

Summaries

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Égales devant la loi ?

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—● **Legal Condition of Married Woman : Salary and Community
1907-1931. Position of Marie Lacoste Gérin-Lajoie**

MARYSE BEAULIEU

The advent of property reserved to married women in 1931 appears to us to be an important element in the transformation of spouses' relationships. Articles 1425a and following of the Civil Code of Lower Canada testify, in fact, of a visible activity of married woman. Yet, it seems useful to put in perspective the advent of this reform and to call into play Marie Lacoste Gérin-Lajoie and what was called at the time the « loi du salaire de la femme mariée ». This reform, analyzed through the discourse of Gérin-Lajoie sheds a light on its non-autonomous character and the need, even the necessity, of a more global analysis. The legal condition of married woman can not easily be observed without taking into consideration the legal incapacity of married women and the community of movables and acquests, the legal regime. The rhetoric of Gérin-Lajoie reveals those crossovers.

—● **Pre-employment Selection Tests : an Obstacle Course on
Women's Road to Economic Equality**

DIANE L. DEMERS ET KAREN MESSING

Women are frequently kept out of well paid jobs because they face many difficulties in proving that they can do jobs or perform tasks traditionally assigned to men. Prominent among these are screening tests that favour the status quo among the working population. Tests are routinely based upon the characteristics of the current jobholders, the way they perform the tasks, and existing performance standards fixed by the employer. We have studied employment screening tests through human rights and grievance decisions disputing screening results. Human rights decisions have evolved over time. In these courts, it is up to the employer to explain how the task should be performed and to demonstrate the necessity for the test as well as the level of performance required. The same rules apply in grievance proceedings before an arbitrator. However, we found that the nature of the tests is rarely brought up as an issue in grievance proceedings. Feminists should question not only the applications of the tests but the nature, relevance and importance of the capacities being tested.

● **Labour Relations and Pay Equity : Conflicting Logics**

ESTHER DÉOM ET JACQUES MERCIER

In this article, we discuss major limits to the implementation of the Pay Equity Law in Québec. These limits go well beyond those related to the content of the legislation and to the functioning of the Pay Equity Commission because they are rooted in the very nature of our labour-management relations system. While pay equity in itself is a fundamental right, its enforcement is located at the firm level where workers collective bargaining rights have already taken place and this is not without consequences for reaching pay equity for women.

● **Employment Equity and Pay Equity in Quebec : the Ambivalent Role of the State**

MARIE-THÉRÈSE CHICHA

The Québec government has adopted far reaching policies dealing with employment equity as well as pay equity. However the role of the State in implementing these policies has not been very effective. On one hand the government has not offered the required support to organizations subject to these new policies and, in many cases, has not been watchful enough about possible violations. On the other hand, the government as employer, has tried, in some instances, to derogate to its obligations towards its female employees. The ambivalence between social values such as solidarity and equity and neo liberal values such as market deregulation is reflected in the Quebec government choices. This paper analyzes the Québec government interventions aimed at gender equity in the labour market and shows how it is characterized by a continuous backward and forward movement between these two conflicting orientations.

● **Workplace Violence : are Men and Women Workers Subject to the Same Treatment ?**

KATHERINE LIPPEL

This study looks at violence in the workplace through the eyes of administrative tribunal adjudicators called upon to determine the right to compensation for claims by workers injured as a result of incidents at work involving physical or verbal violence. Using a gender based analysis, the study examined 152 appeal tribunal and review board decisions and found that women claimants were more successful in accessing compensation than were their male counterparts. Differences in outcome were ascribed to differences in the circumstances surrounding the violent incident; women workers were more often

aggressed by clients or supervisors and less often aggressed by colleagues. Violent incidents involving women were more often verbal than physical, led more often to psychological rather than physical injury, and the period of disability caused by the injury was longer for women. These factors together contribute to facilitate women's success in appeal, as with regard to many of the legal issues raised by cases of women workers, the law is clearly in their favour. The article concludes by inviting reflections as to why the portrait of violence for the women workers studied is so different from that of men and underlines the importance of gender-based analysis for policy makers developing regulations for prevention of workplace violence.