enacted UI legislation from 1934 to 1940. As part of its mandate to examine the possibility of extending coverage, the Unemployment Insurance Commission began recommending inclusion of such areas of heavy male employment as lumbering, and certain occupations within agriculture, as early as 1945.[107] With the exception of nursing, the excluded categories of employment in which women predominated had to wait almost three decades for inclusion.

The most general principle of exclusion incorporated in the 1930s and 40s UI legislation was the income ceiling. Excluded in the 1940 Act was any employment (in the 1935 Act and 1938 Bill, any non-manual employment) which paid more than $2000 a year.[108] The ruling belief was that, first, the well paid and, second, the securely employed did not have to be insured against the contingency of unemployment, since, in the first case, the person could afford to save enough for a rainy day, and, in the second, unemployment was unlikely. As civil servants were regarded as falling into the second category (the permanently employed), those in the federal and provincial public service as well as municipal employees were all excluded from coverage.[109] The secure employment argument was used also as a rationale for excepting school teachers.[110] Whether in the case of female school teachers or female civil servants, the argument was wholly inappropriate, given that neither teaching nor the civil service meant job security for women. Except during the war, when qualified teachers and civil servants were scarce, the policy of most school boards and provincial and municipal civil services as well as of the federal government itself (until 1955), was to require women to relinquish their positions at marriage or, alternatively, at first pregnancy. Certainly a far tinier proportion of the female than of the male labour force would have been excluded on the basis of earnings exceeding $2000, a condition coincident with the assumption of male independence and female dependence.

In addition to teaching, the two other most salient female-dominated occupa-

[107]NAC, RG 27, Vol. 886, file 8-9-26, part 1, Memo re. Amendments to the Unemployment Insurance Act, 1940, to Chairman and Members of the Unemployment Insurance Advisory Committee from L.J. Trottier, Chief Commissioner, 21 February 1945.

[108]First Schedule, Part II (n), 1935 Act: First Schedule, Part II (m), 1938 Draft Bill and 1940 Act.

[109]First Schedule, Part II (l), 1935 Act; First Schedule, Part II (k), 1938 Draft Bill and 1940 Act.

[110]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), D. Christie Tait's 1938 Report on UI, 32. Another argument developed to justify excepting the teaching profession from UI was that the administration of unemployment insurance was to be organized around an employment service infrastructure, and one could hardly expect a teacher to bypass boards of education and seek placement through an employment office. Canada, House of Commons, *Debates*, 26 July 1940, 1988.

tions, marked for exclusion from UI coverage in all the bills and enactments from 1934 to 1940 were hospital and private nursing, and domestic service performed in private homes.[111] By one fell swoop, between 30 and 40 per cent of women in the paid labour force were thus denied access to UI coverage. The rationales for exclusion were various, some identical to those regarding male-dominated occupations. The argument advanced for excluding professional nurses, for instance, was that "they collect their own fees," making their relationship to their employer "analogous to that of physician and patient or solicitor and client."[112] While this assimilated nurses to the model of the highly paid male professional, it conveniently overlooked the discrepancy in fee between nurse and doctor or nurse and lawyer. Nursing probationers, on the other hand, were excluded "because they hardly get enough money to clothe themselves."[113] Registered nurses and nurses in training were thus caught between being falsely identified with doctors and lawyers on the one hand, and, on the other, the decision by the original framers of the Canadian unemployment insurance scheme not to include the economically most vulnerable within the scheme's catchment.[114]

While cleaners of clubs and business premises were to be eligible, domestic servants employed in private homes were not.[115] The rationale advanced for their exclusion was administrative difficulty. As McLarty explained to the House in July 1940, their inclusion

> would make the administrative machinery in the matter of inspection so top heavy and complicated that the cost would be out of proportion to the good which would be accomplished.[116]

Agriculture and fishing were also excluded on the grounds that these were occupations carried out far from centres of inspection.[117] Despite the difficulty of supervision, which he conceded, Tait, in his 1938 Report, had argued for reconsidering the exclusion of agriculture, horticulture and forestry, but not of domestic service.[118] The argument of administrative difficulty would prove much more tenacious in the case of domestics than, for instance, in that of loggers or fishermen. One good reason was the perpetual shortage of domestic help. Despite widespread joblessness in the Depression, demand for domestic servants outran supply; and the war only exacerbated the shortage. The administrative argument with respect

[111]First Schedule, Part II, (i), (h), (g), 1935 Act; First Schedule, Part II, (h), (g), (f), 1938 Draft Bill and 1940 Act.
[112]Canada, House of Commons, *Debates*, 29 July 1940, 2056.
[113]*Ibid.*
[114]NAC, RG 40, Series 3, Vol. 24, file 3, Memo. on Excepted Employments, anon., n.d., presumably by Watson in early 1935.
[115]Canada, House of Commons, *Debates*, 19 July 1940, 1781.
[116]Canada, House of Commons, *Debates*, 26 July 1940, 1988.
[117]NAC, RG 40, Vol. 24, file Unemployment Insurance (6), Notes on the Unemployment Insurance Draft Bill (1938), n.a.
[118]NAC, RG 40, Vol. 24, file Unemployment Insurance (7), D. Christie Tait, "Report on a Proposed Unemployment Insurance Bill," 27.

to paid household labour conveniently disguised the policy of using domestic service as an alternative unemployment insurance scheme for unemployed women.[119] It was an occupation for which, in any case, women were believed to be eminently well-suited.

Another statutory general condition of eligibility for benefit that limited access for women, particularly married women, was the requirement that the claimant be "capable and available for work."[120] For married women, availability was sharply curtailed by the subordination of the wife to the husband in location of residence[121] and, for mothers of young children, by the scarcity of child care facilities. The married woman's lack of mobility, in other words, put geographical limits on her job searching capacity which were as severe as the time limits that child rearing responsibilities imposed on job seeking mothers. Moreover, married women would not have been eligible for the loans provided by the 1935 Act's Section 14 to pay the fares of unemployed workers moving to where work was available.[122] Clearly, the discrimination against women embodied in the regulations regarding availability for work was structural.

Gender and the UI Administrative Structure

GENDER WAS ALSO INSCRIBED in the administrative structure which UI legislation mandated for implementing the scheme. A three-person agency, called the Unemployment Insurance Commission, was created to oversee the entire operation of UI. A dispersed federal bureaucracy of employment service and unemployment insurance offices was to be set up in regional divisions and in cities and towns across Canada. Each region's central office was to act as a clearing house for vacancies and applications for employment and to make this information available to the local offices. Regional insurance officers would be hired to handle unemployment insurance claims. To handle disagreement over claims, the Commission was empowered to set up regional courts of referees and to appoint regional deputy umpires and a national umpire. Provision was also made for the appointment of inspectors authorized to investigate workplaces concerning compliance with UI regulations. To advise and assist the Commission, an Unemployment Insurance Advisory Committee, consisting of a chairman and four to six members, was to be appointed by the Governor in Council.[123]

Not surprisingly, male administrative control of the operation of UI was

[119]See Pierson, Introduction to Chapter Six, "Paid Work," in *No Easy Road*.

[120]Section 20 (1) (iii) of 1935 Act; Section 16 (1) (iii) of 1938 Draft Bill; and Section 28 (iii) of 1940 Act.

[121]According to English Common Law and the Quebec Civil Code, the principle of "the unity of domicile" required that "a wife's domicile, like that of her minor children, [be] that of the husband." It changed as he changed his domicile and not as she changed hers. Indeed, the husband could change his domicile [her "dependent" domicile] against the wife's will "or even without her knowledge." Canada, Royal Commission on the Status of Women in Canada, *Report* (Ottawa 1970), 236-7.

[122]Canada, House of Commons, *Debates*, 12 February 1935, 771.

[123]NAC, RG 40, Series 3, Vol. 24, file 8, 1940 Bill.

ensured from the start. It is true that, at the regional and local level, women (if unmarried, of course) could be hired as employment placement or unemployment insurance officers. And during the war, with the male labour shortage, the lifting of the marriage bar, and the creation of the Women's Division of National Selective Service, the labour of both married and unmarried women was drawn upon to fill some of these jobs in many parts of Canada. But, in keeping with the rest of Canadian state structures, within the higher echelons of the UI administration (that is, within the Commission itself, the inspectorate, and the hierarchy of appointees to implement the appeal procedure), no provision was made to ensure that a proportionate number of women would take up positions. The one exception was the Unemployment Insurance Advisory Committee. Although the 1935 Act was silent on the issue of the sex of those appointed to serve, Prime Minister Bennett conceded in the House on February 21, 1935, that, "if it is thought desirable, ... I contemplate that one of the members ... shall be a woman."[124]

And indeed Section 36 (1) of the 1938 Draft Bill stipulated that the Unemployment Insurance Advisory Committee (UIAC) should be composed of a chairman and not fewer than four nor more than six other members, "one of whom shall be a woman." For some reason, this stipulation, present in Section 83 (1) of the 1940 Act at first reading, was dropped before final passage.[125] Nonetheless, a woman was appointed to the first UIAC formed in December 1940.[126] The aim of having one woman on the UIAC, however, was not to ensure that women workers were represented in proportion to their labour force participation. Instead, this gesture toward sexual equity reproduced a gender asymmetry widespread in western discourses of representation since the 18th century, wherein diversity and plurality have come to characterize the category 'men,' while women have been collapsed into the unified and homogeneous category of 'woman.'[127] Far removed from

[124]Canada, House of Commons, *Debates*, 21 February 1935.

[125]NAC, RG 40, Series 3, Vol. 24, file 8, First Reading UI Bill, July 1940; Canada, "The Unemployment Insurance Act, 1940," *Acts of the Parliament of the Dominion of Canada* (Ottawa 1940), c. 44, s. 83 (1).

[126]NAC, RG 27, Vol. 163, file 612-01 (68-4), Memo of 3 December 1940 from Minister of Labour recommending appointments to the Unemployment Insurance Advisory Committee. The woman was Miss Estelle Hewson, Secretary of the Border Branch of the Canadian Red Cross, Windsor, Ontario. NAC, RG 50, Vol. 57, file U05 — Miss Estelle Hewson, Letter to Dr. W.A. Mackintosh, Chairman, UIC, from Estelle Hewson, 27 December 1940.

[127]The Encyclopaedists and philosophes, like Rousseau, called for the diversification of the category of 'man' to reflect the diversity of 'men,' differentiated, as they were seen to be, "by religions, governments, laws, customs, prejudices, climates." Rousseau, *Lettre à D'Alembert* (Garnier-Flamarion edition), 67, quoted in Michèle Le Doeuff, "Pierre Roussel's Chiasmas: from imaginary knowledge to the learned imagination," *Ideology & Consciousness*, 9 (Winter 1981/82), 53. Then the French Revolution abolished the division of society into orders that had applied to women as well as to men and replaced it with a system that drew distinctions among men according to property and occupation but introduced the political treatment of women *en bloc*. It is in that "historic passage from one system of discrimination (by estate) to another (by sex)" that diversity and plurality came to characterize the category 'men' while unity and homogeneity came to characterize the category 'woman.' Le Doeuff, 52.

unemployment insurance as this practice might seem, its relevance can be discerned in the discussion about the composition of the UIAC. Memos exchanged among Commissioners and labour department officials spoke of the need to select representatives of employers, of labour,[128] of government, and one woman. Underlying this search was a conception of men being diverse, and of women being 'all the same.' Quite beyond consideration was the idea that women might also be divided into workers, employers, and government officials, and hence that there might be need to find representatives of women workers, women employers, women government officials. Otherwise dichotomized into women workers in the public sphere and dependent wives in the private domain,[129] women were reduced to a single category when it came to the representation of their public capacities.

Conclusion

ON CLOSE EXAMINATION, then, gender pervaded the 1934-40 debate on unemployment insurance, and was inscribed in every clause of the resulting legislation. The indirect limits on women's access to UI benefit derived in large measure (as Diana M. Pearce has argued with respect to unemployment compensation in the U.S.) from the mismatch between the normative worker targeted by the programme, the male breadwinner, and female labour market participation patterns. Less mobile than men, women were less likely to meet the available, able and willing to work requirements of UI regulations. Disproportionately concentrated in low-paying and irregular or intermittent jobs, women would have more difficulty fulfilling the statutory conditions for eligibility: the minimum earnings and minimum work-time qualifications. And as quitting a job voluntarily did not entitle one to unemployment insurance, also disqualified would be any woman who voted with her feet, and left a position because of intolerable work conditions or sexual harassment.[130]

Moreover, women were more or less closed out of the supervisory, adjudicative, inspectorate and decision-making levels of the UI administrative structure. The only possibility for women's needs and interests to receive a hearing was created by the requirement (later dropped) that one of the four to six members of the Unemployment Insurance Advisory Committee be a woman. While Canadian UI legislation contributed to the gendered complementarity of masculine independence and feminine dependence, and to the dichotomization of women into either single workers assimilated to the male norm or dependent wives/mothers, the gendered asymmetry of representation in UI's administrative structure con-

[128]The Unemployment Insurance Act stipulated that "there shall be appointed at least one [member] after consultation with organizations representative of employed persons and an equal number after consultation with organizations representative of employers." "The Unemployment Insurance Act, 1940," s. 83 (3).

[129]By definition not in the labour market because not gainfully employed and hence not eligible for unemployment insurance.

[130]Diana M. Pearce, "Toil and Trouble: Women, Workers and Unemployment Compensation," *Signs*, 10 (Spring 1985), 439-59.

tributed at the same time, paradoxically, to the conceptualization of men as multiple and diverse and to that of women as singular and uniform.

In most depictions of unemployment during the Depression, the plight was viewed as visited directly on men, indirectly on women. The gender crisis thus triggered was a crisis in masculinity, an undermining of what was believed to be the male identity's intrinsic tie to the role of head of household and provider. The parallel discourse on unemployment insurance similarly gave precedence to the wage earning of men, as their income-earning capacity was construed as central to the male's identity both as worker and husband/father. While the Left made liberal gestures toward an ideology of sexual equality, these were constrained by the hegemonic assumptions framing the debate for all participants. Chief among these was the construction of breadwinning as a masculine responsibility, a construction whose normative dimension was intensified in the Depression despite its increased divergence from actuality. A complementary intensification occurred in the renewed enforcement of married women's dependency. In contrast to men's, women's economic and familial identities tended to be viewed as being divided if not contradictory. Separated into single, independent working women on one side, and dependent wives/mothers on the other, women's incorporation into UI provisions was twofold, and their access to unemployment insurance benefit limited in both direct and indirect ways. As workers assumed not to have dependants, women's lower contributions and benefits were only a concern for those disturbed by explicit, formalized sex distinctions. That women's wages were lower than men's was accepted, by government officials, as a fixed characteristic of the labour market. The framers of the UI legislation sought to preserve, not eliminate, wage differentials of both class and gender. That the unemployment insurance scheme would be structured by the inequities women faced in the labour market was largely a matter of indifference to them. As it was assumed that most women would be provided for by a male relative, women's principal access to benefit was to be through the indirect channel of dependants' allowances. The sleight-of-hand provision for dependants in the 1940 Act, however, revealed the hollowness of the government's commitment to the 'family wage.' Ideologically dominant as the concept of the 'family wage' was, its rhetorical deployment by the makers of social policy appears to have functioned more to disenfranchise married women and enforce their dependence than to entitle dependent wives and children to adequate provision.

The author wishes to thank Paula Bourne for her assistance with the research for this paper, Dr. Jane Lewis for her assistance with its conceptualization, and Philinda Masters for her assistance with its editing. Research for the paper was funded by a grant from the SSHRCC "Women and Work" Strategic Grants Programme.

BULLETIN DU R.C.H.T.Q.

Depuis 1974, le Regroupement des chercheurs et chercheures en histoire des travailleurs et travailleuses du Québec publie un bulletin d'information trois fois par année. Comptant en moyenne une cinquantaine de pages par numéro, on y trouve des études sur les travailleurs et travailleuses, la description de projets de recherche, les résumés de mémoires et de thèses en cours ou terminés, des renseignements sur les fonds d'archives, etc.

C'est une source indispensable pour les chercheurs et chercheures qui veulent connaître l'état de la recherche et ses orientations en histoire des travailleurs et travailleuses du Québec.

Abonnement:

Individu	10.00$
Institution	20.00$
Extérieur au Canada	25.00$

(Les anciens numéros sont disponibles au prix unitaire de 5.00$)

Faire votre chèque à l'ordre du RCHTQ et l'expédier à Peter Bishoff, Département d'histoire, Université du Québec à Montréal, Montréal, H3C 3P8.